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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

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# House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*October 5, 2000.*

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

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

## PRAYER

The Reverend Norman B. Steen, The Christian Reformed Church of Washington, D.C., offered the following prayer:

Almighty God, Maker of Heaven and Earth, Lord of the Nations, You've got the whole world in Your strong and loving hands, this grand Capitol building, our beloved Nation, and all people everywhere.

As this session of the House is drawing to a close, I ask You, Lord, for the blessing of Your wisdom to fall on these Congressmen and Congresswomen as they seek the common good in their deliberations and debate on this day.

Lord, give them understanding, patience and goodwill as they struggle to accomplish their legislative goals, and with this big push now to wrap things up before the campaign season moves into high gear, give our leaders health, strength and endurance to be able to work effectively under all of these pressures.

And above all, Lord, may Your love of justice and mercy and peace be reflected in the work of these dedicated public servants on this day for the blessing of our Nation, for the blessing of the world.

Yours, Lord God, is the kingdom and the power and the glory forever. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Michigan (Ms. RIVERS) come forward and lead the House in the Pledge of Allegiance.

Ms. RIVERS led the Pledge of Allegiance as follows:

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

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 1162. An act to designate the bridge on United States Route 231 that crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, as the ''William H. Natcher Bridge''.

H.R. 1605. An act to designate the Federal building and United States courthouse located at 402 North Walnut Street in Harrison, Arkansas, as the ''J. Smith Henley Federal Building and United States Courthouse''.

H.R. 4318. An act to establish the Red River National Wildlife Refuge.

H.R. 4642. An act to make certain personnel flexibilities available with respect to the General Accounting Office, and for other purposes.

H.R. 4806. An act to designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the ''Carl Elliott Federal Building''.

H.R. 5284. An act to designate the United States courthouse located at 101 East Main Street in Norfolk, Virginia, as the ''Owen B. Pickett United States Courthouse''.

H. Con. Res. 399. Concurrent resolution recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975.

**NOTICE**

Effective January 1, 2001, the subscription price of the Congressional Record will be $393 per year or $197 for six months. Individual issues may be purchased for $4.00 per copy. The cost for the microfiche edition will remain $141 per year with single copies remaining $1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

Michael F. DiMario, *Public Printer*

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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

H.R. 4002. An act to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger.

H.R. 4386. An act to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV) and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2412. An act to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes.

The message also announced that pursuant to Public Law 103–296, the Chair, on behalf of the President pro tempore, and in consultation with the Chairman and the Ranking Minority Member of the Finance Committee, appoints David Podoff, of Maryland, as a member of the Social Security Advisory Board, vice Lori L. Hansen.

## THE REVEREND NORMAN B. STEEN

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

Mr. HOEKSTRA. Mr. Speaker, it is my pleasure to welcome the Reverend Norman Steen, pastor of the Christian Reformed Church of Washington, D.C. as a guest chaplain for the House of Representatives.

The Washington, D.C. Christian Reformed Church has a proud history of more than 50 years in the District of Columbia. The church was founded during World War II by members of the Christian Reformed Church who came to Washington from Michigan, Iowa, New Jersey, Washington, and California and from throughout the United States in order to serve our Nation.

Since that time, the church has rooted itself in Northeast Washington and has seen many changes in this city, all the while serving its members and the community around it.

Reverend Steen has been the pastor of the church since April of 1999. Prior to moving with his wife, Barb, he was a minister at a church in my hometown, the 14th Street Christian Reformed Church of Holland, Michigan. During his distinguished 25-year career as a minister, Norm has also served churches in Ridgewood, New Jersey, and Parkersburg, Iowa.

I hope the entire House will join me in welcoming Reverend Norm Steen as our guest chaplain today.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minute speeches on each side.

## CONGRATULATING IAN AMBER

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate a remarkable young man and true champion in my congressional district, Ian Amber. Ian is a straight A honor student at Palmetto Senior High School where he excels in various academic organizations. But unlike most teenagers, Ian had to overcome a great obstacle not normally faced by students.

At age 10, Ian was diagnosed with leukemia and underwent 3 years of intense chemotherapy treatment. Through perseverance, he beat cancer; and today, Ian spends his time helping children with life-threatening diseases.

He formed Kids That Care Pediatric and Cancer Fund, the only kid-run organization affiliated with a major hospital in South Florida, an organization in which he raises funds for sick children.

He also created Trading Places, a sensitive-training program for oncology nurses.

Mr. Speaker, I ask my colleagues to help me in recognizing Ian's selfless achievements, and in commending him for being a shining example to us all. He represents Miami Palmetto well. He represents all of us well.

## THE VAGINA MONOLOGUES

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

Mr. TRAFICANT. Broadway has announced a new play called ''The Vagina Monologues.'' I quote, the promo states that ''Vagina Monologues uses humor and drama to explore such things as sexual fantasies, orgasms, pelvic examinations and rape.'' Now if that is not enough to entice your condominium, this vaginal virtuoso is being billed as theater at its finest.

Unbelievable. What is next? Rectal Diaries? Men are dropping like flies in America from prostate cancer and Broadway is promoting vaginal titillation.

Beam me up. I advise all New York men to sleep on their stomachs, and I yield back all the STDs on the East Coast.

## ANY MORE STORIES?

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

Mr. BALLENGER. Mr. Speaker, here we go again. First it is inventing the Internet, then it is drugs for his mother-in-law and his dog. Now it appears the Vice President's imagination has really run wild again. When Governor Bush mentioned traveling to a disaster area with the head of FEMA, Mr. GORE added that he traveled with him too. Untrue. Then claimed to be a strong supporter of the lockbox for Social Security and Medicare. Surprise, surprise, the Democrat filibuster holding up this legislation is waiting for his first sign of support. What about that poor Florida girl forced to stand in her class of 36 because there is no room for her desk? Guess what? Not true again.

What is that phrase about pants on fire? Any more stories?

## THE VIOLENCE AGAINST WOMEN ACT

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

Ms. RIVERS. Mr. Speaker, the House has done its job, we passed the Violence Against Women Act by a vote of 415–3. Nevertheless, the authorization ran out on September 30, 2000.

This critical bill is supported by police officers, judges, prosecutors, governors, State attorneys general, social workers, men and women and children's advocates around the Nation. It deserves immediate attention from the other body.

The Violence Against Women Act was originally passed in 1994 and authorized over a billion dollars for law enforcement grants, judicial training, shelters, a national hotline, child abuse and prevention programs. Thousands of victims from every State, race, and socioeconomic level have relied on these services for protection from violence.

VAWA has saved lives and helped rebuild even more, and it has served to break the cycle of violence in so many families, by preventing children from perpetuating the violence they witness.

With the authorization already expired, I respectfully urge the other body to pass this important legislation.

## SQUANDERED OPPORTUNITIES

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

Mr. PITTS. Mr. Speaker, Governor George W. Bush has rightly pointed out that this boom economy is an opportunity we should not squander. It is an opportunity to get our fiscal house in order to shore up programs like Social Security and Medicare for the next generation.

Unfortunately, the opposition does not seem to see it that way. This is the fourth year in a row that the Republican Congress will pay down the public debt. That will bring us to half a trillion dollars in paid-back debt, and we will do it while preserving the Social Security and Medicare trust funds 100 percent intact.

Mr. Speaker, 22 days ago we sent a letter to the President asking him to join us in this effort, but he has refused to respond.

The only thing we have heard on the matter is what the President said to the newspapers: ''It depends on what our spending commitments are.''

In other words, he would rather add billions of dollars in new spending than pay down the debt, and that is what Governor Bush means when he talks about squandered opportunities.

## APPROVE COMMONSENSE GUN SAFETY LEGISLATION

(Mrs. MCCARTHY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MCCARTHY of New York. Mr. Speaker, the clock is ticking and soon the 106th Congress may adjourn without passing common sense gun safety legislation. Today, we join people throughout the Nation concerned about young people and gun violence.

Earlier this week, I joined the gentleman from Missouri (Mr. GEPHARDT), the minority leader, and the gentleman from Michigan (Mr. CONYERS) in calling on the gentleman from Illinois (Speaker HASTERT) to use his influence to complete work on the stalled Juvenile Justice Conference.

With the help of the gentleman from Illinois (Speaker HASTERT), we can jumpstart the conference to approve child safety locks, to close the gun show loophole and to ban high-capacity ammunition clips. I am pleased that Senator JOHN MCCAIN has endorsed closing the gun show loophole.

Governor Pataki has already brought common sense gun laws to my home State of New York. We need to bring similar legislation to all 50 States. Is there grassroots support for this legislation? You bet.

The Million Mom March demonstrated that people across the Nation want to make their communities safe from gun violence. Just this week, college students around the Nation participated in First Monday 2000. I am pleased that students from Long Island's Hofstra University participated in this grassroots educational issue.

To date, the gun lobby has prevented the Congress from approving national gun safety legislation. We do not have to repeat the past. I ask the gentleman from Illinois (Speaker HASTERT) to consider this.

## DEBT REDUCTION STILL BEING HELD HOSTAGE

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

Mr. HERGER. Mr. Speaker, today is day 23 of the debt reduction held hostage by the Clinton-Gore administration. It has been 23 days since Congress proposed to lock away 100 percent of the Social Security and Medicare surpluses and dedicate at least 90 percent of the total budget surplus for debt reduction, but still no answer from the Clinton-Gore administration.

There will be an estimated $268 billion surplus this fiscal year alone. Our question is simple: Should it be used to pay off our public debt, or should it be spent on ongoing Federal programs? Republicans are for using the surplus to pay off public debt.

Where do President Clinton and Vice President GORE stand?

Mr. Speaker, I urge the President and the Vice President to put debt reduction ahead of spending and agree to our 90–10 debt reduction proposal.

## VIOLENCE AGAINST WOMEN ACT OF 2000

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Mr. Speaker, the women in my district and women all across this country need to have the Violence Against Women Act of 2000 reauthorized.

The act was first passed in 1994 and has been a lifeline to women who are victims of violence. The current act would go even further by improving existing provisions and adding new ones, such as dating violence, the provision of transitional housing, the creation of supervised visitation and exchange programs for children, and expanding services to reach the elderly and previously underserved populations.

The new reauthorization was passed by this body on September 26, but it remains a top priority, because the other body has yet to pass it.

Mr. Speaker, the Women's Coalition of St. Croix, the Women's Resource Center in St. Thomas, and the Safety Zone in St. John are depending on us, the women and the families they care for, especially their children who also become victims and have a high risk of themselves becoming perpetrators, are depending on us.

I join the other distinguished women of the House and all of my 415 colleagues who voted for its passage in calling on the Senate to do the same and give us a Violence Against Women Act before we adjourn.

## ANOTHER INVITATION FOR DEBT ELIMINATION

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

Mr. GIBBONS. Mr. Speaker, as you heard my colleague, the gentleman from California (Mr. HERGER), say, it has been 23 days since this Congress asked the President to join us in dedicating 90 percent of next year's surpluses to paying off the debt; and once again, they still have had no response to that request.

The Clinton-Gore administration made it very clear they have a priority on reducing the debt for Third World nations, in distant countries away from our shores. Yet they remain silent on this issue of debt elimination for our own country, for our own American working men and women.

Under this Republican-led Congress, we have already paid down $350 billion in debt since 1998, and our plan is to further reduce the debt by an additional $240 billion in the year 2001 and completely eliminate the debt by 2012, while at the same time preserving and protecting Social Security and Medicare.

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Eliminating the public debt is good for the economy and lowers interest rates for minor consumers on everything from home mortgages to credit cards, saving American families over $5,000 a year.

Once again, I call upon the President to join me and my colleagues on this responsible middle ground to eliminate the public debt and ensure a stable future for Americans through generations.

## URGING CONGRESS TO REAUTHORIZE THE VIOLENCE AGAINST WOMEN ACT

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

Ms. BALDWIN. Mr. Speaker, as we near the end of the 106th Congress, there are a few bills that Congress must pass before we go home. To me, one of those ''must pass'' bills is the reauthorization of the Violence Against Women Act. The House passed VAWA, but the other body has not yet acted on the bill. There is no more time to waste. This law must be reauthorized this year.

The program has done so much. Over the past 6 years, VAWA has helped millions of women, children, and families who have been victims of domestic abuse and sexual assault. This bill is not controversial. The leaders in the other body have a choice: they can continue to assist victims of domestic violence and sexual assault, or they can turn their backs on them.

To turn their backs when they know that VAWA is working would be unconscionable. VAWA must reach the President's desk before Congress adjourns.

## AMERICA NEEDS INTEGRITY IN THE ADMINISTRATION

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

Mr. GARY MILLER of California. Mr. Speaker, guess who made this claim: I have been a part of the discussions on the Strategic Petroleum Reserve since the day it was first established.

That boast was made a few days ago by AL GORE, who was not even elected

to Congress until 2 years after the Strategic Petroleum Reserve was established. He took credit for it, but he was not even in Congress when it happened.

Two days ago in the Presidential debates, GORE claimed that he was at a Florida high school when a student had to stand in class because the classroom was so overcrowded.

The principal of that school laughed when he heard the claim and said, ''We have never allowed a student to stand in the back of a classroom or to stand in a classroom.'' He also added that the classroom in question, a science lab, has about $150,000 this year alone in new equipment.

Why does he have to keep making these things up? What drives him to take credit for so many things that he clearly had nothing to do with?

Mr. GORE has a problem with the truth. We need leadership that knows the difference between self-serving fantasy and reality. Our country is hungry for integrity.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Members are reminded not to make personal references to the Vice President.

## ASKING MEMBERS TO SUPPORT THE AMBER ALERT PROGRAM

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

Mr. LAMPSON. Mr. Speaker, the gentlewoman from New Mexico (Mrs. WILSON) introduced a resolution that recognizes the importance of a community initiative, a successful and effective way to combat child abduction called the Amber Alert Plan.

The Amber Alert is named after Amber Hagerman, a 9-year-old girl who was tragically abducted and murdered in Arlington, Texas, in 1996. The tragedy of Amber's case was felt throughout north Texas, and it led to a search for new and innovative community responses to help law enforcement officials find missing children.

The Amber Alert is a partnership between broadcasters and law enforcement agencies. When law enforcement determines a child is missing, they activate the Amber Alert, by notifying area-participating radio stations. The stations agree to interrupt their programming and broadcast an emergency report, much like an emergency broadcast system. Their report gives details, like the description of a child or any cars involved. TV stations would broadcast Amber Alert crawlers across the front of their screen, which would resemble severe weather warnings.

I unveiled the Amber Alert in my district. Please join me and the gentlewoman from New Mexico in our efforts to recover missing children and curb abductions as a cosponsor of the bill. The health and safety of our children is in Members' hands.

## THE DEMOCRAT EDUCATION AGENDA

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

Mr. GEORGE MILLER of California. Mr. Speaker, yesterday the minority leader, the gentleman from Missouri (Mr. GEPHARDT), delivered an important address outlining the education agenda our party will pursue next year under a Democratic Congress. This agenda reflects our commitments to take bold action to make public schools strong and effective and to add, not replace, the efforts being made at the local level.

I applaud the minority leader, the gentleman from Missouri (Mr. GEPHARDT), for his efforts that began more than a year ago in a series of meetings at the Madison Building over dinners and good conversations.

Here is what we as Democrats propose on education: establish a major new partnership with States to lower class size and assure that every child has a qualified teacher; offer new investments while holding schools accountable for the results; make quality preschool available to every child; and provide direct grants and tax breaks to upgrade and modernize school facilities.

We have set down our marker. I look forward to working with the then Speaker, the gentleman from Missouri (Mr. GEPHARDT), in a Democratic House to move it forward.

## PASS THE VIOLENCE AGAINST WOMEN ACT BEFORE THE END OF SESSION

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

Ms. WOOLSEY. Mr. Speaker, the women of America want the other body to reauthorize the Violence Against Women Act. This landmark legislation, which the House has reauthorized, has saved lives and rescued countless women from the vicious cycle of family violence.

From 1993, when the act was enacted, to 1997, the rate of intimate partner violence fell and the number of female victims of intimate violence dropped. American women have VAWA, the Violence Against Women Act, to thank for these gains.

But there is so much more that needs to be done. In 1998, three out of four victims of intimate-partner homicide were women. The number of women killed by an intimate partner increased 8 percent between 1997 and 1998. Women need VAWA so they can protect themselves and their children from domestic violence.

The Violence Against Women Act saves lives. I urge our colleagues in the other body, pass VAWA before the end of this session.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members should avoid urging action by the other body.

## THE VIOLENCE AGAINST WOMEN ACT MUST BE REAUTHORIZED NOW

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

Ms. SCHAKOWSKY. Mr. Speaker, October is Domestic Violence Awareness Month. It is just unthinkable that we should leave Washington and end this session without reauthorizing the Violence Against Women Act.

Last week, by a powerful 415 to 3, this body overwhelmingly affirmed our responsibility to addressing and protecting the needs of all victims of domestic violence, stalking, and sexual assault. Every 15 seconds someone in our country is battered. Every day, four women die in this country as a result of domestic violence.

Every person, woman, man, or child, should feel safe at home and in their neighborhoods. We must ensure that all victims, including immigrant women, are able to report and flee from domestic violence without threats of persecution or deportation.

We have the opportunity in these remaining days to pass VAWA. We should do it now.

## TIME FOR CONGRESS TO PASS VAWA

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

Ms. CARSON. Mr. Speaker, I will follow the Speaker's instructions in terms of not admonishing any other entity of the United States Congress. I would simply rise today to say that we need to have the Violence Against Women Act passed by the Congress and sent to the President for his signature.

Last Wednesday this House unanimously passed VAWA by a vote of 415 to 3. We must urge anyone else who can do that to do that.

VAWA expired on September 30. On September 30, the light went out on justice across this country on behalf of all of the women and children who are victims of violence or who are potential victims, including immigrant women.

Without this critical funding, programs serving women and their children will cease to exist. This is not a political game. It is the lives and well-being of women and children across

this country that are at stake, that are vulnerable.

I would urge further consideration of VAWA by the United States Congress.

## ON THE 35TH ANNIVERSARY OF MEDICARE, CONGRESS SHOULD REPAIR GAPS IN COVERAGE

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

Mr. DEUTSCH. Mr. Speaker, this year we celebrate the 35th anniversary of Medicare. The program has benefited over 93 million Americans since it was signed into law on July 30, 1965, by President Johnson.

Yet, our health care system has changed dramatically since then, with medical technology in many ways leading the way, and Medicare has not kept pace with that. I am concerned about the widening gap between the Medicare program and the cutting edge of medical technology.

I am concerned because it means that more than 90,000 Medicare-aged people in my district cannot gain access to advanced treatment and technologies they need. As Congress looks at adjustments to the program, we must act now to repair the gaps in Medicare for the next 35 years of medical innovation.

Medicare's procedure for adding new technologies to the program involve coverage, coding, and payment decisions. Unfortunately, problems and delays have occurred at each of these stages. The result is that now it can take more than 4½ years or more to make the latest breakthrough treatments available to beneficiaries.

I believe that Medicare patients have waited long enough for a program that gives them access to the advanced medical technologies they need. That is why I am pleased to lend full support of H.R. 4395, the Medicare Patient Access to Technology Act, a bipartisan bill which hopefully we will pass this session, and which will lead to 21st century medicine for Medicare beneficiaries.

## SUPPORT THE PRESIDENT'S REQUEST FOR INCREASED FUNDING FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

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

Mr. BROWN of Ohio. Mr. Speaker, I rise today to celebrate the 26th anniversary of the Community Development Block Grant Program. This program put local development decisions in the hands of those who know best, those who live and work in our community.

This long-term commitment to responsible flexibility has paid off. The average housing program leverage is $2.31 for every Federal dollar spent.

Unfortunately, the Republican leadership has chosen to commemorate 26 years of job creation and increased affordable housing and water improvements by stripping the block grant program of $300 million in the fiscal year 2001 VA–HUD bill.

In Lorais, Ohio, a community in my district struggling with the loss of industry and experiencing rents as much as 50 percent of income, these cuts translate into a loss of jobs, jobs that would have been created next year through construction projects, small business developments, and retraining programs.

This program is simple, it is effective, it is efficient. Communities in northeast Ohio and across the country are depending on it. Proposed 2001 funding levels will, unfortunately, hang them out to dry.

I urge my colleagues to continue our commitment to improving people's quality of life. Let us support the President's request and increase funding for the Community Development Block Grant Program.

## RYAN WHITE CARE ACT AMENDMENTS OF 2000

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 611 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 611

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (S. 2311) to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes. The bill shall be considered as read for amendment. The amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 8 of rule XVIII shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I am pleased to yield the customary 30 minutes to my friend, the distinguished gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, this is a fair and straightforward closed rule for a very important piece of legislation. The rule waives all points of order against consideration of the bill and provides that the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD shall be considered as adopted.

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This is largely a noncontroversial bill. As no members of the minority testified differently last night at the Committee on Rules, this rule should receive unanimous support, and I urge support.

This reauthorization of the Ryan White CARE Act recognizes the changing demographics of the AIDS epidemic in our country in a way that truly honors the memory of the courageous young boy for which the bill was originally named. Today, there are between 800,000 and 900,000 persons living with HIV in the United States of America with some 40,000 new infections annually. This conference report seeks to shift resources to the most needy areas while preserving the best features of the current programs.

The gentleman from Virginia (Chairman BLILEY) should be commended for his leadership and attention to this critical public health issue which is of concern to every Member of this body. I am hopeful that the progress made on this authorization will spur funding for another essential program for individuals afflicted with the HIV virus.

As my colleagues remember and well know, this House led the way and adopted the Ricky Ray Authorization Act in the last Congress. It authorized $750 million for compassion assistance and recognition to hemophiliacs who contracted AIDS through no fault of their own because of contaminated blood products in the 1980s.

Now, the first installment was provided last year, and this year the gentleman from Florida (Chairman YOUNG) of the Committee on Appropriations should be commended for exceeding the President's request in the House version of the Fiscal Year 2001 Labor-HHS appropriation bill for the next installment.

As negotiations continue and we near the end of this Congress, I am hopeful that the White House will become fully engaged on the Ricky Ray funding problem and work with leadership and Congress to provide full funding for these victims as soon as humanly possible. The need is great and the time is now.

I am confident that, if the White House shows true leadership and demonstrates that this problem is really a top priority for them, we will be able to move further toward full funding this year. Obviously we cannot undo the tragic events of the 1980s, but we can work to provide assistance to these individuals before it is any later.

Mr. Speaker, this rule should engender little debate. It is a fair rule for a good bill. I urge its adoption.

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

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from

Florida (Mr. GOSS) for yielding me the time.

Mr. Speaker, this is a closed rule. It will allow for the consideration of S. 2311, which is called the Ryan White CARE Act Amendments of 2000. As the gentleman from Florida has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. Under this closed rule, no amendments can be offered on the House floor.

In 1990, Congress passed the Ryan White Comprehensive AIDS Resources Emergency Act. It was known as the Ryan White CARE Act. This law created programs to help Americans with AIDS and HIV, the virus that causes AIDS, and to slow the spread of HIV.

These programs expired October 1. The bill we are considering will reauthorize and strengthen the Ryan White CARE Act programs by expanding access, improving quality, and providing additional services. Some of the changes will help target health care services to the people who need it the most but who can least afford it.

Women, children, infants and youth with HIV will especially benefit from this bill as will low-income individuals and families. AIDS possesses one of the greatest health challenges of our generation, and there is no way to avoid its tragic grip. However, an active role by the Federal government can, in my opinion, ease the tragedy by reducing the number of new HIV cases and by supporting victims and their families.

The Ryan White CARE Act has worked. The Federal funds spent under this law have saved lives and reduced suffering. These are dollars that could not have been better spent. For example, between 1994 and 1999, pediatric AIDS cases declined by nearly 80 percent largely because of these programs funded by the Federal Government under this Act.

I would like to point out to my colleague that this act offers a framework that we should apply to tackling other tragic diseases, such as childhood cancer. I hope that Congress will learn from the success of this act.

This legislation extending the Ryan White CARE Act represents our best response to dealing with AIDS and its consequences. The bill we are considering is a compromise between the previously passed House and Senate versions. The Senate version passed by unanimous consent. The House version passed by a voice vote under suspension of the rules. I am proud to be a cosponsor of this House version.

Because there is general agreement between the House and Senate, there is no need for a formal conference committee.

I urge my colleagues to vote for the rule and for the bill.

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

Mr. GOSS. Mr. Speaker, I advise that we have no speakers lined up, and I would be prepared to yield back if the gentleman from Ohio (Mr. HALL) has no speakers.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. COBURN. Mr. Speaker, pursuant to House Resolution 611, I call up the Senate bill (S. 2311) to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 611, the Senate bill is considered read for amendment.

The text of S. 2311 is as follows:

S. 2311

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Ryan White CARE Act Amendments of 2000''.

**SEC. 2. REFERENCES; TABLE OF CONTENTS.**

(a) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. References; table of contents.

TITLE I—AMENDMENTS TO HIV HEALTH CARE PROGRAM

Subtitle A—Purpose; Amendments to Part A (Emergency Relief Grants)

Sec. 101. Duties of planning council, funding priorities, quality assessment.
Sec. 102. Quality management.
Sec. 103. Funded entities required to have health care relationships.
Sec. 104. Support services required to be health care-related.
Sec. 105. Use of grant funds for early intervention services.
Sec. 106. Replacement of specified fiscal years regarding the sunset on expedited distribution requirement.
Sec. 107. Hold harmless provision.
Sec. 108. Set-aside for infants, children, and women.

Subtitle B—Amendments to Part B (Care Grant Program)

Sec. 121. State requirements concerning identification of need and allocation of resources.
Sec. 122. Quality management.
Sec. 123. Funded entities required to have health care referral relationships.
Sec. 124. Support services required to be health care-related.
Sec. 125. Use of grant funds for early intervention services.
Sec. 126. Authorization of appropriations for HIV-related services for women and children.
Sec. 127. Repeal of requirement for completed Institute of Medicine report.
Sec. 130. Supplement grants for certain States.
Sec. 131. Use of treatment funds.
Sec. 132. Increase in minimum allotment.
Sec. 133. Set-aside for infants, children, and women.

Subtitle C—Amendments to Part C (Early Intervention Services)

Sec. 141. Amendment of heading; repeal of formula grant program.
Sec. 142. Planning and development grants.
Sec. 143. Authorization of appropriations for categorical grants.
Sec. 144. Administrative expenses ceiling; quality management program.
Sec. 145. Preference for certain areas.

Subtitle D—Amendments to Part D (General Provisions)

Sec. 151. Research involving women, infants, children, and youth.
Sec. 152. Limitation on administrative expenses.
Sec. 153. Evaluations and reports.
Sec. 154. Authorization of appropriations for grants under parts A and B.

Subtitle E—Amendments to Part F (Demonstration and Training)

Sec. 161. Authorization of appropriations.

TITLE II—MISCELLANEOUS PROVISIONS

Sec. 201. Institute of Medicine study.

## TITLE I—AMENDMENTS TO HIV HEALTH CARE PROGRAM

### Subtitle A—Purpose; Amendments to Part A (Emergency Relief Grants)

**SEC. 101. DUTIES OF PLANNING COUNCIL, FUNDING PRIORITIES, QUALITY ASSESSMENT.**

Section 2602 (42 U.S.C. 300ff–12) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(C), by inserting before the semicolon the following: '', including providers of housing and homeless services''; and

(B) in paragraph (4), by striking ''shall—'' and all that follows and inserting ''shall have the responsibilities specified in subsection (d).''; and

(2) by adding at the end the following:

''(d) DUTIES OF PLANNING COUNCIL.—The planning council established under subsection (b) shall have the following duties:

''(1) PRIORITIES FOR ALLOCATION OF FUNDS.—The council shall establish priorities for the allocation of funds within the eligible area, including how best to meet each such priority and additional factors that a grantee should consider in allocating funds under a grant, based on the following factors:

''(A) The size and demographic characteristics of the population with HIV disease to be served, including, subject to subsection (e), the needs of individuals living with HIV infection who are not receiving HIV-related health services.

''(B) The documented needs of the population with HIV disease with particular attention being given to disparities in health services among affected subgroups within the eligible area.

''(C) The demonstrated or probable cost and outcome effectiveness of proposed strategies and interventions, to the extent that data are reasonably available.

''(D) Priorities of the communities with HIV disease for whom the services are intended.

''(E) The availability of other governmental and non-governmental resources, including the State medicaid plan under title XIX of the Social Security Act and the State Children's Health Insurance Program under title XXI of such Act to cover health care costs of eligible individuals and families with HIV disease.

''(F) Capacity development needs resulting from gaps in the availability of HIV services in historically underserved low-income communities.

''(2) COMPREHENSIVE SERVICE DELIVERY PLAN.—The council shall develop a comprehensive plan for the organization and delivery of health and support services described in section 2604. Such plan shall be compatible with any existing State or local plans regarding the provision of such services to individuals with HIV disease.

''(3) ASSESSMENT OF FUND ALLOCATION EFFICIENCY.—The council shall assess the efficiency of the administrative mechanism in rapidly allocating funds to the areas of greatest need within the eligible area.

''(4) STATEWIDE STATEMENT OF NEED.—The council shall participate in the development of the Statewide coordinated statement of need as initiated by the State public health agency responsible for administering grants under part B.

''(5) COORDINATION WITH OTHER FEDERAL GRANTEES.—The council shall coordinate with Federal grantees providing HIV-related services within the eligible area.

''(6) COMMUNITY PARTICIPATION.—The council shall establish methods for obtaining input on community needs and priorities which may include public meetings, conducting focus groups, and convening ad-hoc panels.

''(e) PROCESS FOR ESTABLISHING ALLOCATION PRIORITIES.—

''(1) IN GENERAL.—Not later than 24 months after the date of enactment of the Ryan White CARE Act Amendments of 2000, the Secretary shall—

''(A) consult with eligible metropolitan areas, affected communities, experts, and other appropriate individuals and entities, to develop epidemiologic measures for establishing the number of individuals living with HIV disease who are not receiving HIV-related health services; and

''(B) provide advice and technical assistance to planning councils with respect to the process for establishing priorities for the allocation of funds under subsection (d)(1).

''(2) EXCEPTION.—Grantees under subsection (d)(1)(A) shall not be required to establish priorities for individuals not in care until epidemiologic measures are developed under paragraph (1).''.

**SEC. 102. QUALITY MANAGEMENT.**

(a) FUNDS AVAILABLE FOR QUALITY MANAGEMENT.—Section 2604 (42 U.S.C. 300ff–14) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

''(c) QUALITY MANAGEMENT.—

''(1) REQUIREMENT.—The chief elected official of an eligible area that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which medical services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection and to develop strategies for improvements in the access to and quality of medical services.

''(2) USE OF FUNDS.—From amounts received under a grant awarded under this part, the chief elected official of an eligible area may use, for activities associated with its quality management program, not more than the lesser of—

''(A) 5 percent of amounts received under the grant; or

''(B) $3,000,000.''.

(b) QUALITY MANAGEMENT REQUIRED FOR ELIGIBILITY FOR GRANTS.—Section 2605(a) (42 U.S.C. 300ff–15(a)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) that the chief elected official of the eligible area will satisfy all requirements under section 2604(c);''.

**SEC. 103. FUNDED ENTITIES REQUIRED TO HAVE HEALTH CARE RELATIONSHIPS.**

(a) USE OF AMOUNTS.—Section 2604(e)(1) (42 U.S.C. 300ff–14(d)(1)) (as so redesignated by section 102(a)) is amended by inserting ''and the State Children's Health Insurance Program under title XXI of such Act'' after ''Social Security Act''.

(b) APPLICATIONS.—Section 2605(a) (42 U.S.C. 300ff–15(a)) is amended by inserting after paragraph (3), as added by section 102(b), the following:

''(4) that funded entities within the eligible area that receive funds under a grant under section 2601(a) shall maintain appropriate relationships with entities in the area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, and homeless shelters) and other entities under section 2652(a) for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their status but not in care;''.

**SEC. 104. SUPPORT SERVICES REQUIRED TO BE HEALTH CARE-RELATED.**

(a) IN GENERAL.—Section 2604(b)(1) (42 U.S.C. 300ff–14(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''HIV-related—'' and inserting ''HIV-related services, as follows:'';

(2) in subparagraph (A)—

(A) by striking ''outpatient'' and all that follows through ''substance abuse treatment and'' and inserting the following: ''OUTPATIENT HEALTH SERVICES.—Outpatient and ambulatory health services, including substance abuse treatment,''; and

(B) by striking ''; and'' and inserting a period;

(3) in subparagraph (B), by striking ''(B) inpatient case management'' and inserting ''(C) INPATIENT CASE MANAGEMENT SERVICES.—Inpatient case management''; and

(4) by inserting after subparagraph (A) the following:

''(B) OUTPATIENT SUPPORT SERVICES.—Outpatient and ambulatory support services (including case management), to the extent that such services facilitate, enhance, support, or sustain the delivery, continuity, or benefits of health services for individuals and families with HIV disease.''.

(b) CONFORMING AMENDMENT TO APPLICATION REQUIREMENTS.—Section 2605(a) (42 U.S.C. 300ff–15(a)), as amended by section 102(b), is further amended—

(1) in paragraph (6) (as so redesignated), by striking ''and'' at the end thereof;

(2) in paragraph (7) (as so redesignated), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(8) that the eligible area has procedures in place to ensure that services provided with funds received under this part meet the criteria specified in section 2604(b)(1).''.

**SEC. 105. USE OF GRANT FUNDS FOR EARLY INTERVENTION SERVICES.**

(a) IN GENERAL.—Section 2604(b)(1) (42 U.S.C. 300ff–14(b)(1)), as amended by section 104(a), is further amended by adding at the end the following:

''(D) EARLY INTERVENTION SERVICES.—Early intervention services as described in section 2651(b)(2), with follow-through referral, provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services, but only if the entity providing such services—

''(i)(I) is receiving funds under subparagraph (A) or (C); or

''(II) is an entity constituting a point of access to services, as described in paragraph (2)(C), that maintains a relationship with an entity described in subclause (I) and that is serving individuals at elevated risk of HIV disease; and

''(ii) demonstrates to the satisfaction of the chief elected official that no other Federal, State, or local funds are available for the early intervention services the entity will provide with funds received under this paragraph.''.

(b) CONFORMING AMENDMENTS TO APPLICATION REQUIREMENTS.—Section 2605(a)(1) (42 U.S.C. 300ff–15(a)(1)) is amended—

(1) in subparagraph (A), by striking ''services to individuals with HIV disease'' and inserting ''services as described in section 2604(b)(1)''; and

(2) in subparagraph (B), by striking ''services for individuals with HIV disease'' and inserting ''services as described in section 2604(b)(1)''.

**SEC. 106. REPLACEMENT OF SPECIFIED FISCAL YEARS REGARDING THE SUNSET ON EXPEDITED DISTRIBUTION REQUIREMENTS.**

Section 2603(a)(2) (42 U.S.C. 300ff–13(a)(2)) is amended by striking ''for each of the fiscal years 1996 through 2000'' and inserting ''for a fiscal year''.

**SEC. 107. HOLD HARMLESS PROVISION.**

Section 2603(a)(4) (42 U.S.C. 300ff–13(a)(4)) is amended to read as follows:

''(4) LIMITATIONS.—

''(A) IN GENERAL.—With respect to each of fiscal years 2001 through 2005, the Secretary shall ensure that the amount of a grant made to an eligible area under paragraph (2) for such a fiscal year is not less than an amount equal to 98 percent of the amount the eligible area received for the fiscal year preceding the year for which the determination is being made.

''(B) APPLICATION OF PROVISION.—Subparagraph (A) shall only apply with respect to those eligible areas receiving a grant under paragraph (2) for fiscal year 2000 in an amount that has been adjusted in accordance with paragraph (4) of this subsection (as in effect on the day before the date of enactment of the Ryan White CARE Act Amendments of 2000).''.

**SEC. 108. SET-ASIDE FOR INFANTS, CHILDREN, AND WOMEN.**

Section 2604(b)(3) (42 U.S.C. 300ff–14(b)(3)) is amended—

(1) by inserting ''for each population under this subsection'' after ''established priorities''; and

(2) by striking ''ratio of the'' and inserting ''ratio of each''.

**Subtitle B—Amendments to Part B (Care Grant Program)**

**SEC. 121. STATE REQUIREMENTS CONCERNING IDENTIFICATION OF NEED AND ALLOCATION OF RESOURCES.**

(a) GENERAL USE OF GRANTS.—Section 2612 (42 U.S.C. 300ff–22) is amended—

(1) by striking ''A State'' and inserting ''(a) IN GENERAL.—A State''; and

(2) in the matter following paragraph (5)—

(A) by striking ''paragraph (2)'' and inserting ''subsection (a)(2) and section 2613'';

(b) APPLICATION.—Section 2617(b) (42 U.S.C. 300ff–27(b)) is amended—

(1) in paragraph (1)(C)—

(A) by striking clause (i) and inserting the following:

''(i) the size and demographic characteristics of the population with HIV disease to be served, except that by not later than October 1, 2002, the State shall take into account the needs of individuals not in care, based on epidemiologic measures developed by the Secretary in consultation with the State, affected communities, experts, and other appropriate individuals (such State shall not be required to establish priorities for individuals not in care until such epidemiologic measures are developed);'';

(B) in clause (iii), by striking ''and'' at the end; and

(C) by adding at the end the following:

''(v) the availability of other governmental and non-governmental resources;

''(vi) the capacity development needs resulting in gaps in the provision of HIV services in historically underserved low-income and rural low-income communities; and

''(vii) the efficiency of the administrative mechanism in rapidly allocating funds to the areas of greatest need within the State;''; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) by redesignating subparagraph (C) as subparagraph (F); and

(C) by inserting after subparagraph (B), the following:

''(C) an assurance that capacity development needs resulting from gaps in the provision of services in underserved low-income and rural low-income communities will be addressed; and

''(D) with respect to fiscal year 2003 and subsequent fiscal years, assurances that, in the planning and allocation of resources, the State, through systems of HIV-related health services provided under paragraphs (1), (2), and (3) of section 2612(a), will make appropriate provision for the HIV-related health and support service needs of individuals who have been diagnosed with HIV disease but who are not currently receiving such services, based on the epidemiologic measures developed under paragraph (1)(C)(i);''.

**SEC. 122. QUALITY MANAGEMENT.**

(a) STATE REQUIREMENT FOR QUALITY MANAGEMENT.—Section 2617(b)(4) (42 U.S.C. 300ff–27(b)(4)) is amended—

(1) by striking subparagraph (C) and inserting the following:

''(C) the State will provide for—

''(i) the establishment of a quality management program to assess the extent to which medical services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections and to develop strategies for improvements in the access to and quality of medical services; and

''(ii) a periodic review (such as through an independent peer review) to assess the quality and appropriateness of HIV-related health and support services provided by entities that receive funds from the State under this part;'';

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(3) by inserting after subparagraph (D), the following:

''(E) an assurance that the State, through systems of HIV-related health services provided under paragraphs (1), (2), and (3) of section 2612(a), has considered strategies for working with providers to make optimal use of financial assistance under the State medicaid plan under title XIX of the Social Security Act, the State Children's Health Insurance Program under title XXI of such Act, and other Federal grantees that provide HIV-related services, to maximize access to quality HIV-related health and support services;

(4) in subparagraph (F), as so redesignated, by striking ''and'' at the end; and

(5) in subparagraph (G), as so redesignated, by striking the period and inserting ''; and''.

(b) AVAILABILITY OF FUNDS FOR QUALITY MANAGEMENT.—

(1) AVAILABILITY OF GRANT FUNDS FOR PLANNING AND EVALUATION.—Section 2618(c)(3) (42 U.S.C. 300ff–28(c)(3)) is amended by inserting before the period '', including not more than $3,000,000 for all activities associated with its quality management program''.

(2) EXCEPTION TO COMBINED CEILING ON PLANNING AND ADMINISTRATION FUNDS FOR STATES WITH SMALL GRANTS.—Paragraph (6) of section 2618(c) (42 U.S.C. 300ff–28(c)(6)) is amended to read as follows:

''(6) EXCEPTION FOR QUALITY MANAGEMENT.—Notwithstanding paragraph (5), a State whose grant under this part for a fiscal year does not exceed $1,500,000 may use not to exceed 20 percent of the amount of the grant for the purposes described in paragraphs (3) and (4) if—

''(A) that portion of such amount in excess of 15 percent of the grant is used for its quality management program; and

''(B) the State submits and the Secretary approves a plan (in such form and containing such information as the Secretary may prescribe) for use of funds for its quality management program.''.

**SEC. 123. FUNDED ENTITIES REQUIRED TO HAVE HEALTH CARE RELATIONSHIPS.**

Section 2617(b)(4) (42 U.S.C. 300ff–27(b)(4)), as amended by section 122(a), is further amended by adding at the end the following:

''(H) that funded entities maintain appropriate relationships with entities in the area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, and homeless shelters), and other entities under section 2652(a), for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their status but not in care.''.

**SEC. 124. SUPPORT SERVICES REQUIRED TO BE HEALTH CARE-RELATED.**

(a) TECHNICAL AMENDMENT.—Section 3(c)(2)(A)(iii) of the Ryan White CARE Act Amendments of 1996 (Public Law 104–146) is amended by inserting ''before paragraph (2) as so redesignated'' after ''inserting''.

(b) SERVICES.—Section 2612(a)(1) (42 U.S.C. 300ff–22(a)(1)), as so designated by section 121(a), is amended by striking ''for individuals with HIV disease'' and inserting '', subject to the conditions and limitations that apply under such section''.

(c) CONFORMING AMENDMENT TO STATE APPLICATION REQUIREMENT.—Section 2617(b)(2) (42 U.S.C. 300ff–27(b)(2)), as amended by section 121(b), is further amended by adding at the end the following:

''(F) an assurance that the State has procedures in place to ensure that services provided with funds received under this section meet the criteria specified in section 2604(b)(1)(B); and''.

**SEC. 125. USE OF GRANT FUNDS FOR EARLY INTERVENTION SERVICES.**

Section 2612(a) (42 U.S.C. 300ff–22(a)), as amended by section 121, is further amended by adding at the end the following:

''(6) EARLY INTERVENTION SERVICES.—The State, through systems of HIV-related health services provided under paragraphs (1), (2), and (3) of section 2612(a), may provide early intervention services, as described in section 2651(b)(2), with follow-up referral, provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services, but only if the entity providing such services—

''(A)(i) is receiving funds under section 2612(a)(1); or

''(ii) is an entity constituting a point of access to services, as described in section 2617(b)(4), that maintains a referral relationship with an entity described in clause (i) and that is serving individuals at elevated risk of HIV disease; and

''(B) demonstrates to the State's satisfaction that no other Federal, State, or local funds are available for the early intervention services the entity will provide with funds received under this paragraph.''.

**SEC. 126. AUTHORIZATION OF APPROPRIATIONS FOR HIV-RELATED SERVICES FOR WOMEN AND CHILDREN.**

Section 2625(c)(2) (42 U.S.C. 300ff–33(c)(2)) is amended by striking ''fiscal years 1996 through 2000'' and inserting ''fiscal years 2001 through 2005''.

**SEC. 127. REPEAL OF REQUIREMENT FOR COMPLETED INSTITUTE OF MEDICINE REPORT.**

Section 2628 (42 U.S.C. 300ff–36) is repealed.

**SEC. 128. SUPPLEMENT GRANTS FOR CERTAIN STATES.**

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.) is amended by adding at the end the following:

**''SEC. 2622. SUPPLEMENTAL GRANTS.**

''(a) IN GENERAL.—The Secretary shall award supplemental grants to States determined to be eligible under subsection (b) to enable such States to provide comprehensive services of the type described in section 2612(a) to supplement the services otherwise provided by the State under a grant under this subpart in areas within the State that are not eligible to receive grants under part A.

''(b) ELIGIBILITY.—To be eligible to receive a supplemental grant under subsection (a) a State shall—

''(1) be eligible to receive a grant under this subpart; and

''(2) demonstrate to the Secretary that there is severe need (as defined for purposes of section 2603(b)(2)(A) for supplemental financial assistance in areas in the State that are not served through grants under part A.

''(c) APPLICATION.—A State that desires a grant under this section shall, as part of the State application submitted under section 2617, submit a detailed description of the manner in which the State will use amounts received under the grant and of the severity of need. Such description shall include—

''(1) a report concerning the dissemination of supplemental funds under this section and the plan for the utilization of such funds;

''(2) a demonstration of the existing commitment of local resources, both financial and in-kind;

''(3) a demonstration that the State will maintain HIV-related activities at a level

that is equal to not less than the level of such activities in the State for the 1-year period preceding the fiscal year for which the State is applying to receive a grant under this part;

''(4) a demonstration of the ability of the State to utilize such supplemental financial resources in a manner that is immediately responsive and cost effective;

''(5) a demonstration that the resources will be allocated in accordance with the local demographic incidence of AIDS including appropriate allocations for services for infants, children, women, and families with HIV disease;

''(6) a demonstration of the inclusiveness of the planning process, with particular emphasis on affected communities and individuals with HIV disease; and

''(7) a demonstration of the manner in which the proposed services are consistent with local needs assessments and the statewide coordinated statement of need.

''(d) AMOUNT RESERVED FOR EMERGING COMMUNITIES.—

''(1) IN GENERAL.—For awarding grants under this section for each fiscal year, the Secretary shall reserve the greater of 50 percent of the amount to be utilized under subsection (e) for such fiscal year or $5,000,000, to be provided to States that contain emerging communities for use in such communities.

''(2) DEFINITION.—In paragraph (1), the term 'emerging community' means a metropolitan area—

''(A) that is not eligible for a grant under part A; and

''(B) for which there has been reported to the Director of the Centers for Disease Control and Prevention a cumulative total of between 1000 and 1999 cases of acquired immune deficiency syndrome for the most recent period of 5 calendar years for which such data are available.

''(e) APPROPRIATIONS.—With respect to each fiscal year beginning with fiscal year 2001, the Secretary, to carry out this section, shall utilize 50 percent of the amount appropriated under section 2677 to carry out part B for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved.

**SEC. 129. USE OF TREATMENT FUNDS.**

(a) STATE DUTIES.—Section 2616(c) (42 U.S.C. 300ff–26(c)) is amended—

(1) in the matter preceding paragraph (1), by striking ''shall—'' and inserting ''shall use funds made available under this section to—'';

(2) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively and realigning the margins of such subparagraphs appropriately;

(3) in subparagraph (D) (as so redesignated), by striking ''and'' at the end;

(4) in subparagraph (E) (as so redesignated), by striking the period and ''; and''; and

(5) by adding at the end the following:

''(F) encourage, support, and enhance adherence to and compliance with treatment regimens, including related medical monitoring.'';

(6) by striking ''In carrying'' and inserting the following:

''(1) IN GENERAL.—In carrying''; and

(7) by adding at the end the following:

''(2) LIMITATIONS.—

''(A) IN GENERAL.—No State shall use funds under paragraph (1)(F) unless the limitations on access to HIV/AIDS therapeutic regimens as defined in subsection (e)(2) are eliminated.

''(B) AMOUNT OF FUNDING.—No State shall use in excess of 10 percent of the amount set-aside for use under this section in any fiscal year to carry out activities under paragraph (1)(F) unless the State demonstrates to the Secretary that such additional services are essential and in no way diminish access to therapeutics.''.

(b) SUPPLEMENT GRANTS.—Section 2616 (42 U.S.C. 300ff–26(c)) is amended by adding at the end the following:

''(e) SUPPLEMENTAL GRANTS FOR THE PROVISION OF TREATMENTS.—

''(1) IN GENERAL.—From amounts made available under paragraph (5), the Secretary shall award supplemental grants to States determined to be eligible under paragraph (2) to enable such States to provide access to therapeutics to treat HIV disease as provided by the State under subsection (c)(1)(B) for individuals at or below 200 percent of the Federal poverty line.

''(2) CRITERIA.—The Secretary shall develop criteria for the awarding of grants under paragraph (1) to States that demonstrate a severe need. In determining the criteria for demonstrating State severity of need (as defined for purposes of section 2603(b)(2)(A)), the Secretary shall consider whether limitation to access exist such that—

''(A) the State programs under this section are unable to provide HIV/AIDS therapeutic regimens to all eligible individuals living at or below 200 percent of the Federal poverty line; and

''(B) the State programs under this section are unable to provide to all eligible individuals appropriate HIV/AIDS therapeutic regimens as recommended in the most recent Federal treatment guidelines.

''(3) STATE REQUIREMENT.—The Secretary may not make a grant to a State under this subsection unless the State agrees that—

''(A) the State will make available (directly or through donations from public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to $1 for each $4 of Federal funds provided in the grant; and

''(B) the State will not impose eligibility requirements for services or scope of benefits limitations under subsection (a) that are more restrictive than such requirements in effect as of January 1, 2000.

''(4) USE AND COORDINATION.—Amounts made available under a grant under this subsection shall only be used by the State to provide AIDS/HIV-related medications. The State shall coordinate the use of such amounts with the amounts otherwise provided under this section in order to maximize drug coverage.

''(5) FUNDING.—

''(A) RESERVATION OF AMOUNT.—The Secretary may reserve not to exceed 4 percent, but not less than 2 percent, of any amount referred to in section 2618(b)(2)(H) that is appropriated for a fiscal year, to carry out this subsection.

''(B) MINIMUM AMOUNT.—In providing grants under this subsection, the Secretary shall ensure that the amount of a grant to a State under this part is not less than the amount the State received under this part in the previous fiscal year, as a result of grants provided under this subsection.''.

(c) SUPPLEMENT AND NOT SUPPLANT.—Section 2616 (42 U.S.C. 300ff–26(c)), as amended by subsection (b), is further amended by adding at the end the following:

''(f) SUPPLEMENT NOT SUPPLANT.—Notwithstanding any other provision of law, amounts made available under this section shall be used to supplement and not supplant other funding available to provide treatments of the type that may be provided under this section.''.

**SEC. 130. INCREASE IN MINIMUM ALLOTMENT.**

(a) IN GENERAL.—Section 2618(b)(1)(A)(i) (42 U.S.C. 300ff–28(b)(1)(A)(i)) is amended—

(1) in subclause (I), by striking ''$100,000'' and inserting ''$200,000''; and

(2) in subclause (II), by striking ''$250,000'' and inserting ''$500,000''.

(b) TECHNICAL AMENDMENT.—Section 2618(b)(3)(B) (42 U.S.C. 300ff–28(b)(3)(B)) is amended by striking ''and the Republic of the Marshall Islands'' and inserting '', the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau''.

**SEC. 131. SET-ASIDE FOR INFANTS, CHILDREN, AND WOMEN.**

Section 2611(b) (42 U.S.C. 300ff–21(b)) is amended—

(1) by inserting ''for each population under this subsection'' after ''State shall use''; and

(2) by striking ''ratio of the'' and inserting ''ratio of each''.

## Subtitle C—Amendments to Part C (Early Intervention Services)

**SEC. 141. AMENDMENT OF HEADING; REPEAL OF FORMULA GRANT PROGRAM.**

(a) AMENDMENT OF HEADING.—The heading of part C of title XXVI is amended to read as follows:

''PART C—EARLY INTERVENTION AND PRIMARY CARE SERVICES''.

(b) REPEAL.—Part C of title XXVI (42 U.S.C. 300ff–41 et seq.) is amended—

(1) by repealing subpart I; and

(2) by redesignating subparts II and III as subparts I and II.

(c) CONFORMING AMENDMENTS.—

(1) INFORMATION REGARDING RECEIPT OF SERVICES.—Section 2661(a) (42 U.S.C. 300ff–61(a)) is amended by striking ''unless—'' and all that follows through ''(2) in the case of'' and inserting ''unless, in the case of''.

(2) ADDITIONAL AGREEMENTS.—Section 2664 (42 U.S.C. 300ff–64) is amended—

(A) in subsection (e)(5), by striking ''2642(b) or'';

(B) in subsection (f)(2), by striking ''2642(b) or''; and

(C) by striking subsection (h).

**SEC. 142. PLANNING AND DEVELOPMENT GRANTS.**

(a) ALLOWING PLANNING AND DEVELOPMENT GRANT TO EXPAND ABILITY TO PROVIDE PRIMARY CARE SERVICES.—Section 2654(c) (42 U.S.C. 300ff–54(c)) is amended—

(1) in paragraph (1), to read as follows:

''(1) IN GENERAL.—The Secretary may provide planning and development grants to public and nonprofit private entities for the purpose of—

''(A) enabling such entities to provide HIV early intervention services; or

''(B) assisting such entities to expand the capacity, preparedness, and expertise to deliver primary care services to individuals with HIV disease in underserved low-income communities on the condition that the funds are not used to purchase or improve land or to purchase, construct, or permanently improve (other than minor remodeling) any building or other facility.''; and

(2) in paragraphs (2) and (3) by striking ''paragraph (1)'' each place that such appears and inserting ''paragraph (1)(A)''.

(b) AMOUNT; DURATION.—Section 2654(c) (42 U.S.C. 300ff–54(c)), as amended by subsection (a), is further amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

''(4) AMOUNT AND DURATION OF GRANTS.—

''(A) EARLY INTERVENTION SERVICES.—A grant under paragraph (1)(A) may be made in an amount not to exceed $50,000.

''(B) CAPACITY DEVELOPMENT.—

''(i) AMOUNT.—A grant under paragraph (1)(B) may be made in an amount not to exceed $150,000.

''(ii) DURATION.—The total duration of a grant under paragraph (1)(B), including any renewal, may not exceed 3 years.''.

(c) INCREASE IN LIMITATION.—Section 2654(c)(5) (42 U.S.C. 300ff–54(c)(5)), as so redesignated by subsection (b), is amended by striking ''1 percent'' and inserting ''5 percent''.

**SEC. 143. AUTHORIZATION OF APPROPRIATIONS FOR CATEGORICAL GRANTS.**

Section 2655 (42 U.S.C. 300ff–55) is amended by striking ''1996'' and all that follows through ''2000'' and inserting ''2001 through 2005''.

**SEC. 144. ADMINISTRATIVE EXPENSES CEILING; QUALITY MANAGEMENT PROGRAM.**

Section 2664(g) (42 U.S.C. 300ff–64(g)) is amended—

(1) in paragraph (3), to read as follows:

''(3) the applicant will not expend more than 10 percent of the grant for costs of administrative activities with respect to the grant;'';

(2) in paragraph (4), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) the applicant will provide for the establishment of a quality management program to assess the extent to which medical services funded under this title that are provided to patients are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections and that improvements in the access to and quality of medical services are addressed.''.

**SEC. 145. PREFERENCE FOR CERTAIN AREAS.**

Section 2651 (42 U.S.C. 300ff–51) is amended by adding at the end the following:

''(d) PREFERENCE IN AWARDING GRANTS.—Beginning in fiscal year 2001, in awarding new grants under this section, the Secretary shall give preference to applicants that will use amounts received under the grant to serve areas that are otherwise not eligible to receive assistance under part A.''.

**Subtitle D—Amendments to Part D (General Provisions)**

**SEC. 151. RESEARCH INVOLVING WOMEN, INFANTS, CHILDREN, AND YOUTH.**

(a) ELIMINATION OF REQUIREMENT TO ENROLL SIGNIFICANT NUMBERS OF WOMEN AND CHILDREN.—Section 2671(b) (42 U.S.C. 300ff–71(b)) is amended—

(1) in paragraph (1), by striking subparagraphs (C) and (D); and

(2) by striking paragraphs (3) and (4).

(b) INFORMATION AND EDUCATION.—Section 2671(d) (42 U.S.C. 300ff–71(d)) is amended by adding at the end the following:

''(4) The applicant will provide individuals with information and education on opportunities to participate in HIV/AIDS-related clinical research.''.

(c) QUALITY MANAGEMENT; ADMINISTRATIVE EXPENSES CEILING.—Section 2671(f) (42 U.S.C. 300ff–71(f)) is amended—

(1) by striking the subsection heading and designation and inserting the following:

''(f) ADMINISTRATION.—

''(1) APPLICATION.—''; and

(2) by adding at the end the following:

''(2) QUALITY MANAGEMENT PROGRAM.—A grantee under this section shall implement a quality management program.''.

(d) COORDINATION.—Section 2671(g) (42 U.S.C. 300ff–71(g)) is amended by adding at the end the following: ''The Secretary acting through the Director of NIH, shall examine the distribution and availability of ongoing and appropriate HIV/AIDS-related research projects to existing sites under this section for purposes of enhancing and expanding voluntary access to HIV-related research, especially within communities that are not reasonably served by such projects.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 2671(j) (42 U.S.C. 300ff–71(j)) is amended by striking ''fiscal years 1996 through 2000'' and inserting ''fiscal years 2001 through 2005''.

**SEC. 152. LIMITATION ON ADMINISTRATIVE EXPENSES.**

Section 2671 (42 U.S.C. 300ff–71) is amended—

(1) by redesignating subsections (i) and (j), as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h), the following:

''(i) LIMITATION ON ADMINISTRATIVE EXPENSES.—

''(1) DETERMINATION BY SECRETARY.—Not later than 12 months after the date of enactment of the Ryan White Care Act Amendments of 2000, the Secretary, in consultation with grantees under this part, shall conduct a review of the administrative, program support, and direct service-related activities that are carried out under this part to ensure that eligible individuals have access to quality, HIV-related health and support services and research opportunities under this part, and to support the provision of such services.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—Not later than 180 days after the expiration of the 12-month period referred to in paragraph (1) the Secretary, in consultation with grantees under this part, shall determine the relationship between the costs of the activities referred to in paragraph (1) and the access of eligible individuals to the services and research opportunities described in such paragraph.

''(B) LIMITATION.—After a final determination under subparagraph (A), the Secretary may not make a grant under this part unless the grantee complies with such requirements as may be included in such determination.''.

**SEC. 153. EVALUATIONS AND REPORTS.**

Section 2674(c) (42 U.S.C. 399ff–74(c)) is amended by striking ''1991 through 1995'' and inserting ''2001 through 2005''.

**SEC. 154. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS UNDER PARTS A AND B.**

Section 2677 (42 U.S.C. 300ff–77) is amended to read as follows:

**''SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated—

''(1) such sums as may be necessary to carry out part A for each of the fiscal years 2001 through 2005; and

''(2) such sums as may be necessary to carry out part B for each of the fiscal years 2001 through 2005.''.

**Subtitle E—Amendments to Part F (Demonstration and Training)**

**SEC. 161. AUTHORIZATION OF APPROPRIATIONS.**

(a) SCHOOLS; CENTERS.—Section 2692(c)(1) (42 U.S.C. 300ff–111(c)(1)) is amended by striking ''fiscal years 1996 through 2000'' and inserting ''fiscal years 2001 through 2005''.

(b) DENTAL SCHOOLS.—Section 2692(c)(2) (42 U.S.C. 300ff–111(c)(2)) is amended by striking ''fiscal years 1996 through 2000'' and inserting ''fiscal years 2001 through 2005''.

**TITLE II—MISCELLANEOUS PROVISIONS**

**SEC. 201. INSTITUTE OF MEDICINE STUDY.**

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning the appropriate epidemiological measures and their relationship to the financing and delivery of primary care and health-related support services for low-income, uninsured, and under-insured individuals with HIV disease.

(b) REQUIREMENTS.—

(1) COMPLETION.—The study under subsection (a) shall be completed not later than 21 months after the date on which the contract referred to in such subsection is entered into.

(2) ISSUES TO BE CONSIDERED.—The study conducted under subsection (a) shall consider—

(A) the availability and utility of health outcomes measures and data for HIV primary care and support services and the extent to which those measures and data could be used to measure the quality of such funded services;

(B) the effectiveness and efficiency of service delivery (including the quality of services, health outcomes, and resource use) within the context of a changing health care and therapeutic environment as well as the changing epidemiology of the epidemic;

(C) existing and needed epidemiological data and other analytic tools for resource planning and allocation decisions, specifically for estimating severity of need of a community and the relationship to the allocations process; and

(D) other factors determined to be relevant to assessing an individual's or community's ability to gain and sustain access to quality HIV services.

(c) REPORT.—Not later than 90 days after the date on which the study is completed under subsection (a), the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report describing the manner in which the conclusions and recommendations of the Institute of Medicine can be addressed and implemented.

The SPEAKER pro tempore. Pursuant to House Resolution 611, the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1 is considered adopted.

The text of S. 2311, as amended pursuant to House Resolution 611, is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Ryan White CARE Act Amendments of 2000''.

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

The table of contents for this Act is as follows:

TITLE I—EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES

Subtitle A—HIV Health Services Planning Councils

Sec. 101. Membership of councils.
Sec. 102. Duties of councils.
Sec. 103. Open meetings; other additional provisions.

Subtitle B—Type and Distribution of Grants

Sec. 111. Formula grants.
Sec. 112. Supplemental grants.

Subtitle C—Other Provisions

Sec. 121. Use of amounts.
Sec. 122. Application.

TITLE II—CARE GRANT PROGRAM

Subtitle A—General Grant Provisions

Sec. 201. Priority for women, infants, and children.
Sec. 202. Use of grants.
Sec. 203. Grants to establish HIV care consortia.
Sec. 204. Provision of treatments.
Sec. 205. State application.
Sec. 206. Distribution of funds.
Sec. 207. Supplemental grants for certain States.

Subtitle B—Provisions Concerning Pregnancy and Perinatal Transmission of HIV

Sec. 211. Repeals.
Sec. 212. Grants.
Sec. 213. Study by Institute of Medicine.

Subtitle C—Certain Partner Notification Programs
Sec. 221. Grants for compliant partner notification programs.
TITLE III—EARLY INTERVENTION SERVICES
Subtitle A—Formula Grants for States
Sec. 301. Repeal of program.
Subtitle B—Categorical Grants
Sec. 311. Preferences in making grants.
Sec. 312. Planning and development grants.
Sec. 313. Authorization of appropriations.
Subtitle C—General Provisions
Sec. 321. Provision of certain counseling services.
Sec. 322. Additional required agreements.
TITLE IV—OTHER PROGRAMS AND ACTIVITIES
Subtitle A—Certain Programs for Research, Demonstrations, or Training
Sec. 401. Grants for coordinated services and access to research for women, infants, children, and youth.
Sec. 402. AIDS education and training centers.
Subtitle B—General Provisions in Title XXVI
Sec. 411. Evaluations and reports.
Sec. 412. Data collection through Centers for Disease Control and Prevention.
Sec. 413. Coordination.
Sec. 414. Plan regarding release of prisoners with HIV disease.
Sec. 415. Audits.
Sec. 416. Administrative simplification.
Sec. 417. Authorization of appropriations for parts A and B.
TITLE V—GENERAL PROVISIONS
Sec. 501. Studies by Institute of Medicine.
Sec. 502. Development of rapid HIV test.
Sec. 503. Technical corrections.
TITLE VI—EFFECTIVE DATE
Sec. 601. Effective date.

## TITLE I—EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES

### Subtitle A—HIV Health Services Planning Councils

**SEC. 101. MEMBERSHIP OF COUNCILS.**

(a) IN GENERAL.—Section 2602(b) of the Public Health Service Act (42 U.S.C. 300ff–12(b)) is amended—

(1) in paragraph (1), by striking ''demographics of the epidemic in the eligible area involved,'' and inserting ''demographics of the population of individuals with HIV disease in the eligible area involved,''; and

(2) in paragraph (2)—

(A) in subparagraph (C), by inserting before the semicolon the following: '', including providers of housing and homeless services'';

(B) in subparagraph (G), by striking ''or AIDS'';

(C) in subparagraph (K), by striking ''and'' at the end;

(D) in subparagraph (L), by striking the period and inserting the following: '', including but not limited to providers of HIV prevention services; and''; and

(E) by adding at the end the following subparagraph:

''(M) representatives of individuals who formerly were Federal, State, or local prisoners, were released from the custody of the penal system during the preceding 3 years, and had HIV disease as of the date on which the individuals were so released.''.

(b) CONFLICTS OF INTERESTS.—Section 2602(b)(5) of the Public Health Service Act (42 U.S.C. 300ff–12(b)(5)) is amended by adding at the end the following subparagraph:

''(C) COMPOSITION OF COUNCIL.—The following applies regarding the membership of a planning council under paragraph (1):

''(i) Not less than 33 percent of the council shall be individuals who are receiving HIV-related services pursuant to a grant under section 2601(a), are not officers, employees, or consultants to any entity that receives amounts from such a grant, and do not represent any such entity, and reflect the demographics of the population of individuals with HIV disease as determined under paragraph (4)(A). For purposes of the preceding sentence, an individual shall be considered to be receiving such services if the individual is a parent of, or a caregiver for, a minor child who is receiving such services.

''(ii) With respect to membership on the planning council, clause (i) may not be construed as having any effect on entities that receive funds from grants under any of parts B through F but do not receive funds from grants under section 2601(a), on officers or employees of such entities, or on individuals who represent such entities.''.

**SEC. 102. DUTIES OF COUNCILS.**

(a) IN GENERAL.—Section 2602(b)(4) of the Public Health Service Act (42 U.S.C. 300ff–12(b)(4)) is amended—

(1) by redesignating subparagraphs (A) through (E) as subparagraphs (C) through (G), respectively;

(2) by inserting before subparagraph (C) (as so redesignated) the following subparagraphs:

''(A) determine the size and demographics of the population of individuals with HIV disease;

''(B) determine the needs of such population, with particular attention to—

''(i) individuals with HIV disease who know their HIV status and are not receiving HIV-related services; and

''(ii) disparities in access and services among affected subpopulations and historically underserved communities;'';

(3) in subparagraph (C) (as so redesignated), by striking clauses (i) through (iv) and inserting the following:

''(i) size and demographics of the population of individuals with HIV disease (as determined under subparagraph (A)) and the needs of such population (as determined under subparagraph (B));

''(ii) demonstrated (or probable) cost effectiveness and outcome effectiveness of proposed strategies and interventions, to the extent that data are reasonably available;

''(iii) priorities of the communities with HIV disease for whom the services are intended;

''(iv) coordination in the provision of services to such individuals with programs for HIV prevention and for the prevention and treatment of substance abuse, including programs that provide comprehensive treatment for such abuse;

''(v) availability of other governmental and non-governmental resources, including the State medicaid plan under title XIX of the Social Security Act and the State Children's Health Insurance Program under title XXI of such Act to cover health care costs of eligible individuals and families with HIV disease; and

''(vi) capacity development needs resulting from disparities in the availability of HIV-related services in historically underserved communities;'';

(4) in subparagraph (D) (as so redesignated), by amending the subparagraph to read as follows:

''(D) develop a comprehensive plan for the organization and delivery of health and support services described in section 2604 that—

''(i) includes a strategy for identifying individuals who know their HIV status and are not receiving such services and for informing the individuals of and enabling the individuals to utilize the services, giving particular attention to eliminating disparities in access and services among affected subpopulations and historically underserved communities, and including discrete goals, a timetable, and an appropriate allocation of funds;

''(ii) includes a strategy to coordinate the provision of such services with programs for HIV prevention (including outreach and early intervention) and for the prevention and treatment of substance abuse (including programs that provide comprehensive treatment services for such abuse); and

''(iii) is compatible with any State or local plan for the provision of services to individuals with HIV disease;'';

(5) in subparagraph (F) (as so redesignated), by striking ''and'' at the end;

(6) in subparagraph (G) (as so redesignated)—

(A) by striking ''public meetings,'' and inserting ''public meetings (in accordance with paragraph (7)),''; and

(B) by striking the period and inserting ''; and''; and

(7) by adding at the end the following subparagraph:

''(H) coordinate with Federal grantees that provide HIV-related services within the eligible area.''.

(b) PROCESS FOR ESTABLISHING ALLOCATION PRIORITIES.—Section 2602 of the Public Health Service Act (42 U.S.C. 300ff–12) is amended by adding at the end the following subsection:

''(d) PROCESS FOR ESTABLISHING ALLOCATION PRIORITIES.—Promptly after the date of the submission of the report required in section 501(b) of the Ryan White CARE Act Amendments of 2000 (relating to the relationship between epidemiological measures and health care for certain individuals with HIV disease), the Secretary, in consultation with planning councils and entities that receive amounts from grants under section 2601(a) or 2611, shall develop epidemiologic measures—

''(1) for establishing the number of individuals living with HIV disease who are not receiving HIV-related health services; and

''(2) for carrying out the duties under subsection (b)(4) and section 2617(b).''.

(c) TRAINING.—Section 2602 of the Public Health Service Act (42 U.S.C. 300ff–12), as amended by subsection (b) of this section, is amended by adding at the end the following subsection:

''(e) TRAINING GUIDANCE AND MATERIALS.—The Secretary shall provide to each chief elected official receiving a grant under 2601(a) guidelines and materials for training members of the planning council under paragraph (1) regarding the duties of the council.''.

(d) CONFORMING AMENDMENT.—Section 2603(c) of the Public Health Service Act (42 U.S.C. 300ff–12(b)) is amended by striking ''section 2602(b)(3)(A)'' and inserting ''section 2602(b)(4)(C)''.

**SEC. 103. OPEN MEETINGS; OTHER ADDITIONAL PROVISIONS.**

Section 2602(b) of the Public Health Service Act (42 U.S.C. 300ff–12(b)) is amended—

(1) in paragraph (3), by striking subparagraph (C); and

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

''(7) PUBLIC DELIBERATIONS.—With respect to a planning council under paragraph (1), the following applies:

''(A) The council may not be chaired solely by an employee of the grantee under section 2601(a).

''(B) In accordance with criteria established by the Secretary:

''(i) The meetings of the council shall be open to the public and shall be held only after adequate notice to the public.

''(ii) The records, reports, transcripts, minutes, agenda, or other documents which were

made available to or prepared for or by the council shall be available for public inspection and copying at a single location.

''(iii) Detailed minutes of each meeting of the council shall be kept. The accuracy of all minutes shall be certified to by the chair of the council.

''(iv) This subparagraph does not apply to any disclosure of information of a personal nature that would constitute a clearly unwarranted invasion of personal privacy, including any disclosure of medical information or personnel matters.''.

**Subtitle B—Type and Distribution of Grants**

**SEC. 111. FORMULA GRANTS.**

(a) EXPEDITED DISTRIBUTION.—Section 2603(a)(2) of the Public Health Service Act (42 U.S.C. 300ff–13(a)(2)) is amended in the first sentence by striking ''for each of the fiscal years 1996 through 2000'' and inserting ''for a fiscal year''.

(b) AMOUNT OF GRANT; ESTIMATE OF LIVING CASES.—

(1) IN GENERAL.—Section 2603(a)(3)) of the Public Health Service Act (42 U.S.C. 300ff–13(a)(3)) is amended—

(A) in subparagraph (C)(i), by inserting before the semicolon the following: '', except that (subject to subparagraph (D)), for grants made pursuant to this paragraph for fiscal year 2005 and subsequent fiscal years, the cases counted for each 12-month period beginning on or after July 1, 2004, shall be cases of HIV disease (as reported to and confirmed by such Director) rather than cases of acquired immune deficiency syndrome''; and

(B) in subparagraph (C), in the matter after and below clause (ii)(X)—

(i) in the first sentence, by inserting before the period the following: '', and shall be reported to the congressional committees of jurisdiction''; and

(ii) by adding at the end the following sentence: ''Updates shall as applicable take into account the counting of cases of HIV disease pursuant to clause (i).''.

(2) DETERMINATION OF SECRETARY REGARDING DATA ON HIV CASES.—Section 2603(a)(3)) of the Public Health Service Act (42 U.S.C. 300ff–13(a)(3)) is amended—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following subparagraph:

''(D) DETERMINATION OF SECRETARY REGARDING DATA ON HIV CASES.—

''(i) IN GENERAL.—Not later than July 1, 2004, the Secretary shall determine whether there is data on cases of HIV disease from all eligible areas (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) sufficiently accurate and reliable for use for purposes of subparagraph (C)(i). In making such a determination, the Secretary shall take into consideration the findings of the study under section 501(b) of the Ryan White CARE Act Amendments of 2000 (relating to the relationship between epidemiological measures and health care for certain individuals with HIV disease).

''(ii) EFFECT OF ADVERSE DETERMINATION.—If under clause (i) the Secretary determines that data on cases of HIV disease is not sufficiently accurate and reliable for use for purposes of subparagraph (C)(i), then notwithstanding such subparagraph, for any fiscal year prior to fiscal year 2007 the references in such subparagraph to cases of HIV disease do not have any legal effect.

''(iii) GRANTS AND TECHNICAL ASSISTANCE REGARDING COUNTING OF HIV CASES.—Of the amounts appropriated under section 318B for a fiscal year, the Secretary shall reserve amounts to make grants and provide technical assistance to States and eligible areas with respect to obtaining data on cases of HIV disease to ensure that data on such cases is available from all States and eligible areas as soon as is practicable but not later than the beginning of fiscal year 2007.''.

(c) INCREASES IN GRANT.—Section 2603(a)(4)) of the Public Health Service Act (42 U.S.C. 300ff–13(a)(4)) is amended to read as follows:

''(4) INCREASES IN GRANT.—

''(A) IN GENERAL.—For each fiscal year in a protection period for an eligible area, the Secretary shall increase the amount of the grant made pursuant to paragraph (2) for the area to ensure that—

''(i) for the first fiscal year in the protection period, the grant is not less than 98 percent of the amount of the grant made for the eligible area pursuant to such paragraph for the base year for the protection period;

''(ii) for any second fiscal year in such period, the grant is not less than 95 percent of the amount of such base year grant;

''(iii) for any third fiscal year in such period, the grant is not less than 92 percent of the amount of the base year grant;

''(iv) for any fourth fiscal year in such period, the grant is not less than 89 percent of the amount of the base year grant; and

''(v) for any fifth or subsequent fiscal year in such period, if, pursuant to paragraph (3)(D)(ii)), the references in paragraph (3)(C)(i) to HIV disease do not have any legal effect, the grant is not less than 85 percent of the amount of the base year grant.

''(B) SPECIAL RULE.—If for fiscal year 2005, pursuant to paragraph (3)(D)(ii), data on cases of HIV disease are used for purposes of paragraph (3)(C)(i), the Secretary shall increase the amount of a grant made pursuant to paragraph (2) for an eligible area to ensure that the grant is not less than 98 percent of the amount of the grant made for the area in fiscal year 2004.

''(C) BASE YEAR; PROTECTION PERIOD.—With respect to grants made pursuant to paragraph (2) for an eligible area:

''(i) The base year for a protection period is the fiscal year preceding the trigger grant-reduction year.

''(ii) The first trigger grant-reduction year is the first fiscal year (after fiscal year 2000) for which the grant for the area is less than the grant for the area for the preceding fiscal year.

''(iii) A protection period begins with the trigger grant-reduction year and continues until the beginning of the first fiscal year for which the amount of the grant determined pursuant to paragraph (2) for the area equals or exceeds the amount of the grant determined under subparagraph (A).

''(iv) Any subsequent trigger grant-reduction year is the first fiscal year, after the end of the preceding protection period, for which the amount of the grant is less than the amount of the grant for the preceding fiscal year.''.

**SEC. 112. SUPPLEMENTAL GRANTS.**

(a) IN GENERAL.—Section 2603(b)(2) of the Public Health Service Act (42 U.S.C. 300ff–13(b)(2)) is amended—

(1) in the heading for the paragraph, by striking ''DEFINITION'' and inserting ''AMOUNT OF GRANT'';

(2) by redesignating subparagraphs (A) through (C) as subparagraphs (B) through (D), respectively;

(3) by inserting before subparagraph (B) (as so redesignated) the following subparagraph:

''(A) IN GENERAL.—The amount of each grant made for purposes of this subsection shall be determined by the Secretary based on a weighting of factors under paragraph (1), with severe need under subparagraph (B) of such paragraph counting one-third.'';

(4) in subparagraph (B) (as so redesignated)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period and inserting a semicolon; and

(C) by adding at the end the following clauses:

''(iv) the current prevalence of HIV disease;

''(v) an increasing need for HIV-related services, including relative rates of increase in the number of cases of HIV disease; and

''(vi) unmet need for such services, as determined under section 2602(b)(4).'';

(5) in subparagraph (C) (as so redesignated)—

(A) by striking ''subparagraph (A)'' each place such term appears and inserting ''subparagraph (B)'';

(B) in the second sentence, by striking ''2 years after the date of enactment of this paragraph'' and inserting ''18 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000''; and

(C) by inserting after the second sentence the following sentence: ''Such a mechanism shall be modified to reflect the findings of the study under section 501(b) of the Ryan White CARE Act Amendments of 2000 (relating to the relationship between epidemiological measures and health care for certain individuals with HIV disease).''; and

(6) in subparagraph (D) (as so redesignated), by striking ''subparagraph (B)'' and inserting ''subparagraph (C)''.

(b) REQUIREMENTS FOR APPLICATION.—Section 2603(b)(1)(E) of the Public Health Service Act (42 U.S.C. 300ff–13(b)(1)(E)) is amended by inserting ''youth,'' after ''children,''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 2603(b) of the Public Health Service Act (42 U.S.C. 300ff–13(b)) is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraph (5) as paragraph (4); and

(3) in paragraph (4) (as so redesignated), in subparagraph (B), by striking ''grants'' and inserting ''grant''.

**Subtitle C—Other Provisions**

**SEC. 121. USE OF AMOUNTS.**

(a) PRIMARY PURPOSES.—Section 2604(b)(1) of the Public Health Service Act (42 U.S.C. 300ff–14(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''HIV-related—'' and inserting ''HIV-related services, as follows:'';

(2) in subparagraph (A)—

(A) by striking ''outpatient'' and all that follows through ''substance abuse treatment and'' and inserting the following: ''Outpatient and ambulatory health services, including substance abuse treatment,''; and

(B) by striking ''; and'' and inserting a period;

(3) in subparagraph (B), by striking ''(B) inpatient case management'' and inserting ''(C) Inpatient case management'';

(4) by inserting after subparagraph (A) the following subparagraph:

''(B) Outpatient and ambulatory support services (including case management), to the extent that such services facilitate, enhance, support, or sustain the delivery, continuity, or benefits of health services for individuals and families with HIV disease.''; and

(5) by adding at the end the following:

''(D) Outreach activities that are intended to identify individuals with HIV disease who know their HIV status and are not receiving HIV-related services, and that are—

''(i) necessary to implement the strategy under section 2602(b)(4)(D), including activities facilitating the access of such individuals to HIV-related primary care services at entities described in paragraph (3)(A);

''(ii) conducted in a manner consistent with the requirements under sections 2605(a)(3) and 2651(b)(2); and

''(iii) supplement, and do not supplant, such activities that are carried out with amounts appropriated under section 317.''.

(b) EARLY INTERVENTION SERVICES.—Section 2604(b) (42 U.S.C. 300ff–14(b)) of the Public Health Service Act is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) EARLY INTERVENTION SERVICES.—

''(A) IN GENERAL.—The purposes for which a grant under section 2601 may be used include providing to individuals with HIV disease early intervention services described in section 2651(b)(2), with follow-up referral provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services. The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV disease counseling and testing sites, health care points of entry specified by eligible areas, federally qualified health centers, and entities described in section 2652(a) that constitute a point of access to services by maintaining referral relationships.

''(B) CONDITIONS.—With respect to an entity that proposes to provide early intervention services under subparagraph (A), such subparagraph applies only if the entity demonstrates to the satisfaction of the chief elected official for the eligible area involved that—

''(i) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

''(ii) the entity will expend funds pursuant to such subparagraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.''.

(c) PRIORITY FOR WOMEN, INFANTS, AND CHILDREN.—Section 2604(b) (42 U.S.C. 300ff–14(b)) of the Public Health Service Act is amended in paragraph (4) (as redesignated by subsection (b)(1) of this section) by amending the paragraph to read as follows:

''(4) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—

''(A) IN GENERAL.—For the purpose of providing health and support services to infants, children, youth, and women with HIV disease, including treatment measures to prevent the perinatal transmission of HIV, the chief elected official of an eligible area, in accordance with the established priorities of the planning council, shall for each of such populations in the eligible area use, from the grants made for the area under section 2601(a) for a fiscal year, not less than the percentage constituted by the ratio of the population involved (infants, children, youth, or women in such area) with acquired immune deficiency syndrome to the general population in such area of individuals with such syndrome.

''(B) WAIVER.—With respect the population involved, the Secretary may provide to the chief elected official of an eligible area a waiver of the requirement of subparagraph (A) if such official demonstrates to the satisfaction of the Secretary that the population is receiving HIV-related health services through the State medicaid program under title XIX of the Social Security Act, the State children's health insurance program under title XXI of such Act, or other Federal or State programs.''.

(d) QUALITY MANAGEMENT.—Section 2604 of the Public Health Service Act (42 U.S.C. 300ff–14) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

''(c) QUALITY MANAGEMENT.—

''(1) REQUIREMENT.—The chief elected official of an eligible area that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

''(2) USE OF FUNDS.—From amounts received under a grant awarded under this part for a fiscal year, the chief elected official of an eligible area may (in addition to amounts to which subsection (f)(1) applies) use for activities associated with the quality management program required in paragraph (1) not more than the lesser of—

''(A) 5 percent of amounts received under the grant; or

''(B) $3,000,000.''.

**SEC. 122. APPLICATION.**

(a) IN GENERAL.—Section 2605(a) of the Public Health Service Act (42 U.S.C. 300ff–15(a)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (2) the following paragraphs:

''(3) that entities within the eligible area that receive funds under a grant under this part will maintain appropriate relationships with entities in the eligible area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, mental health programs, and homeless shelters), and other entities under section 2604(b)(3) and 2652(a), for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their HIV status but not in care;

''(4) that the chief elected official of the eligible area will satisfy all requirements under section 2604(c);''.

(b) CONFORMING AMENDMENTS.—Section 2605(a) (42 U.S.C. 300ff–15(a)(1)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''services to individuals with HIV disease'' and inserting ''services as described in section 2604(b)(1)''; and

(B) in subparagraph (B), by striking ''services for individuals with HIV disease'' and inserting ''services as described in section 2604(b)(1)'';

(2) in paragraph (7) (as redesignated by subsection (a)(1) of this section), by striking ''and'' at the end;

(3) in paragraph (8) (as so redesignated), by striking the period and inserting ''; and''; and

(4) by adding at the end the following paragraph:

''(9) that the eligible area has procedures in place to ensure that services provided with funds received under this part meet the criteria specified in section 2604(b)(1).''.

## TITLE II—CARE GRANT PROGRAM

### Subtitle A—General Grant Provisions

**SEC. 201. PRIORITY FOR WOMEN, INFANTS, AND CHILDREN.**

Section 2611(b) of the Public Health Service Act (42 U.S.C. 300ff–21(b)) is amended to read as follows:

''(b) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—

''(1) IN GENERAL.—For the purpose of providing health and support services to infants, children, youth, and women with HIV disease, including treatment measures to prevent the perinatal transmission of HIV, a State shall for each of such populations use, of the funds allocated under this part to the State for a fiscal year, not less than the percentage constituted by the ratio of the population involved (infants, children, youth, or women in the State) with acquired immune deficiency syndrome to the general population in the State of individuals with such syndrome.

''(2) WAIVER.—With respect the population involved, the Secretary may provide to a State a waiver of the requirement of paragraph (1) if the State demonstrates to the satisfaction of the Secretary that the population is receiving HIV-related health services through the State medicaid program under title XIX of the Social Security Act, the State children's health insurance program under title XXI of such Act, or other Federal or State programs.''.

**SEC. 202. USE OF GRANTS.**

Section 2612 of the Public Health Service Act (42 U.S.C. 300ff–22) is amended—

(1) by striking ''A State may use'' and inserting ''(a) IN GENERAL.—A State may use''; and

(2) by adding at the end the following subsections:

''(b) SUPPORT SERVICES; OUTREACH.—The purposes for which a grant under this part may be used include delivering or enhancing the following:

''(1) Outpatient and ambulatory support services under section 2611(a) (including case management) to the extent that such services facilitate, enhance, support, or sustain the delivery, continuity, or benefits of health services for individuals and families with HIV disease.

''(2) Outreach activities that are intended to identify individuals with HIV disease who know their HIV status and are not receiving HIV-related services, and that are—

''(A) necessary to implement the strategy under section 2617(b)(4)(B), including activities facilitating the access of such individuals to HIV-related primary care services at entities described in subsection (c)(1);

''(B) conducted in a manner consistent with the requirement under section 2617(b)(6)(G) and 2651(b)(2); and

''(C) supplement, and do not supplant, such activities that are carried out with amounts appropriated under section 317.

''(c) EARLY INTERVENTION SERVICES.—

''(1) IN GENERAL.—The purposes for which a grant under this part may be used include providing to individuals with HIV disease early intervention services described in section 2651(b)(2), with follow-up referral provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services. The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV disease counseling and testing sites, health care points of entry specified by States or eligible areas,

federally qualified health centers, and entities described in section 2652(a) that constitute a point of access to services by maintaining referral relationships.

''(2) CONDITIONS.—With respect to an entity that proposes to provide early intervention services under paragraph (1), such paragraph applies only if the entity demonstrates to the satisfaction of the State involved that—

''(A) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

''(B) the entity will expend funds pursuant to such paragraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.

''(d) QUALITY MANAGEMENT.—

''(1) REQUIREMENT.—Each State that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

''(2) USE OF FUNDS.—From amounts received under a grant awarded under this part for a fiscal year, the State may (in addition to amounts to which section 2618(b)(5) applies) use for activities associated with the quality management program required in paragraph (1) not more than the lesser of—

''(A) 5 percent of amounts received under the grant; or

''(B) $3,000,000.''.

**SEC. 203. GRANTS TO ESTABLISH HIV CARE CONSORTIA.**

Section 2613 of the Public Health Service Act (42 U.S.C. 300ff–23) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by inserting before the semicolon the following: '', particularly those experiencing disparities in access and services and those who reside in historically underserved communities''; and

(B) in subparagraph (B), by inserting after ''by such consortium'' the following: ''is consistent with the comprehensive plan under 2617(b)(4) and'';

(2) in subsection (c)(1)—

(A) in subparagraph (D), by striking ''and'' after the semicolon at the end;

(B) in subparagraph (E), by striking the period and inserting ''; and''; and

(C) by adding at the end the following subparagraph:

''(F) demonstrates that adequate planning occurred to address disparities in access and services and historically underserved communities.''; and

(3) in subsection (c)(2)—

(A) in subparagraph (B), by striking ''and'' after the semicolon;

(B) in subparagraph (C), by striking the period and inserting ''; and''; and

(C) by inserting after subparagraph (C) the following subparagraph:

''(D) the types of entities described in section 2602(b)(2).''.

**SEC. 204. PROVISION OF TREATMENTS.**

(a) IN GENERAL.—Section 2616(c) of the Public Health Service Act (42 U.S.C. 300ff–26(c)) is amended—

(1) in paragraph (4), by striking ''and'' after the semicolon at the end;

(2) in paragraph (5), by striking the period and inserting ''; and''; and

(3) by inserting after paragraph (5) the following:

''(6) encourage, support, and enhance adherence to and compliance with treatment regimens, including related medical monitoring.

''Of the amount reserved by a State for a fiscal year for use under this section, the State may not use more than 5 percent to carry out services under paragraph (6), except that the percentage applicable with respect to such paragraph is 10 percent if the State demonstrates to the Secretary that such additional services are essential and in no way diminish access to the therapeutics described in subsection (a).''.

(b) HEALTH INSURANCE AND PLANS.—Section 2616 of the Public Health Service Act (42 U.S.C. 300ff–26) is amended by adding at the end the following subsection:

''(e) USE OF HEALTH INSURANCE AND PLANS.—

''(1) IN GENERAL.—In carrying out subsection (a), a State may expend a grant under this part to provide the therapeutics described in such subsection by paying on behalf of individuals with HIV disease the costs of purchasing or maintaining health insurance or plans whose coverage includes a full range of such therapeutics and appropriate primary care services.

''(2) LIMITATION.—The authority established in paragraph (1) applies only to the extent that, for the fiscal year involved, the costs of the health insurance or plans to be purchased or maintained under such paragraph do not exceed the costs of otherwise providing therapeutics described in subsection (a).''.

**SEC. 205. STATE APPLICATION.**

(a) DETERMINATION OF SIZE AND NEEDS OF POPULATION; COMPREHENSIVE PLAN.—Section 2617(b) of the Public Health Service Act (42 U.S.C. 300ff–27(b)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (4) through (6), respectively;

(2) by inserting after paragraph (1) the following paragraphs:

''(2) a determination of the size and demographics of the population of individuals with HIV disease in the State;

''(3) a determination of the needs of such population, with particular attention to—

''(A) individuals with HIV disease who know their HIV status and are not receiving HIV-related services; and

''(B) disparities in access and services among affected subpopulations and historically underserved communities;''; and

(3) in paragraph (4) (as so redesignated)—

(A) by striking ''comprehensive plan for the organization'' and inserting ''comprehensive plan that describes the organization'';

(B) by striking '', including—'' and inserting '', and that—'';

(C) by redesignating subparagraphs (A) through (C) as subparagraphs (D) through (F), respectively;

(D) by inserting before subparagraph (C) the following subparagraphs:

''(A) establishes priorities for the allocation of funds within the State based on—

''(i) size and demographics of the population of individuals with HIV disease (as determined under paragraph (2)) and the needs of such population (as determined under paragraph (3));

''(ii) availability of other governmental and non-governmental resources, including the State medicaid plan under title XIX of the Social Security Act and the State Children's Health Insurance Program under title XXI of such Act to cover health care costs of eligible individuals and families with HIV disease;

''(iii) capacity development needs resulting from disparities in the availability of HIV-related services in historically underserved communities and rural communities; and

''(iv) the efficiency of the administrative mechanism of the State for rapidly allocating funds to the areas of greatest need within the State;

''(B) includes a strategy for identifying individuals who know their HIV status and are not receiving such services and for informing the individuals of and enabling the individuals to utilize the services, giving particular attention to eliminating disparities in access and services among affected subpopulations and historically underserved communities, and including discrete goals, a timetable, and an appropriate allocation of funds;

''(C) includes a strategy to coordinate the provision of such services with programs for HIV prevention (including outreach and early intervention) and for the prevention and treatment of substance abuse (including programs that provide comprehensive treatment services for such abuse);'';

(E) in subparagraph (D) (as redesignated by subparagraph (C) of this paragraph), by inserting ''describes'' before ''the services and activities'';

(F) in subparagraph (E) (as so redesignated), by inserting ''provides'' before ''a description''; and

(G) in subparagraph (F) (as so redesignated), by inserting ''provides'' before ''a description''.

(b) PUBLIC PARTICIPATION.—Section 2617(b) of the Public Health Service Act, as amended by subsection (a) of this section, is amended—

(1) in paragraph (5), by striking ''HIV'' and inserting ''HIV disease''; and

(2) in paragraph (6), by amending subparagraph (A) to read as follows:

''(A) the public health agency that is administering the grant for the State engages in a public advisory planning process, including public hearings, that includes the participants under paragraph (5), and the types of entities described in section 2602(b)(2), in developing the comprehensive plan under paragraph (4) and commenting on the implementation of such plan;''.

(c) HEALTH CARE RELATIONSHIPS.—Section 2617(b) of the Public Health Service Act, as amended by subsection (a) of this section, is amended in paragraph (6)—

(1) in subparagraph (E), by striking ''and'' at the end;

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

(3) by adding at the end the following subparagraph:

''(G) entities within areas in which activities under the grant are carried out will maintain appropriate relationships with entities in the area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, mental health programs, and homeless shelters), and other entities under section 2612(c) and 2652(a), for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their HIV status but not in care.''.

**SEC. 206. DISTRIBUTION OF FUNDS.**

(a) MINIMUM ALLOTMENT.—Section 2618 of the Public Health Service Act (42 U.S.C. 300ff–28) is amended—

(1) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively; and

(2) in subsection (a) (as so redesignated), in paragraph (1)(A)(i)—

(A) in subclause (I), by striking ''$100,000'' and inserting ''$200,000''; and

(B) in subclause (II), by striking ''$250,000'' and inserting ''$500,000''.

(b) AMOUNT OF GRANT; ESTIMATE OF LIVING CASES.—Section 2618(a) of the Public Health

Service Act (as redesignated by subsection (a)(1) of this section) is amended in paragraph (2)—

(1) in subparagraph (D)(i), by inserting before the semicolon the following: '', except that (subject to subparagraph (E)), for grants made pursuant to this paragraph or section 2620 for fiscal year 2005 and subsequent fiscal years, the cases counted for each 12-month period beginning on or after July 1, 2004, shall be cases of HIV disease (as reported to and confirmed by such Director) rather than cases of acquired immune deficiency syndrome'';

(2) by redesignating subparagraphs (E) through (H) as subparagraphs (F) through (I), respectively; and

(3) by inserting after subparagraph (D) the following subparagraph:

''(E) DETERMINATION OF SECRETARY REGARDING DATA ON HIV CASES.—If under 2603(a)(3)(D)(i) the Secretary determines that data on cases of HIV disease are not sufficiently accurate and reliable, then notwithstanding subparagraph (D) of this paragraph, for any fiscal year prior to fiscal year 2007 the references in such subparagraph to cases of HIV disease do not have any legal effect.''.

(c) INCREASES IN FORMULA AMOUNT.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended—

(1) in paragraph (1)(A)(ii), by inserting before the semicolon the following: ''and then, as applicable, increased under paragraph (2)(H)''; and

(2) in paragraph (2)—

(A) in subparagraph (A)(i), by striking ''subparagraph (H)'' and inserting ''subparagraphs (H) and (I)''; and

(B) in subparagraph (H) (as redesignated by subsection (b)(2) of this section), by amending the subparagraph to read as follows:

''(H) LIMITATION.—

''(i) IN GENERAL.—The Secretary shall ensure that the amount of a grant awarded to a State or territory under section 2611 or subparagraph (I)(i) for a fiscal year is not less than—

''(I) with respect to fiscal year 2001, 99 percent;

''(II) with respect to fiscal year 2002, 98 percent;

''(III) with respect to fiscal year 2003, 97 percent;

''(IV) with respect to fiscal year 2004, 96 percent; and

''(V) with respect to fiscal year 2005, 95 percent,

of the amount such State or territory received for fiscal year 2000 under section 2611 or subparagraph (I)(i), respectively (notwithstanding such subparagraph). In administering this subparagraph, the Secretary shall, with respect to States or territories that will under such section receive grants in amounts that exceed the amounts that such States received under such section or subparagraph for fiscal year 2000, proportionally reduce such amounts to ensure compliance with this subparagraph. In making such reductions, the Secretary shall ensure that no such State receives less than that State received for fiscal year 2000.

''(ii) RATABLE REDUCTION.—If the amount appropriated under section 2677 for a fiscal year and available for grants under section 2611 or subparagraph (I)(i) is less than the amount appropriated and available for fiscal year 2000 under section 2611 or subparagraph (I)(i), respectively, the limitation contained in clause (i) for the grants involved shall be reduced by a percentage equal to the percentage of the reduction in such amounts appropriated and available.''.

(d) TERRITORIES.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended in paragraph (1)(B) by inserting ''the greater of $50,000 or'' after ''shall be''.

(e) SEPARATE TREATMENT DRUG GRANTS.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section and amended by subsection (b)(2) of this section) is amended in paragraph (2)(I)—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by striking ''(I) APPROPRIATIONS'' and all that follows through ''With respect to'' and inserting the following:

''(I) APPROPRIATIONS FOR TREATMENT DRUG PROGRAM.—

''(i) FORMULA GRANTS.—With respect to'';

(3) in subclause (I) of clause (i) (as designated by paragraphs (1) and (2)), by inserting before the semicolon the following: '', less the percentage reserved under clause (ii)(V)''; and

(4) by adding at the end the following clause:

''(ii) SUPPLEMENTAL TREATMENT DRUG GRANTS.—

''(I) IN GENERAL.—From amounts made available under subclause (V), the Secretary shall make supplemental grants to States described in subclause (II) to enable such States to increase access to therapeutics described in section 2616(a), as provided by the State under section 2616(c)(2).

''(II) ELIGIBLE STATES.—For purposes of subclause (I), a State described in this subclause is a State that, in accordance with criteria established by the Secretary, demonstrates a severe need for a grant under such subclause. In developing such criteria, the Secretary shall consider eligibility standards, formulary composition, and the number of eligible individuals at or below 200 percent of the official poverty line to whom the State is unable to provide therapeutics described in section 2616(a).

''(III) STATE REQUIREMENTS.—The Secretary may not make a grant to a State under this clause unless the State agrees that—

''(aa) the State will make available (directly or through donations from public or private entities) non-Federal contributions toward the activities to carried out under the grant in an amount equal to $1 for each $4 of Federal funds provided in the grant; and

''(bb) the State will not impose eligibility requirements for services or scope of benefits limitations under section 2616(a) that are more restrictive than such requirements in effect as of January 1, 2000.

''(IV) USE AND COORDINATION.—Amounts made available under a grant under this clause shall only be used by the State to provide HIV/AIDS-related medications. The State shall coordinate the use of such amounts with the amounts otherwise provided under section 2616(a) in order to maximize drug coverage.

''(V) FUNDING.—For the purpose of making grants under this clause, the Secretary shall each fiscal year reserve 3 percent of the amount referred to in clause (i) with respect to section 2616, subject to subclause (VI).

''(VI) LIMITATION.—In reserving amounts under subclause (V) and making grants under this clause for a fiscal year, the Secretary shall ensure for each State that the total of the grant under section 2611 for the State for the fiscal year and the grant under clause (i) for the State for the fiscal year is not less than such total for the State for the preceding fiscal year.''.

(f) TECHNICAL AMENDMENT.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended in paragraph (3)(B) by striking ''and the Republic of the Marshall Islands'' and inserting ''the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, and only for purposes of paragraph (1) the Commonwealth of Puerto Rico''.

**SEC. 207. SUPPLEMENTAL GRANTS FOR CERTAIN STATES.**

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.) is amended—

(1) by striking section 2621; and

(2) by inserting after section 2619 the following section:

**''SEC. 2620. SUPPLEMENTAL GRANTS.**

''(a) IN GENERAL.—The Secretary shall award supplemental grants to States determined to be eligible under subsection (b) to enable such States to provide comprehensive services of the type described in section 2612(a) to supplement the services otherwise provided by the State under a grant under this subpart in emerging communities within the State that are not eligible to receive grants under part A.

''(b) ELIGIBILITY.—To be eligible to receive a supplemental grant under subsection (a), a State shall—

''(1) be eligible to receive a grant under this subpart;

''(2) demonstrate the existence in the State of an emerging community as defined in subsection (d)(1); and

''(3) submit the information described in subsection (c).

''(c) REPORTING REQUIREMENTS.—A State that desires a grant under this section shall, as part of the State application submitted under section 2617, submit a detailed description of the manner in which the State will use amounts received under the grant and of the severity of need. Such description shall include—

''(1) a report concerning the dissemination of supplemental funds under this section and the plan for the utilization of such funds in the emerging community;

''(2) a demonstration of the existing commitment of local resources, both financial and in-kind;

''(3) a demonstration that the State will maintain HIV-related activities at a level that is equal to not less than the level of such activities in the State for the 1-year period preceding the fiscal year for which the State is applying to receive a grant under this part;

''(4) a demonstration of the ability of the State to utilize such supplemental financial resources in a manner that is immediately responsive and cost effective;

''(5) a demonstration that the resources will be allocated in accordance with the local demographic incidence of AIDS including appropriate allocations for services for infants, children, women, and families with HIV disease;

''(6) a demonstration of the inclusiveness of the planning process, with particular emphasis on affected communities and individuals with HIV disease; and

''(7) a demonstration of the manner in which the proposed services are consistent with local needs assessments and the statewide coordinated statement of need.

''(d) DEFINITION OF EMERGING COMMUNITY.—In this section, the term 'emerging community' means a metropolitan area—

''(1) that is not eligible for a grant under part A; and

''(2) for which there has been reported to the Director of the Centers for Disease Control and Prevention a cumulative total of between 500 and 1999 cases of acquired immune deficiency syndrome for the most recent period of 5 calendar years for which such data are available (except that, for fiscal year 2005 and subsequent fiscal years, cases of HIV disease shall be counted rather than cases of acquired immune deficiency syndrome if cases

of HIV disease are being counted for purposes of section 2618(a)(2)(D)(i)).

''(e) FUNDING.—

''(1) IN GENERAL.—Subject to paragraph (2), with respect to each fiscal year beginning with fiscal year 2001, the Secretary, to carry out this section, shall utilize—

''(A) the greater of—

''(i) 25 percent of the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(a)(2)(I), for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved; or

''(ii) $5,000,000;

to provide funds to States for use in emerging communities with at least 1000, but less than 2000, cases of AIDS as reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the five year period preceding the year for which the grant is being awarded; and

''(B) the greater of—

''(i) 25 percent of the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(a)(2)(I), for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved; or

''(ii) $5,000,000;

to provide funds to States for use in emerging communities with at least 500, but less than 1000, cases of AIDS reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the five year period preceding the year for which the grant is being awarded.

''(2) TRIGGER OF FUNDING.—This section shall be effective only for fiscal years beginning in the first fiscal year in which the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(a)(2)(I), exceeds by at least $20,000,000 the amount appropriated under 2677 to carry out part B in fiscal year 2000, excluding the amount appropriated under section 2618(a)(2)(I).

''(3) MINIMUM AMOUNT IN FUTURE YEARS.—Beginning with the first fiscal year in which amounts provided for emerging communities under paragraph (1)(A) equals $5,000,000 and under paragraph (1)(B) equals $5,000,000, the Secretary shall ensure that amounts made available under this section for the types of emerging communities described in each such paragraph in subsequent fiscal years is at least $5,000,000.

''(4) DISTRIBUTION.—Grants under this section for emerging communities shall be formula grants. There shall be two categories of such formula grants, as follows:

''(A) One category of such grants shall be for emerging communities for which the cumulative total of cases for purposes of subsection (d)(2) is 999 or fewer cases. The grant made to such an emerging community for a fiscal year shall be the product of—

''(i) an amount equal to 50 percent of the amount available pursuant to this subsection for the fiscal year involved; and

''(ii) a percentage equal to the ratio constituted by the number of cases for such emerging community for the fiscal year over the aggregate number of such cases for such year for all emerging communities to which this subparagraph applies.

''(B) The other category of formula grants shall be for emerging communities for which the cumulative total of cases for purposes of subsection (d)(2) is 1000 or more cases. The grant made to such an emerging community for a fiscal year shall be the product of—

''(i) an amount equal to 50 percent of the amount available pursuant to this subsection for the fiscal year involved; and

''(ii) a percentage equal to the ratio constituted by the number of cases for such community for the fiscal year over the aggregate number of such cases for the fiscal year for all emerging communities to which this subparagraph applies.''.

**Subtitle B—Provisions Concerning Pregnancy and Perinatal Transmission of HIV**

**SEC. 211. REPEALS.**

Subpart II of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–33 et seq.) is amended—

(1) in section 2626, by striking each of subsections (d) through (f);

(2) by striking sections 2627 and 2628; and

(3) by redesignating section 2629 as section 2627.

**SEC. 212. GRANTS.**

(a) IN GENERAL.—Section 2625(c) of the Public Health Service Act (42 U.S.C. 300ff–33) is amended—

(1) in paragraph (1), by inserting at the end the following subparagraph:

''(F) Making available to pregnant women with HIV disease, and to the infants of women with such disease, treatment services for such disease in accordance with applicable recommendations of the Secretary.'';

(2) by amending paragraph (2) to read as follows:

''(2) FUNDING.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated $30,000,000 for each of the fiscal years 2001 through 2005. Amounts made available under section 2677 for carrying out this part are not available for carrying out this section unless otherwise authorized.

''(B) ALLOCATIONS FOR CERTAIN STATES.—

''(i) IN GENERAL.—Of the amounts appropriated under subparagraph (A) for a fiscal year in excess of $10,000,000—

''(I) the Secretary shall reserve the applicable percentage under clause (iv) for making grants under paragraph (1) both to States described in clause (ii) and States described in clause (iii); and

''(II) the Secretary shall reserve the remaining amounts for other States, taking into consideration the factors described in subparagraph (C)(iii), except that this subclause does not apply to any State that for the fiscal year involved is receiving amounts pursuant to subclause (I).

''(ii) REQUIRED TESTING OF NEWBORNS.—For purposes of clause (i)(I), the States described in this clause are States that under law (including under regulations or the discretion of State officials) have—

''(I) a requirement that all newborn infants born in the State be tested for HIV disease and that the biological mother of each such infant, and the legal guardian of the infant (if other than the biological mother), be informed of the results of the testing; or

''(II) a requirement that newborn infants born in the State be tested for HIV disease in circumstances in which the attending obstetrician for the birth does not know the HIV status of the mother of the infant, and that the biological mother of each such infant, and the legal guardian of the infant (if other than the biological mother), be informed of the results of the testing.

''(iii) MOST SIGNIFICANT REDUCTION IN CASES OF PERINATAL TRANSMISSION.—For purposes of clause (i)(I), the States described in this clause are the following (exclusive of States described in clause (ii)), as applicable:

''(I) For fiscal years 2001 and 2002, the two States that, relative to other States, have the most significant reduction in the rate of new cases of the perinatal transmission of HIV (as indicated by the number of such cases reported to the Director of the Centers for Disease Control and Prevention for the most recent periods for which the data are available).

''(II) For fiscal years 2003 and 2004, the three States that have the most significant such reduction.

''(III) For fiscal year 2005, the four States that have the most significant such reduction.

''(iv) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable amount for a fiscal year is as follows:

''(I) For fiscal year 2001, 33 percent.

''(II) For fiscal year 2002, 50 percent.

''(III) For fiscal year 2003, 67 percent.

''(IV) For fiscal year 2004, 75 percent.

''(V) For fiscal year 2005, 75 percent.

''(C) CERTAIN PROVISIONS.—With respect to grants under paragraph (1) that are made with amounts reserved under subparagraph (B) of this paragraph:

''(i) Such a grant may not be made in an amount exceeding $4,000,000.

''(ii) If pursuant to clause (i) or pursuant to an insufficient number of qualifying applications for such grants (or both), the full amount reserved under subparagraph (B) for a fiscal year is not obligated, the requirement under such subparagraph to reserve amounts ceases to apply.

''(iii) In the case of a State that meets the conditions to receive amounts reserved under subparagraph (B)(i)(II), the Secretary shall in making grants consider the following factors:

''(I) The extent of the reduction in the rate of new cases of the perinatal transmission of HIV.

''(II) The extent of the reduction in the rate of new cases of perinatal cases of acquired immune deficiency syndrome.

''(III) The overall incidence of cases of infection with HIV among women of childbearing age.

''(IV) The overall incidence of cases of acquired immune deficiency syndrome among women of childbearing age.

''(V) The higher acceptance rate of HIV testing of pregnant women.

''(VI) The extent to which women and children with HIV disease are receiving HIV-related health services.

''(VII) The extent to which HIV-exposed children are receiving health services appropriate to such exposure.''; and

(3) by adding at the end the following paragraph:

''(4) MAINTENANCE OF EFFORT.—A condition for the receipt of a grant under paragraph (1) is that the State involved agree that the grant will be used to supplement and not supplant other funds available to the State to carry out the purposes of the grant.''.

(b) SPECIAL FUNDING RULE FOR FISCAL YEAR 2001.—

(1) IN GENERAL.—If for fiscal year 2001 the amount appropriated under paragraph (2)(A) of section 2625(c) of the Public Health Service Act is less than $14,000,000—

(A) the Secretary of Health and Human Services shall, for the purpose of making grants under paragraph (1) of such section, reserve from the amount specified in paragraph (2) of this subsection an amount equal to the difference between $14,000,000 and the amount appropriated under paragraph (2)(A) of such section for such fiscal year (notwithstanding any other provision of this Act or the amendments made by this Act);

(B) the amount so reserved shall, for purposes of paragraph (2)(B)(i) of such section, be considered to have been appropriated under paragraph (2)(A) of such section; and

(C) the percentage specified in paragraph (2)(B)(iv)(I) of such section is deemed to be 50 percent.

(2) ALLOCATION FROM INCREASES IN FUNDING FOR PART B.—For purposes of paragraph (1), the amount specified in this paragraph is the

amount by which the amount appropriated under section 2677 of the Public Health Service Act for fiscal year 2001 and available for grants under section 2611 of such Act is an increase over the amount so appropriated and available for fiscal year 2000.

**SEC. 213. STUDY BY INSTITUTE OF MEDICINE.**

Subpart II of part B of title XXVI of the Public Health Service Act, as amended by section 211(3), is amended by adding at the end the following section:

**"SEC. 2628. RECOMMENDATIONS FOR REDUCING INCIDENCE OF PERINATAL TRANSMISSION.**

''(a) STUDY BY INSTITUTE OF MEDICINE.—

''(1) IN GENERAL.—The Secretary shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study to provide the following:

''(A) For the most recent fiscal year for which the information is available, a determination of the number of newborn infants with HIV born in the United States with respect to whom the attending obstetrician for the birth did not know the HIV status of the mother.

''(B) A determination for each State of any barriers, including legal barriers, that prevent or discourage an obstetrician from making it a routine practice to offer pregnant women an HIV test and a routine practice to test newborn infants for HIV disease in circumstances in which the obstetrician does not know the HIV status of the mother of the infant.

''(C) Recommendations for each State for reducing the incidence of cases of the perinatal transmission of HIV, including recommendations on removing the barriers identified under subparagraph (B).

If such Institute declines to conduct the study, the Secretary shall enter into an agreement with another appropriate public or nonprofit private entity to conduct the study.

''(2) REPORT.—The Secretary shall ensure that, not later than 18 months after the effective date of this section, the study required in paragraph (1) is completed and a report describing the findings made in the study is submitted to the appropriate committees of the Congress, the Secretary, and the chief public health official of each of the States.

''(b) PROGRESS TOWARD RECOMMENDATIONS.—In fiscal year 2004, the Secretary shall collect information from the States describing the actions taken by the States toward meeting the recommendations specified for the States under subsection (a)(1)(C).

''(c) SUBMISSION OF REPORTS TO CONGRESS.—The Secretary shall submit to the appropriate committees of the Congress reports describing the information collected under subsection (b).''.

## Subtitle C—Certain Partner Notification Programs

**SEC. 221. GRANTS FOR COMPLIANT PARTNER NOTIFICATION PROGRAMS.**

Part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–21 et seq.) is amended by adding at the end the following subpart:

### "Subpart III—Certain Partner Notification Programs

**"SEC. 2631. GRANTS FOR PARTNER NOTIFICATION PROGRAMS.**

''(a) IN GENERAL.—In the case of States whose laws or regulations are in accordance with subsection (b), the Secretary, subject to subsection (c)(2), may make grants to the States for carrying out programs to provide partner counseling and referral services.

''(b) DESCRIPTION OF COMPLIANT STATE PROGRAMS.—For purposes of subsection (a), the laws or regulations of a State are in accordance with this subsection if under such laws or regulations (including programs carried out pursuant to the discretion of State officials) the following policies are in effect:

''(1) The State requires that the public health officer of the State carry out a program of partner notification to inform partners of individuals with HIV disease that the partners may have been exposed to the disease.

''(2)(A) In the case of a health entity that provides for the performance on an individual of a test for HIV disease, or that treats the individual for the disease, the State requires, subject to subparagraph (B), that the entity confidentially report the positive test results to the State public health officer in a manner recommended and approved by the Director of the Centers for Disease Control and Prevention, together with such additional information as may be necessary for carrying out such program.

''(B) The State may provide that the requirement of subparagraph (A) does not apply to the testing of an individual for HIV disease if the individual underwent the testing through a program designed to perform the test and provide the results to the individual without the individual disclosing his or her identity to the program. This subparagraph may not be construed as affecting the requirement of subparagraph (A) with respect to a health entity that treats an individual for HIV disease.

''(3) The program under paragraph (1) is carried out in accordance with the following:

''(A) Partners are provided with an appropriate opportunity to learn that the partners have been exposed to HIV disease, subject to subparagraph (B).

''(B) The State does not inform partners of the identity of the infected individuals involved.

''(C) Counseling and testing for HIV disease are made available to the partners and to infected individuals, and such counseling includes information on modes of transmission for the disease, including information on prenatal and perinatal transmission and preventing transmission.

''(D) Counseling of infected individuals and their partners includes the provision of information regarding therapeutic measures for preventing and treating the deterioration of the immune system and conditions arising from the disease, and the provision of other prevention-related information.

''(E) Referrals for appropriate services are provided to partners and infected individuals, including referrals for support services and legal aid.

''(F) Notifications under subparagraph (A) are provided in person, unless doing so is an unreasonable burden on the State.

''(G) There is no criminal or civil penalty on, or civil liability for, an infected individual if the individual chooses not to identify the partners of the individual, or the individual does not otherwise cooperate with such program.

''(H) The failure of the State to notify partners is not a basis for the civil liability of any health entity who under the program reported to the State the identity of the infected individual involved.

''(I) The State provides that the provisions of the program may not be construed as prohibiting the State from providing a notification under subparagraph (A) without the consent of the infected individual involved.

''(4) The State annually reports to the Director of the Centers for Disease Control and Prevention the number of individuals from whom the names of partners have been sought under the program under paragraph (1), the number of such individuals who provided the names of partners, and the number of partners so named who were notified under the program.

''(5) The State cooperates with such Director in carrying out a national program of partner notification, including the sharing of information between the public health officers of the States.

''(c) REPORTING SYSTEM FOR CASES OF HIV DISEASE; PREFERENCE IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall give preference to States whose reporting systems for cases of HIV disease produce data on such cases that is sufficiently accurate and reliable for use for purposes of section 2618(a)(2)(D)(i).

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005.''.

# TITLE III—EARLY INTERVENTION SERVICES

## Subtitle A—Formula Grants for States

**SEC. 301. REPEAL OF PROGRAM.**

(a) REPEAL.—Subpart I of part C of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–41 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—Part C of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–41 et seq.), as amended by subsection (a) of this section, is amended—

(1) by redesignating subparts II and III as subparts I and II, respectively;

(2) in section 2661(a), by striking ''unless—'' and all that follows through ''(2) in the case of'' and inserting ''unless, in the case of''; and

(3) in section 2664—

(A) in subsection (e)(5), by striking ''2642(b) or'';

(B) in subsection (f)(2), by striking ''2642(b) or''; and

(C) by striking subsection (h).

## Subtitle B—Categorical Grants

**SEC. 311. PREFERENCES IN MAKING GRANTS.**

Section 2653 of the Public Health Service Act (42 U.S.C. 300ff–53) is amended by adding at the end the following subsection:

''(d) CERTAIN AREAS.—Of the applicants who qualify for preference under this section—

''(1) the Secretary shall give preference to applicants that will expend the grant under section 2651 to provide early intervention under such section in rural areas; and

''(2) the Secretary shall give special consideration to areas that are underserved with respect to such services.''.

**SEC. 312. PLANNING AND DEVELOPMENT GRANTS.**

(a) IN GENERAL.—Section 2654(c)(1) of the Public Health Service Act (42 U.S.C. 300ff–54(c)(1)) is amended by striking ''planning grants'' and all that follows and inserting the following: ''planning grants to public and nonprofit private entities for purposes of—

''(A) enabling such entities to provide HIV early intervention services; and

''(B) assisting the entities in expanding their capacity to provide HIV-related health services, including early intervention services, in low-income communities and affected subpopulations that are underserved with respect to such services (subject to the condition that a grant pursuant to this subparagraph may not be expended to purchase or improve land, or to purchase, construct, or permanently improve, other than minor remodeling, any building or other facility).''.

(b) AMOUNT; DURATION.—Section 2654(c) of the Public Health Service Act (42 U.S.C. 300ff–54(c)) is further amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

''(4) AMOUNT AND DURATION OF GRANTS.—

''(A) EARLY INTERVENTION SERVICES.—A grant under paragraph (1)(A) may be made in an amount not to exceed $50,000.

''(B) CAPACITY DEVELOPMENT.—

''(i) AMOUNT.—A grant under paragraph (1)(B) may be made in an amount not to exceed $150,000.

''(ii) DURATION.—The total duration of a grant under paragraph (1)(B), including any renewal, may not exceed 3 years.''.

(c) INCREASE IN LIMITATION.—Section 2654(c)(5) of the Public Health Service Act (42 U.S.C. 300ff–54(c)(5)), as redesignated by subsection (b), is amended by striking ''1 percent'' and inserting ''5 percent''.

**SEC. 313. AUTHORIZATION OF APPROPRIATIONS.**

Section 2655 of the Public Health Service Act (42 U.S.C. 300ff–55) is amended by striking ''in each of'' and all that follows and inserting ''for each of the fiscal years 2001 through 2005.''.

**Subtitle C—General Provisions**

**SEC. 321. PROVISION OF CERTAIN COUNSELING SERVICES.**

Section 2662(c)(3) of the Public Health Service Act (42 U.S.C. 300ff–62(c)(3)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''counseling on—'' and inserting ''counseling—'';

(2) in each of subparagraphs (A), (B), and (D), by inserting ''on'' after the subparagraph designation; and

(3) in subparagraph (C)—

(A) by striking ''(C) the benefits'' and inserting ''(C)(i) that explains the benefits''; and

(B) by inserting after clause (i) (as designated by subparagraph (A) of this paragraph) the following clause:

''(ii) that emphasizes it is the duty of infected individuals to disclose their infected status to their sexual partners and their partners in the sharing of hypodermic needles; that provides advice to infected individuals on the manner in which such disclosures can be made; and that emphasizes that it is the continuing duty of the individuals to avoid any behaviors that will expose others to HIV.''.

**SEC. 322. ADDITIONAL REQUIRED AGREEMENTS.**

Section 2664(g) of the Public Health Service Act (42 U.S.C. 300ff–64(g)) is amended—

(1) in paragraph (3)—

(A) by striking ''7.5 percent'' and inserting ''10 percent''; and

(B) by striking ''and'' after the semicolon at the end;

(2) in paragraph (4), by striking the period and inserting ''; and''; and

(3) by adding at the end the following paragraph:

''(5) the applicant will provide for the establishment of a quality management program—

''(A) to assess the extent to which medical services funded under this title that are provided to patients are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines; and

''(B) to ensure that improvements in the access to and quality of HIV health services are addressed.''.

**TITLE IV—OTHER PROGRAMS AND ACTIVITIES**

**Subtitle A—Certain Programs for Research, Demonstrations, or Training**

**SEC. 401. GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.**

(a) ELIMINATION OF REQUIREMENT TO ENROLL SIGNIFICANT NUMBERS OF WOMEN AND CHILDREN.—Section 2671(b) (42 U.S.C. 300ff–71(b)) is amended—

(1) in paragraph (1), by striking subparagraphs (C) and (D) and inserting the following:

''(C) The applicant will demonstrate linkages to research and how access to such research is being offered to patients.''; and

(2) by striking paragraphs (3) and (4).

(b) INFORMATION AND EDUCATION.—Section 2671(d) (42 U.S.C. 300ff–71(d)) is amended by adding at the end the following:

''(4) The applicant will provide individuals with information and education on opportunities to participate in HIV/AIDS-related clinical research.''.

(c) QUALITY MANAGEMENT; ADMINISTRATIVE EXPENSES CEILING.—Section 2671(f) (42 U.S.C. 300ff–71(f)) is amended—

(1) by striking the subsection heading and designation and inserting the following:

''(f) ADMINISTRATION.—

''(1) APPLICATION.—''; and

(2) by adding at the end the following:

''(2) QUALITY MANAGEMENT PROGRAM.—A grantee under this section shall implement a quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.''.

(d) COORDINATION.—Section 2671(g) (42 U.S.C. 300ff–71(g)) is amended by adding at the end the following: ''The Secretary acting through the Director of NIH, shall examine the distribution and availability of ongoing and appropriate HIV/AIDS-related research projects to existing sites under this section for purposes of enhancing and expanding voluntary access to HIV-related research, especially within communities that are not reasonably served by such projects. Not later than 12 months after the date of enactment of the Ryan White CARE Act Amendments of 2000, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the findings made by the Director and the manner in which the conclusions based on those findings can be addressed.''.

(e) ADMINISTRATIVE EXPENSES.—Section 2671 of the Public Health Service Act (42 U.S.C. 300ff–71) is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following subsection:

''(i) LIMITATION ON ADMINISTRATIVE EXPENSES.—

''(1) DETERMINATION BY SECRETARY.—Not later than 12 months after the date of enactment of the Ryan White Care Act Amendments of 2000, the Secretary, in consultation with grantees under this part, shall conduct a review of the administrative, program support, and direct service-related activities that are carried out under this part to ensure that eligible individuals have access to quality, HIV-related health and support services and research opportunities under this part, and to support the provision of such services.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—Not later than 180 days after the expiration of the 12-month period referred to in paragraph (1) the Secretary, in consultation with grantees under this part, shall determine the relationship between the costs of the activities referred to in paragraph (1) and the access of eligible individuals to the services and research opportunities described in such paragraph.

''(B) LIMITATION.—After a final determination under subparagraph (A), the Secretary may not make a grant under this part unless the grantee complies with such requirements as may be included in such determination.''.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 2671 of the Public Health Service Act (42 U.S.C. 300ff–71) is amended in subsection (j) (as redesignated by subsection (e)(1) of this section) by striking ''fiscal years 1996 through 2000'' and inserting ''fiscal years 2001 through 2005''.

**SEC. 402. AIDS EDUCATION AND TRAINING CENTERS.**

(a) SCHOOLS; CENTERS.—

(1) IN GENERAL.—Section 2692(a)(1) of the Public Health Service Act (42 U.S.C. 300ff–111(a)(1)) is amended—

(A) in subparagraph (A)—

(i) by striking ''training'' and inserting ''to train'';

(ii) by striking ''and including'' and inserting '', including''; and

(iii) by inserting before the semicolon the following: '', and including (as applicable to the type of health professional involved), prenatal and other gynecological care for women with HIV disease'';

(B) in subparagraph (B), by striking ''and'' after the semicolon at the end;

(C) in subparagraph (C), by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(D) to develop protocols for the medical care of women with HIV disease, including prenatal and other gynecological care for such women.''.

(2) DISSEMINATION OF TREATMENT GUIDELINES; MEDICAL CONSULTATION ACTIVITIES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue and begin implementation of a strategy for the dissemination of HIV treatment information to health care providers and patients.

(b) DENTAL SCHOOLS.—Section 2692(b) of the Public Health Service Act (42 U.S.C. 300ff–111(b)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—

''(A) GRANTS.—The Secretary may make grants to dental schools and programs described in subparagraph (B) to assist such schools and programs with respect to oral health care to patients with HIV disease.

''(B) ELIGIBLE APPLICANTS.—For purposes of this subsection, the dental schools and programs referred to in this subparagraph are dental schools and programs that were described in section 777(b)(4)(B) as such section was in effect on the day before the date of the enactment of the Health Professions Education Partnerships Act of 1998 (Public Law 105–392) and in addition dental hygiene programs that are accredited by the Commission on Dental Accreditation.'';

(2) in paragraph (2), by striking ''777(b)(4)(B)'' and inserting ''the section referred to in paragraph (1)(B)''; and

(3) by inserting after paragraph (4) the following paragraph:

''(5) COMMUNITY-BASED CARE.—The Secretary may make grants to dental schools and programs described in paragraph (1)(B) that partner with community-based dentists to provide oral health care to patients with HIV disease in unserved areas. Such partnerships shall permit the training of dental students and residents and the participation of community dentists as adjunct faculty.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) SCHOOLS; CENTERS.—Section 2692(c)(1) of the Public Health Service Act (42 U.S.C. 300ff–111(c)(1)) is amended by striking ''fiscal years 1996 through 2000'' and inserting ''fiscal years 2001 through 2005''.

(2) DENTAL SCHOOLS.—Section 2692(c)(2) of the Public Health Service Act (42 U.S.C. 300ff–111(c)(2)) is amended to read as follows:

''(2) DENTAL SCHOOLS.—

''(A) IN GENERAL.—For the purpose of grants under paragraphs (1) through (4) of subsection (b), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

''(B) COMMUNITY-BASED CARE.—For the purpose of grants under subsection (b)(5), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.''.

**Subtitle B—General Provisions in Title XXVI**

**SEC. 411. EVALUATIONS AND REPORTS.**

Section 2674(c) of the Public Health Service Act (42 U.S.C. 300ff–74(c)) is amended by striking ''1991 through 1995'' and inserting ''2001 through 2005''.

**SEC. 412. DATA COLLECTION THROUGH CENTERS FOR DISEASE CONTROL AND PREVENTION.**

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 318A the following section:

''DATA COLLECTION REGARDING PROGRAMS UNDER TITLE XXVI

''SEC. 318B. For the purpose of collecting and providing data for program planning and evaluation activities under title XXVI, there are authorized to be appropriated to the Secretary (acting through the Director of the Centers for Disease Control and Prevention) such sums as may be necessary for each of the fiscal years 2001 through 2005. Such authorization of appropriations is in addition to other authorizations of appropriations that are available for such purpose.''.

**SEC. 413. COORDINATION.**

Section 2675 of the Public Health Service Act (42 U.S.C. 300ff–75) is amended—

(1) by amending subsection (a) to read as follows:

''(a) REQUIREMENT.—The Secretary shall ensure that the Health Resources and Services Administration, the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, and the Health Care Financing Administration coordinate the planning, funding, and implementation of Federal HIV programs to enhance the continuity of care and prevention services for individuals with HIV disease or those at risk of such disease. The Secretary shall consult with other Federal agencies, including the Department of Veterans Affairs, as needed and utilize planning information submitted to such agencies by the States and entities eligible for support.'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (b) the following subsection:

''(b) REPORT.—The Secretary shall biennially prepare and submit to the appropriate committees of the Congress a report concerning the coordination efforts at the Federal, State, and local levels described in this section, including a description of Federal barriers to HIV program integration and a strategy for eliminating such barriers and enhancing the continuity of care and prevention services for individuals with HIV disease or those at risk of such disease.''; and

(4) in each of subsections (c) and (d) (as redesignated by paragraph (2) of this section), by inserting ''and prevention services'' after ''continuity of care'' each place such term appears.

**SEC. 414. PLAN REGARDING RELEASE OF PRISONERS WITH HIV DISEASE.**

Section 2675 of the Public Health Service Act, as amended by section 413(2) of this Act, is amended by adding at the end the following subsection:

''(e) RECOMMENDATIONS REGARDING RELEASE OF PRISONERS.—After consultation with the Attorney General and the Director of the Bureau of Prisons, with States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary, consistent with the coordination required in subsection (a), shall develop a plan for the medical case management of and the provision of support services to individuals who were Federal or State prisoners and had HIV disease as of the date on which the individuals were released from the custody of the penal system. The Secretary shall submit the plan to the Congress not later than 2 years after the date of the enactment of the Ryan White CARE Act Amendments of 2000.''.

**SEC. 415. AUDITS.**

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–71 et seq.) is amended by inserting after section 2675 the following section:

**''SEC. 2675A. AUDITS.**

''For fiscal year 2002 and subsequent fiscal years, the Secretary may reduce the amounts of grants under this title to a State or political subdivision of a State for a fiscal year if, with respect to such grants for the second preceding fiscal year, the State or subdivision fails to prepare audits in accordance with the procedures of section 7502 of title 31, United States Code. The Secretary shall annually select representative samples of such audits, prepare summaries of the selected audits, and submit the summaries to the Congress.''.

**SEC. 416. ADMINISTRATIVE SIMPLIFICATION.**

Part D of title XXVI of the Public Health Service Act, as amended by section 415 of this Act, is amended by inserting after section 2675A the following section:

**''SEC. 2675B. ADMINISTRATIVE SIMPLIFICATION REGARDING PARTS A AND B.**

''(a) COORDINATED DISBURSEMENT.—After consultation with the States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary shall develop a plan for coordinating the disbursement of appropriations for grants under part A with the disbursement of appropriations for grants under part B in order to assist grantees and other recipients of amounts from such grants in complying with the requirements of such parts. The Secretary shall submit the plan to the Congress not later than 18 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000. Not later than 2 years after the date on which the plan is so submitted, the Secretary shall complete the implementation of the plan, notwithstanding any provision of this title that is inconsistent with the plan.

''(b) BIENNIAL APPLICATIONS.—After consultation with the States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary shall make a determination of whether the administration of parts A and B by the Secretary, and the efficiency of grantees under such parts in complying with the requirements of such parts, would be improved by requiring that applications for grants under such parts be submitted biennially rather than annually. The Secretary shall submit such determination to the Congress not later than 2 years after the date of the enactment of the Ryan White CARE Act Amendments of 2000.

''(c) APPLICATION SIMPLIFICATION.—After consultation with the States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary shall develop a plan for simplifying the process for applications under parts A and B. The Secretary shall submit the plan to the Congress not later than 18 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000. Not later than 2 years after the date on which the plan is so submitted, the Secretary shall complete the implementation of the plan, notwithstanding any provision of this title that is inconsistent with the plan.''.

**SEC. 417. AUTHORIZATION OF APPROPRIATIONS FOR PARTS A AND B.**

Section 2677 of the Public Health Service Act (42 U.S.C. 300ff–77) is amended to read as follows:

**''SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.**

''(a) PART A.—For the purpose of carrying out part A, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

''(b) PART B.—For the purpose of carrying out part B, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.''.

**TITLE V—GENERAL PROVISIONS**

**SEC. 501. STUDIES BY INSTITUTE OF MEDICINE.**

(a) STATE SURVEILLANCE SYSTEMS ON PREVALENCE OF HIV.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study to provide the following:

(1) A determination of whether the surveillance system of each of the States regarding the human immunodeficiency virus provides for the reporting of cases of infection with the virus in a manner that is sufficient to provide adequate and reliable information on the number of such cases and the demographic characteristics of such cases, both for the State in general and for specific geographic areas in the State.

(2) A determination of whether such information is sufficiently accurate for purposes of formula grants under parts A and B of title XXVI of the Public Health Service Act.

(3) With respect to any State whose surveillance system does not provide adequate and reliable information on cases of infection with the virus, recommendations regarding the manner in which the State can improve the system.

(b) RELATIONSHIP BETWEEN EPIDEMIOLOGICAL MEASURES AND HEALTH CARE FOR CERTAIN INDIVIDUALS WITH HIV DISEASE.—

(1) IN GENERAL.—The Secretary shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study concerning the appropriate epidemiological measures and their relationship to the financing and delivery of primary care and health-related support services for low-income, uninsured, and under-insured individuals with HIV disease.

(2) ISSUES TO BE CONSIDERED.—The Secretary shall ensure that the study under paragraph (1) considers the following:

(A) The availability and utility of health outcomes measures and data for HIV primary care and support services and the extent to which those measures and data could be used to measure the quality of such funded services.

(B) The effectiveness and efficiency of service delivery (including the quality of services, health outcomes, and resource use) within the context of a changing health care and therapeutic environment, as well as the changing epidemiology of the epidemic, including determining the actual costs, potential savings, and overall financial impact of modifying the program under title XIX of the Social Security Act to establish eligibility for medical assistance under such title on the basis of infection with the human immunodeficiency virus rather than providing

such assistance only if the infection has progressed to acquired immune deficiency syndrome.

(C) Existing and needed epidemiological data and other analytic tools for resource planning and allocation decisions, specifically for estimating severity of need of a community and the relationship to the allocations process.

(D) Other factors determined to be relevant to assessing an individual's or community's ability to gain and sustain access to quality HIV services.

(c) OTHER ENTITIES.—If the Institute of Medicine declines to conduct a study under this section, the Secretary shall enter into an agreement with another appropriate public or nonprofit private entity to conduct the study.

(d) REPORT.—The Secretary shall ensure that—

(1) not later than 3 years after the date of the enactment of this Act, the study required in subsection (a) is completed and a report describing the findings made in the study is submitted to the appropriate committees of the Congress; and

(2) not later than 2 years after the date of the enactment of this Act, the study required in subsection (b) is completed and a report describing the findings made in the study is submitted to such committees.

**SEC. 502. DEVELOPMENT OF RAPID HIV TEST.**

(a) EXPANSION, INTENSIFICATION, AND COORDINATION OF RESEARCH AND OTHER ACTIVITIES.—

(1) IN GENERAL.—The Director of NIH shall expand, intensify, and coordinate research and other activities of the National Institutes of Health with respect to the development of reliable and affordable tests for HIV disease that can rapidly be administered and whose results can rapidly be obtained (in this section referred to a ''rapid HIV test'').

(2) REPORT TO CONGRESS.—The Director of NIH shall periodically submit to the appropriate committees of Congress a report describing the research and other activities conducted or supported under paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

(b) PREMARKET REVIEW OF RAPID HIV TESTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in consultation with the Director of the Centers for Disease Control and Prevention and the Commissioner of Food and Drugs, shall submit to the appropriate committees of the Congress a report describing the progress made towards, and barriers to, the premarket review and commercial distribution of rapid HIV tests. The report shall—

(A) assess the public health need for and public health benefits of rapid HIV tests, including the minimization of false positive results through the availability of multiple rapid HIV tests;

(B) make recommendations regarding the need for the expedited review of rapid HIV test applications submitted to the Center for Biologics Evaluation and Research and, if such recommendations are favorable, specify criteria and procedures for such expedited review; and

(C) specify whether the barriers to the premarket review of rapid HIV tests include the unnecessary application of requirements—

(i) necessary to ensure the efficacy of devices for donor screening to rapid HIV tests intended for use in other screening situations; or

(ii) for identifying antibodies to HIV subtypes of rare incidence in the United States to rapid HIV tests intended for use in screening situations other than donor screening.

(c) GUIDELINES OF CENTERS FOR DISEASE CONTROL AND PREVENTION.—Promptly after commercial distribution of a rapid HIV test begins, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish or update guidelines that include recommendations for States, hospitals, and other appropriate entities regarding the ready availability of such tests for administration to pregnant women who are in labor or in the late stage of pregnancy and whose HIV status is not known to the attending obstetrician.

**SEC. 503. TECHNICAL CORRECTIONS.**

(a) PUBLIC HEALTH SERVICE ACT.—Title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.) is amended—

(1) in section 2605(d)—

(A) in paragraph (1), by striking ''section 2608'' and inserting ''section 2677''; and

(B) in paragraph (4), by inserting ''section'' before 2601(a)''; and

(2) in section 2673(a), in the matter preceding paragraph (1), by striking ''the Agency for Health Care Policy and Research'' and inserting ''the Director of the Agency for Healthcare Research and Quality''.

(b) RELATED ACT.—The first paragraph (2) of section 3(c) of the Ryan White Care Act Amendments of 1996 (Public Law 104–146; 110 Stat. 1354) is amended in subparagraph (A)(iii) by striking ''by inserting the following new paragraph:'' and inserting ''by inserting before paragraph (2) (as so redesignated) the following new paragraph''.

**TITLE VI—EFFECTIVE DATE**

**SEC. 601. EFFECTIVE DATE.**

This Act and the amendments made by this Act take effect October 1, 2000, or upon the date of the enactment of this Act, whichever occurs later.

The SPEAKER pro tempore. Pursuant to House Resolution 611, the gentleman from Oklahoma (Mr. COBURN) and the gentleman from Ohio (Mr. BROWN) each will control 30 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. COBURN).

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

Mr. Speaker, this is a bill that is long overdue. Before we get into the topic of discussions on this bill, I think it is important that the American public know that this reauthorization is going to allow at least $1 billion per year to be spent in Ryan White CARE Act policies and procedures. Also, the American public should know that we are going to spend about $10 billion a year on this epidemic, both in terms of research, drug treatments, and all associated factors with it.

As we think about that, if we were to apply the same efforts to many other diseases in our country, we would be achieving far more than we are today.

This bill is long overdue. It is long overdue in a lot of ways. It is long overdue because the government has failed through the CDC and the FDA and the NIH to appropriately handle this epidemic.

Two decades ago, the HIV/AIDS epidemic was recognized. Our Federal response to HIV/AIDS epidemic at that time was to ignore proven public health policies. This bill institutes for the first time in the Ryan White CARE Act proven public health policies that will, in fact, make a difference in the number of people who are infected.

These include ensuring medical access to all who are infected, not a special select few; early intervention in people who are infected; reliable disease surveillance and partner notification, including a responsibility to not infect anyone else with this disease. We will also, for the first time, recognize all of those living with HIV rather than focusing exclusively on those with AIDS.

There are many other noteworthy changes made by this bill. Waiting lists to access life-saving HIV medications under the AIDS Drug Assistance program will be eliminated. Prevention will be incorporated as part of the comprehensive care program. Planning councils will be more representative of the infected population. Patients who rely on the CARE Act for their well-being will be given a greater voice in priority setting, and accountability safeguards will ensure that Federal AIDS funds will be spent on needed patient care. This bill will also provide Federal assistance to States to ensure that all pregnant women with HIV and their children are identified and provided care.

One of the most promising victories in the battle against AIDS was a 1994 finding that the administration of a drug could significantly reduce the chance that a child born to an HIV positive mother would become infected. Yet, despite these miracles, a significant number of women still are not tested for HIV during their pregnancy, and hundreds of children are needlessly infected each year with an incurable disease that will prematurely claim their lives.

This bill will provide up to $400 million annually to any State that makes identifying and ensuring proper care for HIV and infected women and their HIV-exposed newborns a priority.

The two States with such baby AIDS laws, New York and Connecticut, have experienced great success. Universal newborn HIV testing has resulted in the identification of all HIV-exposed births and has allowed hospital and health department staff to ensure that over 98 percent of HIV positive mothers are aware of their HIV status and have newborns referred for early diagnosis and care of HIV infection. That is according to Dr. Guthrie Birkhead, the director of the New York AIDS Institute.

Dr. Birkhead noted that the rates of prenatal care have been increasing, not decreasing as we were told would happen. There has been no detectable change in prenatal participation trends that might be related to the newborn testing program.

The Connecticut baby AIDS law, which requires every newborn to be screened for HIV if the mother's status is unknown, was enacted almost a year ago. In the first 10 months, 26 newborns who were perinatally exposed to HIV

have been identified. This is more than four times as many as were diagnosed with HIV in the previous 3 years combined.

This substantial financial incentive amounts to a Federal endorsement of universal HIV newborn testing as a routine medical practice. I must regrettably note that the organization in my profession that purports to represent physicians who care for mothers and women has yet to endorse this. The question we ought to ask ourselves is why the American College of Obstetricians and Gynecologists, knowing that we can save children's lives and we can treat women, has failed to yet endorse this.

This bill will also provide additional resources to support partner notification programs so that everyone who has been exposed to HIV is given the right to know that exposure. In addition, it will empower those who are infected to protect others from infection by providing prevention counseling as a part of a comprehensive care program. This includes providing advice on how to disclose one's HIV status to a potential partner and emphasizing to those living with HIV that they have a responsibility not to give this disease to anyone else.

Finally, the bill recognizes everyone living with HIV and guarantees access to life-saving treatment to all who are infected. Current funding formulas are based on AIDS infection, the end stage of HIV infection. The CDC only recently recommended that States begin tracking the full scope of the epidemic, not just AIDS. The American public ought to be asking why has it waited so long.

Over 12 years ago, the Presidential Commission on HIV warned the continual focus on AIDS rather than the full spectrum of HIV disease has left our Nation unable to deal adequately with the epidemic. Well, this bill changes that. This observation was absolutely correct. Yet, it was ignored by the CDC and Federal policy makers. The results have been devastating.

While our attention was placed on AIDS, the virus silently spread through communities of color, and more and more women became unknowingly infected. Only now are AIDS statistics revealing the paths that the virus took 10 years ago. Unfortunately, the casualties are increasingly rising for women and women of color.

While women and African-Americans comprise the majority of new HIV infections, they also receive less appropriate care according to the General Accounting Office. This is a direct result of the CARE Act's misplaced emphasis on AIDS data and determining funding and priority setting. That has changed with this bill.

All of these changes, while long overdue, will do much to improve our Nation's responsibilities to HIV and AIDS by ensuring medical access to all of those who are infected and by providing the proper care for all.

Mr. Speaker, I include the following letter for the RECORD, as follows:

GENERAL ACCOUNTING OFFICE,
*Washington, DC, August 24, 2000.*

Hon. TOM A. COBURN,
*Vice Chair, Subcommittee on Health and Environment, Committee on Commerce, House of Representatives.*

Subject: Ryan White CARE Act: Title I Funding for San Francisco

DEAR MR. COBURN: This letter responds to your request for additional information regarding funding for San Francisco under the Ryan White CARE Act. Specifically, you asked that we compare San Francisco's fiscal year 2000 title I grant award, which was determined using the act's hold-harmless provision, with what the award would have been had deceased AIDS cases been included in the calculation. You also asked how funding for San Francisco that was based on the inclusion of deceased AIDS cases would have compared with the amount San Francisco would have received if the fiscal year 2000 hold-harmless level had been reduced by 25 percent.

In brief, San Francisco's fiscal year 2000 title I grant award would have been 26 percent less had both living and deceased AIDS cases been used to calculate the award instead of the current hold-harmless provision. The reason for this result is the substantial decline in newly reported AIDS cases in San Francisco compared with other eligible metropolitan areas (EMA). Therefore, a 25-percent reduction in the current hold-harmless level would have provided San Francisco with funding comparable to what it would have received if title I grants had been calculated on the basis of both deceased and living cases.

This analysis is based on data obtained from the Centers for Disease Control and Prevention and computer models we developed to calculate how funding would change under various formula scenarios. We performed our work in August 2000 according to generally accepted government auditing standards.

BACKGROUND

The Ryan White CARE Act of 1990 provides health care and preventive services to people infected with the human immunodeficiency virus. Prior to the 1996 reauthorization of the act, the number of both living and deceased AIDS cases was used to distribute title I funds among EMAs. Under this practice, areas of the country with the longest experience with the disease had the most deceased cases and therefore received funding disproportionate to their share of living cases in need of care. The 1996 reauthorization eliminated this practice by counting only live AIDS cases. The effect of the change was to shift funding away from EMAs with higher proportions of deceased cases and toward those with newly diagnosed cases. As geographic trends in the disease change, the revised formula automatically realigns funding with the current distribution of the disease.

A hold-harmless provision was also included in the 1996 reauthorization to provide for a gradual transition to new funding levels for those EMAs that would otherwise have experienced substantial funding decreases. This provision allowed grant awards for affected EMAs to decline by no more than 5 percent by fiscal year 2000. In fiscal year 1996, four EMAs benefited from the hold-harmless provision: San Francisco, New York, Houston, and Jersey City. By fiscal year 1999, all but San Francisco had made the transition to the new formula.

Under the current title I formula, EMAs receive grant awards that are proportional to the number of living AIDS cases. In fiscal year 2000, Los Angeles had 6.9 percent of all AIDS cases nationally and received 6.7 percent of title I funding. Similarly, Miami had 4.4 percent of all AIDS cases and received 4.3 percent of title I funding. EMAs received $1,290 in title I funds per AIDS case in fiscal year 2000. However, because of the hold-harmless provision, San Francisco's grant award was substantially higher: it received $2,360 per AIDS case, or 80 percent more than other EMAs. As a consequence, San Francisco received 6.7 percent of title I formula funding even though it had just 3.8 percent of all living AIDS cases.

RESULTS OF DIFFERENT FUNDING APPROACHES

If both deceased and living AIDS cases had been used to calculate fiscal year 2000 title I formula grants instead of the hold-harmless provision, San Francisco's grant would have been about 4.9 percent of all title I formula funding, or 26 percent less than it actually was (see fig. 1). Thus, a 25-percent reduction in the current hold-harmless level, as provided for in H.R. 4807, would have an effect on San Francisco's funding similar to that of calculating grant awards on the basis of both deceased and living cases.

An important reason that San Francisco's share of living AIDS cases is so much lower than its share of title I formula funding is that the rate of new cases has declined to a much greater extent in San Francisco than in almost any other area of the country. As figure 2 shows, San Francisco's newly reported AIDS cases dropped by over 50 percent between 1990 and 1999, while other EMAs have shown either smaller declines (Los Angeles) or increases (Miami).

At the start of the decade, Los Angeles and San Francisco were reporting nearly the same number of new AIDS cases (2,130 in Los Angeles and 1,923 in San Francisco). By the end of the decade, San Francisco was reporting half as many new cases as Los Angeles (904 compared with 2,027). Similarly, at the start of the decade, Miami was reporting about half as many new AIDS cases as San Francisco (1,076 in Miami compared with 1,923 in San Francisco). By the end of the decade, Miami was reporting about 70 percent more new cases than San Francisco.

We did not obtain comments from other parties because your request pertains to the formula provisions in the law and not to the activities of any agency or organization.

If you have any questions regarding this letter, please contact me at (202) 512–7118 or Jerry Fastrup at (202) 512–7211. Greg Dybalski and Michael Williams made major contributions to this work.

Sincerely yours,

JANET HEINRICH,
*Associate Director, Health Financing and Public Health Issues.*

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

1045

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

I first want to commend the gentleman from Oklahoma (Mr. COBURN) and the gentleman from California (Mr. WAXMAN) for their outstanding work on the Ryan White CARE Act Amendments of 2000.

I also want to acknowledge the gentlewoman from California (Ms. ESHOO). Her constituents should know she worked exceptionally hard on this bill, particularly on those provisions with particular significance to San Francisco. The same can be said of the gentlewoman from California (Ms. PELOSI).

She deserves a great deal of credit and praise for her ongoing involvement and input on these provisions.

This bill required a tremendous amount of work and negotiation. Staff members Paul Kim and Roland Foster put in a staggering number of hours, and it shows in the quality of the final product. John Ford, Marc Wheat, Karen Nelson, Eleanor Dehoney also deserves our thanks, as well as Stacey Rampey and Scott Boule.

Over the last several years, much has been written about ''The changing face of AIDS.'' This is not a wholly accurate characterization. HIV/AIDS is not a moving target. It does not leave one population when it moves to another population. Instead, HIV/AIDS expands to absorb new populations while continuing its progression in groups already affected by the virus.

When the AIDS epidemic surfaced in this country 19 years ago, white gay males were the at-risk population. That has not changed. The population still is at an elevated risk. But the epidemic has expanded its reach dramatically in these 2 decades. The latest HIV/AIDS statistics show that African American and Latino communities are significantly over-represented in the number of new HIV infections. African Americans comprise 12 percent of the population but accounted for more than 50 percent of the estimated 40,000 new HIV infections in 1999.

The aggressive nature of this virus calls for an equally aggressive response, and it speaks to the importance of updating and reauthorizing the Ryan White Act. Ryan White programs get information and services to the people who need them. They combat the illness as well as the alienation and isolation that can be one of its most disabling effects.

If HIV/AIDS is a war, and it is set to kill more people worldwide than World War I, World War II, Korea, and Vietnam combined, then the Ryan White programs are this Nation's front line defenses. The act was created in memory of Ryan White, a young teenager who became a national hero in the fight against HIV/AIDS. Ryan wanted to attend school. He wanted to be treated like other young people. Those seem like modest goals, but he had to overcome tremendous obstacles to achieve them.

Ryan was a hemophiliac and contracted HIV through a bad blood transfusion. But he fought against ignorance, he fought against fear, he fought against prejudice on behalf of all individuals with HIV/AIDS. Ryan died on April 8, 1990, at the age of 18. Ten years after his death, the law named after him carries on his legacy.

The Ryan White CARE Act has made a tremendous difference in the lives of people living with HIV/AIDS. In my district, which includes much of Ohio's only title I-eligible metropolitan area, so-called EMA, Ryan White programs provide primary care and support services and the kinds of medications that can tame HIV/AIDS into a chronic, rather than an acute, illness. There is more to do, and the Ryan White Act will continue to play a pivotal role.

In Ohio, while AIDS deaths have declined, the incidence of HIV/AIDS has increased dramatically. After declining steadily, the incidence of HIV/AIDS among young gay males is again on the rise. HIV/AIDS is expanding into new populations while continuing to spread in those populations originally at risk. Prevention is vital; treatment is vital; Ryan White programs are vital.

During the 13th International AIDS Conference held in Durbin, South Africa, scientists shared some amazing research findings. These findings provide sorely needed hope for developing nations ravaged by HIV/AIDS. The research indicates that the so-called AIDS cocktails, which have revolutionized HIV/AIDS treatment in the U.S. and other industrialized nations, can be successfully used even in countries lacking a sophisticated health care infrastructure.

That does not mean it will be easy. There must have been times when Ryan White himself felt overwhelmed by the intransigence, the callousness, and the hatred that he encountered. This Nation should fight AIDS here and abroad with that sense of commitment that he had. Reauthorizing Ryan White is part of that commitment, and I urge its passage.

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

Mr. COBURN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health of the Committee on Commerce.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding me this time and for being here to lead our side on this very, very significant bill.

I too arise in support of this amendment to S. 2311, the Ryan White CARE Act Amendments of 2000. This final legislation is the result of negotiations between the Senate and the House, and the resulting bill is designed to bring the CARE Act into the 21st century.

I salute my committee colleagues, the gentleman from Oklahoma (Mr. COBURN) and the gentleman from California (Mr. WAXMAN), for their excellent work on this legislation; and I urge Members to support its passage.

My Subcommittee on Health and Environment held a hearing on the bill, and the full Committee on Commerce approved it by voice vote after adopting several bipartisan amendments to further refine and strengthen this very important measure.

Before the August recess, the House approved legislation to reauthorize the Ryan White CARE Act with strong bipartisan support. The act provides critical funding to address the needs of patients living with HIV and AIDS. S. 2311 reflects the agreements reached between the House and the Senate, and I expect this bill to be signed into law in the near future.

The Ryan White Comprehensive AIDS Resources Emergency, or ''CARE'' Act as we call it, was enacted in 1990 and Congress approved bipartisan legislation to reauthorize the law in 1996. The Ryan White CARE Act provides critical funding for health and social services to the estimated 1 million Americans living with HIV and AIDS. The bill before us will ensure that these patients continue to receive the care and medications they need to enhance and prolong their lives.

The bill makes an important change by relying on the number of HIV-infected individuals as opposed to only the number of persons living with AIDS as the basis for allocating funding under titles I and II of the Ryan White CARE Act. By targeting resources to the front line of the epidemic, we will be able to reduce transmission rates and ensure the necessary infrastructure is in place to provide care to HIV-positive individuals as soon as possible.

This change will allow the Federal Government to be proactive instead of reactive in the fight against HIV and AIDS. It should be noted, however, Mr. Speaker, that this shift will only occur when reliable data on HIV prevalence is available.

The bill also includes a ''hold harmless'' provision to ensure that no metropolitan area will suffer a drastic reduction in CARE Act funds. The bill which originally passed the House would have hurt certain cities such as San Francisco. In this regard, Mr. Speaker, I will submit for the RECORD a letter that GAO sent to the gentleman from Oklahoma (Mr. COBURN). After lengthy negotiations, it has been agreed the hold harmless reduction will be a compromised 15 percent over the next 5 years.

The Ryan White CARE Act must be reauthorized to improve our public health strategies. The bill before us will ensure that the HIV/AIDS epidemic can be tracked more accurately and that appropriate funding and information about this disease can be directed effectively. I have been very encouraged to hear from patient advocates in support of this measure. For example, AIDS Action stated that it is ''very pleased with the compromise bill that has been negotiated between the House and the Senate. It represents a modernization of the CARE Act and will allow us to provide quality care for people with HIV and AIDS.''

In closing, Mr. Speaker, I want to again recognize the hard work of all the Members and their staffs, whose bipartisan efforts advanced this reauthorization bill. The gentleman from Oklahoma (Mr. COBURN) and the gentleman from California (Mr. WAXMAN), who I mentioned previously, and staff members Roland Foster and Paul Kim worked very hard to advance this measure in the House, working with Senators JEFFORDS, FRIST, and KENNEDY. And obviously, working with my counterpart on the other side in the

subcommittee, the gentleman from Ohio (Mr. BROWN), the gentleman from Michigan (Mr. DINGELL), et cetera, we were able to craft this compromise legislation.

It is a critical piece of legislation that can literally save lives, and I urge all Members to join me today in supporting this important legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. PELOSI), who has been one of the real leaders in this whole process in pulling this bill together.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to compliment him on his great leadership on this legislation; he and the gentleman from Florida (Mr. BILIRAKIS) for their leadership, and I associate myself with the comments that the gentleman from Florida made in recognition of those who worked so hard to make it a success; and, if it is allowed, to especially recognize the work of Senator KENNEDY for bringing about the compromises that exist in this bill.

The gentleman from California (Mr. WAXMAN) has been a champion in Congress since the onset of the AIDS epidemic, and his leadership is very much in evidence in this bill; and the ranking member, the gentleman from Ohio (Mr. BROWN), helped us through some difficult times here, but I think the product is one that this whole body can wholeheartedly support. That is why, Mr. Speaker, I rise in strong support of the reauthorization of the Ryan White CARE Act.

Passage of this vital legislation is the most important action this Congress can take on the issue of AIDS this year. And I would like to thank again the Committee on Commerce, the gentleman from Michigan (Mr. DINGELL), the gentleman from Virginia (Mr. BLILEY), the gentleman from Florida (Mr. BILIRAKIS), the gentleman from California (Mr. WAXMAN), the gentleman from Ohio (Mr. BROWN), and also point out the distinguished work of the gentlewoman from California (Ms. ESHOO).

The gentlewoman from California (Ms. ESHOO) lives in the same metropolitan area that I do. We are in the same area for care and treatment and prevention for people with HIV/AIDS. This is about care today, but her leadership on the committee has been indispensable to the success that we see here today with this legislation.

Since the beginning of the AIDS epidemic, my district in San Francisco has been one of the most severely impacted in the country. When I came to the Congress 13 years ago, we had already lost over 13,000 of our friends and loved ones to the AIDS epidemic. That is 13,000, 13 years ago. We have suffered greatly, but we have learned a lot we would like the rest of the country to benefit from as we have responded to this challenge.

The Ryan White CARE Act was modeled on a system of community-based care that we developed to face the crisis in the 1980s. As a result of this work early in the epidemic, San Francisco produced data that showed the country that comprehensive HIV/AIDS care and services not only saved lives but also saved money and valuable health care resources. Today, the CARE Act programs provide foundation for care and treatment for low-income individuals with HIV and AIDS.

The recent declines we have seen in AIDS deaths are a direct result of the therapies and services that have been made more widely available through the CARE Act to large numbers of uninsured and underinsured people with HIV and AIDS. Each year, the CARE Act ensures that approximately half a million people, 500,000 people, living with HIV and AIDS have access to the medical services, including pharmaceuticals that are needed to sustain and prolong life. This represents approximately two-thirds of the individuals living with HIV/AIDS in this country.

Although great strides have been made, there is much more to be done. The combination therapies that have brought us so much hope are still not reaching all those in need. The changing nature of the HIV/AIDS epidemic, along with the continuing impact of it in traditionally affected communities, has created new challenges for the CARE Act. People of color now represent the majority of new AIDS cases, and the proportion of new AIDS cases among women has grown from 11 percent in 1990 to 23 percent in most recent statistics.

In addition, new HIV infections have remained constant at 40,000 cases per year. These new infections, combined with the decline in AIDS deaths, means more individuals than ever before are living with HIV and in need of treatment regimens that are costly, complicated and lifelong. As a result, the demand on HIV care providers has grown.

The Ryan White CARE Act's remarkable ability to adapt to the changing nature of the AIDS epidemic was confirmed earlier this year when a GAO report concluded that the CARE Act is helping our public health infrastructure adjust to these new challenges by directing services to African Americans, Hispanics, and women in higher proportions than their representation in the AIDS population.

Again, I thank our colleagues, including the gentleman from Oklahoma (Mr. COBURN) and the Committee on Commerce for their great work. This program is an important example of the way that effective leadership at the Federal, State, and local levels can translate into improved health outcomes for the people of this country. I think it also is a wonderful example of bipartisanship, where we can all come together and give what I hope will be unanimous support for this act. I urge my colleagues to vote ''yes'' on the reauthorization.

Mr. Speaker, I serve on the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations, and one of the priorities we have there is research, prevention, and care for people with HIV/AIDS.

1100

We want to focus heavily on prevention. We must continue our research for a cure. We are trying to find a vaccine and, hopefully, that will happen before not too long. But we must never forget the people out there who are diagnosed with HIV and AIDS now.

I am pleased that the bill eventually will recognize and count those infected with HIV but not full-blown cases of AIDS in the numbers and in the formula. I wish that would have been sooner. But, nonetheless, there is the recognition. I commend the legislators on the committee, members of the committee, for making that distinction and having it be a part of our formula down the road.

Once again, Mr. Speaker, I want to commend the gentleman from California (Mr. WAXMAN) who I see now on the floor. As I said earlier, he has been a champion since day one on this issue. We have all been very well-served by his leadership, that of the gentleman from Ohio (Mr. BROWN) and others.

I urge my colleagues to vote aye.

Mr. COBURN. Mr. Speaker, I ask unanimous consent that the remainder of the time on our side be controlled by the gentleman from Florida (Mr. BILIRAKIS).

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

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in strong support of the Ryan White CARE Act Amendments of 2000. I want to thank the gentleman from Florida (Chairman BILIRAKIS) for his leadership in bringing this bill to the floor and the gentleman from Ohio (Mr. BROWN), the ranking member, for his role in so doing.

And also, there are other colleagues of ours who deserve particular attention. The gentleman from Oklahoma (Mr. COBURN), the gentleman from California (Mr. WAXMAN) and the gentleman from Ohio (Mr. BROWN) worked very hard. They were dedicated in their commitment and their hard work has paid off for these critical programs.

The CARE Act represents the largest authorization of Federal funds specifically designated to provide health and social services to people infected with HIV. Declaring an AIDS emergency, Congress passed the Ryan White Comprehensive AIDS Resources Emergency Act in August of 1990. Six years later, we voted to reauthorize the CARE Act

by a unanimous vote in the House of Representatives and a 97–3 vote in the Senate.

Over the last 9 years, the CARE Act has helped increase the availability of primary care health and support services especially for the uninsured and underinsured persons with HIV disease. The multi-title structure of the CARE Act has worked effectively to dramatically improve the quality of life for people living with HIV and their families. It has helped to reduce cost of inpatient care and increase access to care for underserved populations, including people of color.

The legislation we are considering today revises the grant formulas to shift the emphasis of the programs away from treating people with full-blown AIDS to people with the viral precursor, HIV, of AIDS. This legislation includes a new formula beginning in 2005 for distributing funds to States and cities based on the number of both AIDS and HIV cases compared to the current formula, which allocates funds based solely on AIDS cases.

Also included in this measure is $20 million to reduce HIV mother-to-child transmission. The bill also addresses prevention of the disease by including $30 million for tracking the disease and encouraging people to notify their partners.

Additionally, those receiving care through Ryan White programs are required to enroll in counseling programs.

Today, promising new drug therapies have brought new hope and new challenges to the battle against the epidemic, but these new drugs do not constitute a cure and an effective vaccine is still years away. Moreover, the treatments do not work for everyone, they are difficult to access especially for communities of color, and their long-term efficacy remains unknown. Nonetheless, AIDS deaths have declined dramatically in the last 3 years and more people are living longer with HIV.

The HIV/AIDS epidemic thus remains an enormous health emergency in the United States, and it will remain so into this century. The state of the epidemic points to an increase rather than a decrease in the overall need for health care, drug treatment, social services. As a Nation, we must continue our effort to expand access to these services for people living with HIV/AIDS, particularly in communities of color and women.

This Ryan White CARE Act has proven to be an essential and effective part of the Federal response to the HIV/AIDS crisis. This legislation will ensure we continue this response.

I certainly ask this body to support this comprehensive, meaningful and truly successful legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4½ minutes to the gentleman from California (Mr. WAXMAN) who played a very central role in the negotiations on this bill.

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

Mr. Speaker, I rise in strong support of S. 2311, the Ryan White CARE Act Amendments of 2000.

As the original author of the Ryan White CARE Act and the coauthor of the House reauthorization bill, H.R. 4807, I want to applaud the Members and the staffs on both sides of the aisle for moving this crucial legislation with such speed and bipartisan cooperation.

I want to recognize the gentleman from Oklahoma (Mr. COBURN) for his commitment to reauthorizing this Act and his leadership in fashioning the compromises that allowed us to move the bill I think virtually unanimously through the House and to get an agreement with the Senate. He made this consensus legislation a reality.

The gentleman from Florida (Chairman BILIRAKIS), the gentleman from Ohio (Mr. BROWN), the gentleman from Virginia (Chairman BLILEY), and the gentleman from Michigan (Mr. DINGELL) have lent their unqualified support. And numerous Members, including the gentlewoman from California (Ms. PELOSI), the gentleman from New York (Mr. TOWNS), the gentlewoman from California (Ms. ESHOO), the gentleman from Texas (Mr. RODRIGUEZ) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) have helped ensure its passage.

Mr. Speaker, the original CARE Act was enacted in the wake of a decade of lost opportunities. I told this House in 1990 that, ''Having missed our opportunity to provide an ounce of prevention, we must now prepare to pay for pounds and pounds of cure.''

Today, the AIDS epidemic is everywhere. It threatens everyone. But there is still no vaccine and there is still no cure. Nevertheless, the Ryan White CARE Act has made an enormous difference. It provides care to tens of thousands of Americans living with HIV/AIDS. It helps their families cope with the burdens of AIDS and HIV infection, and it provides urgently needed funding to community providers and hospitals to combat the epidemic.

Today's overwhelming bipartisan support for the CARE Act demonstrates that Congress understands how crucial it is to the health and welfare of our country.

Mr. Speaker, this legislation preserves the best features of the CARE Act while making reforms to better respond to a changing epidemic.

First and foremost, this legislation better addresses the needs of individuals with HIV who have not developed AIDS. In 2004, we will determine whether to use nationwide data on HIV infection in the CARE Act. I believe this will happen, and I have been told by the State of California that they will have such data by 2004.

We also call on States and cities to do more to reach those who are not receiving care and to serve the needs of our historically underserved communities. We call for ending lingering disparities in care and for better coordination of HIV/AIDS treatment with prevention.

We have also focused CARE Act programs on the needs of vulnerable populations. Funds will be allocated to better reflect the proportions of women, children, infants and youth with HIV. I expect this will increase such funding for those populations in the future.

This legislation also greatly expands our national effort to eliminate the perinatal transmission of HIV/AIDS. These new funds will help bring the number of babies born with HIV in our country down to zero.

We also redirect funding to cities and States in the greatest need of assistance. The title I and title II ''hold harmless'' provisions have been revised to ensure a manageable transition to funding allocations which better reflect the epidemic. At the same time, potential disruptions in patient care are minimized. And the title I, title II, and AIDS Drug Assistance Program (ADAP) supplemental grants will assist cities and States with the greatest need of funds.

These are the principal reforms to the CARE Act. They will expand access, improve quality, and enhance services for individuals with HIV and AIDS.

Regrettably, Mr. Speaker, much more could be done and much more needs to be done. We must expand Medicaid to provide care to individuals with HIV who have not developed AIDS. We must lead the global search for an effective HIV vaccine and a cure for AIDS. And we must provide resources and our hard-earned expertise to help other countries combat the epidemic.

For today, though, I am pleased that we will fulfill the expectations of Jeanne White, the mother of Ryan White, and of so many Americans living with HIV and AIDS by reauthorizing the Ryan White CARE Act.

Mr. Speaker, I rise in strong support of the Ryan White CARE Act Amendments.

As the original author of the Ryan White CARE Act and the co-author of the House reauthorization bill, H.R. 4807, I want to applaud the Members and the staff on both sides of the aisle for moving this crucial legislation with such speed and bipartisan cooperation.

I want to recognize Dr. COBURN for his commitment to reauthorizing the CARE Act. He has made this consensus legislation a reality. Chairman BILIRAKIS and Mr. BROWN, Chairman BLILEY and Mr. DINGELL have lent their unqualified support. And numerous Members, including Ms. PELOSI, Mr. TOWNS, Mr. ESHOO, Mr. RODRIGUEZ and Dr. CHRISTENSEN, have helped ensure its passage.

Mr. Speaker, the original CARE Act was enacted in the wake of a decade of lost opportunities. I told this House in 1990 that, ''Having missed our opportunity to provide an ounce of prevention, we must now prepare to pay for pounds and pounds of cure.''

Ten years ago, there were those who spoke of the AIDS epidemic as a thing of the past. There were those who dismissed the disease

as a danger to others, and not themselves. And there were those who opposed the Ryan White CARE Act.

Mr. Speaker, they were wrong then, and they are wrong today. The AIDS epidemic is everywhere. It threatens everyone. It is devastating the globe from Russia to subSaharan Africa. And there is still no vaccine. There is still no cure.

But in the face of these challenges, the CARE Act has made a difference. The CARE Act provides care to tens of thousands of Americans living with HIV/AIDS. If helps their families cope with the burdens of AIDS and HIV infection. And it provides urgently needed funding to community providers and hospitals to combat the epidemic.

Today's overwhelming bipartisan support for the CARE Act demonstrates that Congress understands how crucial it is to the health and welfare of our country.

Let me highlight the important ways this legislation preserves the best and proven features of the CARE Act, while making important and substantial reforms to better respond to a changing epidemic. I am particularly pleased that this consensus House and Senate legislation reflects virtually all of the provisions and agreements reached by this House in H.R. 4807.

Most important of all, this legislation better addresses the needs of individuals with HIV who have not developed AIDS. With 40,000 new infections every year and improved prospects for delaying the onset of AIDS, the number of new deaths from AIDS has declined but the number of individuals with HIV is rising inexorably. In response, this legislation calls on the Secretary of Health and Human Services to determine in 2004 whether we have nationwide data on accurate and reliable cases of HIV infection which can be used in allocating CARE Act funds. I believe this will happen, and I have been told by the State of California that they are confident they will have such data by 2004.

We also call on States and cities to better determine the number and demographics of individuals with HIV. We require special efforts to reach those who are not receiving care and serve the needs of our historically underserved communities. We call for ending lingering disparities in care. And we require States, cities and the Federal government to develop new strategies to better coordinate HIV/AIDS treatment with prevention.

The need for better coordination cuts across systems of care, Federal agencies, States, cities, providers and community organizations. Ten years ago, I described the CARE Act as providing ''a continuum of prevention services—counseling and testing, diagnostics for those who test positive, and therapeutics for those whose diagnostics indicate a medical intervention.'' Patients receiving care under the CARE Act today deserve seamless continuity between testing, counseling, treatments, support and prevention services.

Just last week, the Institute of Medicine released a comprehensive report on our nation's HIV prevention efforts. They concluded that ''prevention services for HIV-infected people should be integrated into the standard of care at all primary care centers, sexually-transmitted disease clinics, drug treatment facilities, and mental health centers.'' This is precisely what we set out to accomplish in H.R. 4807, and this policy is reflected fully in this final consensus legislation.

This legislation also strengthens the responsiveness of CARE Act programs to the public. Title I Planning Councils will include a greater number of independent individuals with HIV/AIDS. Planning Council meetings and records will be exposed to greater public ''sunshine.'' All Planning Council members will receive improved training. And States will make their planning more accessible to a broader range of public stakeholders.

We have also focused CARE Act programs on the needs of vulnerable populations. Just yesterday, the Office of National AIDS Policy announced that half of the 40,000 new HIV infections every year occur among our teens and young adults. In this legislation, funds will be allocated to better reflect the proportions of women, children, infants and youth with HIV. I expect this will increase such funding for these populations in the future.

We have also strengthened the Title IV program for medical care, social services, and access to research for low-income children, youth, women and families. States and cities must develop novel strategies to coordinate their HIV/AIDS services and substance abuse services. And the Secretary of Health and Human Services must develop a plan in consultation with the Attorney General for the treatment of prisoners with HIV/AIDS.

This legislation greatly expands our national effort to eliminate the perinatal transmission of HIV/AIDS. The last ten years have seen a dramatic decline in such cases, due largely to the treatment of pregnant mothers with zidovudine. In an important compromise, we have increased an existing $10 million CARE Act grant program by $20 million, with a proportion of new funds set aside for States with either mandatory newborn testing or significant declines in perinatal transmission. I am confident these funds will be well spent on offering counseling and testing to all pregnant women, outreach to high-risk women and other innovative prevention efforts.

Funding has also been redirected to cities and States with the greatest need of additional assistance. The Title I and Title II ''hold harmless'' provisions have been revised to ensure a manageable transition to funding allocations which better reflect the current distribution and epidemiology of the epidemic. This will be accomplished while minimizing potential disruptions in care for individuals with HIV/AIDS. Under Title II, States' base funds as well as their total funding will be held harmless to a small percentage of loss.

Under Title I, a city's potential loss in its formula allocation is limited to a percentage of the amount allocated to the city in the base year preceding its need for the hold harmless. In its fifth, consecutive year of need for the hold harmless, a city would lose no more than 15 percent of its base year allocation. Such losses would not be compounded, as was contemplated in the original Senate bill. But if the Secretary determines that data on HIV prevalence will be used in Title I formula grants in 2005, no city may lose more than 2 percent of its 2004 formula allocation in 2005.

Additionally, Title I supplemental grants and new AIDS Drug Assistance Program (ADAP) supplemental grants will be directed to cities and States with ''severe need'' for such funding, based on more objective and quantitative criteria. And new Title II supplemental formula grants will be given to ''emerging communities'' with AIDS case counts which fall below the threshold for Title I eligibility.

These are the principal reforms to the CARE Act. They will expand access, improve quality and enhance services for individuals with HIV/AIDS. And I want to recognize the hard work of House staff, including Roland Foster, Paul Kim, Karen Nelson, Marc Wheat, John Ford, Eleanor Dehoney, Brent Delmonte, Katie Porter, Anne Esposito and House Legislative Counsel Pete Goodloe, in making this possible.

Mr. Speaker, much more could be done and much more needs to be done. We must expand Medicaid to provide care to individuals with HIV who have not developed AIDS. We must lead the global search for an effective HIV vaccine and a cure to AIDS. And we must provide resources and our hard-earned expertise to help other countries combat the epidemic.

For today, though, I am pleased we will fulfill the expectations of Jeanne White, the mother of Ryan White, and of so many Americans living with HIV and AIDS by reauthorizing the Ryan White CARE Act.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN) the chairman of the Committee on International Relations.

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

Mr. Speaker, I rise today in support of S. 2311, the Ryan White CARE Act Amendments as adopted by the Senate. It is a primary source of Federal AIDS prevention and treatment funding. I commend the gentleman from Florida (Mr. BILIRAKIS), the subcommittee chairman on health and environment; the gentleman from Oklahoma (Mr. COBURN); the gentleman from Ohio (Mr. BROWN); and the gentleman from California (Mr. WAXMAN) for their full support of this important measure.

This legislation accomplishes many of our most important HIV goals: modifying the eligibility requirements and allocation formulas for grants to State and local governments; giving States increased flexibility to provide a wider range of treatments and support services; emphasizing the provision of services for women, infants, and children by substituting special grant set-asides; capping administrative and evaluation expenses for the grant programs; and requiring States to implement the Center for Disease Control guidelines regarding HIV testing and counseling for pregnant women.

Also included in this measure is an important fund, $20 million, to reduce HIV transmission from mothers to their babies and $30 million for tracking the disease and encouraging people to notify their partners, and provisions to require people receiving care through Ryan White programs to enroll in counseling programs.

In short, Mr. Speaker, this legislation not only demonstrates the bipartisan humanitarian spirit of this Congress, but also in working together in areas of mutual concern that we can accomplish worthy goals.

Accordingly, I am in strong support of the Ryan White CARE Amendments and I urge our colleagues to adopt it at the earliest possible date.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Mrs. CAPPS) who is a registered nurse and has been a real leader on all kinds of public health issues.

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding me the time.

Mr. Speaker, I rise in strong support of the Ryan White CARE Act Amendments of 2000. I commend my colleagues on the Committee on Commerce and others for all of their hard work.

Today's medical advances allow many individuals with AIDS to lead longer and more productive lives. However, as patients live longer, the cost of their care and treatment has placed an ever-greater demand on community-based organizations and State and local governments.

In the face of these challenges, the Ryan White CARE Act has made a great difference. This CARE Act provides care to tens of thousands of Americans living with HIV/AIDS.

Recently I spoke with the Health Educator, Jayne Brechwald, with the Santa Barbara County Health Care Services in my district. She works on a daily basis with members of the community who benefit greatly from Ryan White funding. She spoke in strong support of funding for crucial services such as Meals on Wheels, food banks, housing counseling. She also praised programs which help those diagnosed navigate the options available for them. These include the medical care, education, and dental care that are so important during this terrifying time in a person's life.

In Jayne's words, ''Ryan White funding is really about local control. The program requires that we do a needs assessment every year so that we have a very targeted, specific idea of how the population we serve is changing and how the funding is being utilized.''

I believe that the Ryan White Act represents the Federal Government at its best. This program defers to local expertise, while providing the needed helping hand of targeted Federal funding.

Mr. Speaker, I applaud this legislation and urge its passage.

Mr. BILIRAKIS. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding me the time. I also thank the gentleman from Florida (Mr. BILIRAKIS) for his leadership on this issue; as well as the minority chair of the Subcommittee on Health, the gentleman from Ohio (Mr. BROWN); and the gentleman from Oklahoma (Mr. COBURN) and the gentleman from California (Mr. WAXMAN) for their collaboration. Anytime the gentleman from Oklahoma (Mr. COBURN) and the gentleman from California (Mr. WAXMAN) agree on something, it has got to be pretty close to right on.

Mr. Speaker, I also want to thank Dorothy Mann from the Philadelphia area, a friend of mine, who helped negotiate one of the toughest aspects of this bill; and that has to do with the testing of newborns.

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AIDS is clearly the worst epidemic in modern history. It is a tragedy, and it has struck down so many millions of people around the world. But of all of its victims, certainly the children, the newborns, are the most innocent and the ones who tug most heavily on our hearts.

Four million women become pregnant in this country every year and 7,000 of those 4 million women are HIV positive. Several hundred of the babies that they bear will be born HIV positive. Of those little children, fully half of them will die before they reach the age of 3; and by the age of 5, 90 percent of them have perished. So obviously anything that can be done to rescue these children from that horrible fate needs to be done. When a woman's HIV status is known during her pregnancy, in two-thirds of the cases the child can be prevented from becoming HIV positive with AZT treatments that are given during pregnancy, during labor and several weeks afterwards, and Cesarian deliveries seem to very dramatically reduce the likelihood that the child will become HIV positive.

What we have done in this bill to try to solve the logjam between those who do and those who do not believe in mandatory testing is we have put $30 million in here to go to those States that either have mandatory testing laws or do the most through a variety of programs to reduce the incidence of HIV being passed on to newborns. In New York, they have had a law on the books for 3 years; and they have been able to identify every child who could potentially become exposed to HIV through delivery. They have been able to prevent all of that. In 98 percent of the cases, the mother has been able to get treatment. It has been wildly successful.

This bill goes a long way to making sure that that track record will apply to every State in the Union.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding time, and I thank him and his partners on the other side for their hard work in bringing this most important legislation to the floor.

This week, the surgeon general was quoted as saying the epidemic has evolved to become increasingly an epidemic of people of color, of women and of the young. We have got to get rid of this epidemic, not let it evolve; and what we are doing here this morning will have a great deal to do with getting rid of it.

The disease has moved to a devastating place, Mr. Speaker, to the poorest communities of color. Blacks are only 12 percent of the population. They are 50 percent of the new cases. Almost 80 percent of the new cases among women are black and Latino women. Half of the new cases occur in youth. We are now finding that we have to educate each new cohort perhaps every 4 or 5 years of gay men because the newest cohort needs to learn what those that have passed on in their 20s perhaps had to learn. We are dealing with a preventable disease. But when people get this disease, they need our care and they need our love.

I am grateful to the gay and lesbian community of this country for the way in which they brought this issue to the forefront and now have helped us gather a bipartisan majority for the Ryan White bill. If we continue to do what we are doing today, we will show what we all know, that this is a disease, unlike heart disease and unlike cancer, that we can prevent. This is a disease that we can eliminate. I thank all of those who contributed to this moment on the House floor.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Speaker, I rise in support of H.R. 4807, to reauthorize the Ryan White CARE Act. This reauthorization is very important to our Nation. It is particularly important to my constituents in the North Bay across the Golden Gate Bridge from San Francisco, and for all of the people in the entire San Francisco Bay region. This act provides crucial services for care and treatment for individuals with HIV and AIDS. To date, the CARE act has worked to dramatically improve the quality of life for people living with HIV and for their families. It has reduced the use of costly inpatient care as well as increased the access to high-quality care for underserved populations.

By supporting this important legislation, Mr. Speaker, we are ensuring that the thousands of Americans living with HIV/AIDS can continue to receive the care and the treatment that is absolutely necessary for their comfort and for their survival.

Mr. Speaker, we must spare no effort to fight the HIV/AIDS epidemic. By reauthorizing the Ryan White CARE Act, we are taking a positive step to successfully dealing with this very deadly disease. We must adopt the reauthorization.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in strong support of the Ryan White CARE Act. And I rise because this legislation has meant so much to so many people throughout the country. The Ryan White CARE

Act has meant so much that there are many people who feel as they tell their stories that without it they simply would not be alive.

Mr. John Davis, the newly elected co-chair of the city of Chicago's HIV services planning council, says if it was not for the Ryan White CARE Act, he would probably be dead. Mr. Davis, a former heroin addict, says that his road to recovery began with him seeking help at a Ryan White-funded housing program.

Like Mr. Davis, thousands of others throughout the country have had the same experiences. Mr. Derrick Hicks from Chicago is able to live longer and get access to medications he may not otherwise be able to afford. And so, as we continue to see the impact and the effects of this program throughout the country, I simply rise to support it and say that without it many people would not have had the quality of life. I urge continued support.

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

I again ask for this House's support for the Ryan White CARE Act. It is a tremendous testament to bipartisanship support and the negotiating skills of the gentleman from Oklahoma (Mr. COBURN) and the gentleman from California (Mr. WAXMAN) and their staffs. I ask for unanimous support from this House for this very good legislation that will make a big difference in dealing with this dreadful disease.

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

Mr. Speaker, I would like to echo the remarks that the gentleman from Ohio (Mr. BROWN) just made. I had planned to do so, also. It is just amazing what can be done from a bipartisan standpoint if people really are sincere and really care about solving an issue rather than being concerned about demagoguery, if you will, or with some of the things that take place. The fact that the gentleman from Oklahoma (Mr. COBURN) and the gentleman from California (Mr. WAXMAN) worked so well on this and were able to get it done speaks well for both of them and for the Congress when it works in that way.

Mr. Speaker, I yield the balance of my time to the gentleman from Oklahoma (Mr. COBURN).

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

Mr. COBURN. Mr. Speaker, I want to first recognize Paul Kim for his great help on the gentleman from California's (Mr. WAXMAN) staff; Marc Wheat, the majority counsel on our side; and Roland Foster, a staff member of mine who has been with me for 6 years since I have been in Congress.

This is a good bill. There is no question about it. But this bill is not enough. Forty thousand people this year are going to become infected with HIV. It does not have to happen. We should be asking the CDC, we should be asking the FDA, we should be asking the NIH why they would not use proven public health policy to stop this epidemic.

The best way to treat people with HIV today is to make sure no one else ever encounters this disease. This is a preventable disease. Although we have gone a long way from where we were in putting in the public health policies that should be there, they are still not there. The reason they are not there is not a good enough reason. We have proven in the medical community that we can secure and hold confidentially anybody's HIV status. We have been perfect on that score. And to use that as a reason now not to move to the next step, I challenge my friend, the gentleman from Ohio (Mr. BROWN), and I challenge the gentleman from Florida (Mr. BILIRAKIS) that in the next Congress and the Congress that follows that you will look very closely at what public health policies could do to prevent that 40,000 people from never getting the disease.

We know. We handled the tuberculosis epidemic in this country. We stopped it dead with a whole lot less effort. This is something we can accomplish. We have proven with this bill that if we will work and talk together and understand each other's motivations, problems and concerns, that through discussion and bipartisan approach that we can solve those problems. The 40,000 people out there this year that are going to get infected deserve for us to do that. As I leave this body, what I would ask is the Members of this body, look at real problems, not the political things that surround it; and if we will do that, 40,000 people will not be infected.

I thank the gentleman from Ohio (Mr. BROWN) for his work. The gentleman from California (Mr. WAXMAN) has been great to work with. I appreciate the ability that we can express ourselves through true concern and solve a problem. I would hope that every Member of this body will support this bill.

I also would leave one message with my colleagues. There are diseases much greater than this disease that face our country today. Diabetes will take tons more people than HIV. Breast cancer will take tons more people than HIV. And yet we are not anywhere close to the same dollar commitment in those diseases as we are HIV. Because we have had a misguided policy on treatment of HIV, we are spending dollars that could be spent in other areas. I would beg the body to look at that.

Mr. BLILEY. Mr. Speaker, I rise in support of this amendment to S. 2311, the Ryan White CARE Act Amendments of 2000. I congratulate Dr. COBURN and Mr. WAXMAN for their excellent work on this legislation, and salute my colleagues on the Commerce Committee who, through workmanlike diligence and thoughtfulness, have dramatically improved the way the Ryan White CARE Act will work now and into the future.

Before the August recess, the House acted on a bi-partisan basis to authorize the Ryan White CARE Act. This very important Act provides funding to address the needs of those living with HIV and AIDS. Because of the importance of this legislation, I made it a priority to resolve the differences between the House-passed bill and the bill passed in the other body. As the newsletter AIDS Policy and Law reported, ''The negotiators decided to use the House bill, sponsored by Representatives TOM COBURN, and HENRY WAXMAN, as the vehicle for renewing the statute through fiscal year 2005. The Senate bill was scrapped, with only a few of its provisions being folded into the Coburn-Waxman H.R. 4807.'' The negotiating team, which included my staff and those from the offices of Representatives BILIRAKIS, WAXMAN, DINGELL, BROWN, Senators JEFFORDS, FRIST, and KENNEDY, achieved a good compromise. I have an additional statement that explains our work in greater detail that I will enter into the record for myself and the negotiators just mentioned. I commend the passage of this important legislation to my colleagues.

As many of my colleagues may recall, President Reagan's HIV Commission concluded that ''early diagnosis of HIV infection is essential'' because HIV infection ''can be treated more effectively when detected early.'' The medical breakthroughs which have been developed in the twelve years since the inception of this report make early intervention even more important than ever, and I am pleased that this legislation recognizes that partner counseling and referral activities are the most effective early intervention to identify those who do not know their status in the early stages of the disease.

Very importantly, this bill begins the process of basing Ryan White CARE Act funding on HIV cases, not AIDS cases. Such a change will ensure that Ryan White CARE Act dollars go where the disease is growing quickly, not to the areas with the highest historical incidences of AIDS. It also provides incentives for States to implement re commendations belatedly issued by the Centers for Disease Control and Prevention to move to HIV reporting systems, one of the most important public health initiatives in America at the close of the 20th Century.

It is a national tragedy that public health officials in the States were unable or unwilling to move to HIV reporting years ago. The identification of HIV reporting as a serious public health concern was identified by the first Presidential Commission on HIV, appointed by President Ronald Reagan, which stated that ''The term 'AIDS' is obsolete. 'HIV infection' more correctly defines the problem. The medical, public health, political, and community leadership must focus on the full course of HIV infection rather than concentrating on later stages of the disease . . . Continual focus on AIDS rather than the entire spectrum of HIV disease has left our nation unable to deal adequately with the epidemic. Federal and state data collection efforts must now be focused on early HIV reports, while still collecting data on symptomatic disease.''

It is imperative that the Ryan White CARE Act be reauthorized to provide

the incentives to move public health in the right direction so that the HIV/AIDS epidemic can be tracked more accurately, and appropriate funding and information about this disease be better directed.

As many of my colleagues will recall, when we last brought the Ryan White bill to the floor in July, the most contentious issue was the bill's ''hold harmless'' provision. The bill which originally passed the House would have trimmed the substantial overpayments received by San Francisco so that it would eventually receive no more per capita than any other metropolitan area.

After lengthy negotiations, it has been agreed that the hold harmless reduction will be a compromise between the original House and Senate provisions, which will now be a reduction of 15% over the next five years to slow the transition to equitable funding.

I ask my colleagues to join with me in support of this important legislation that moves us in the right direction as we enter the 21st Century.

RYAN WHITE CARE ACT AMENDMENTS OF 2000

MANAGERS' STATEMENT OF EXPLANATION

The Ryan White CARE Act Amendments of 2000 reauthorize Title XXVI of the Public Health Service Act to ensure that individuals living with HIV and AIDS receive health care and related support services. The legislation contains authorization for appropriations and programmatic changes to ensure the CARE Act programs respond to evolving demographic trends in the HIV/AIDS epidemic and advances in treatment and care.

I. BACKGROUND

In March, 1990, Congress enacted the Ryan White CARE Act, honoring Ryan White, a young man who taught the Nation to respond to the HIV/AIDS epidemic with hope and action rather than fear. By the spring of 1990, over 128,000 people had been diagnosed with AIDS in the United States and 78,000 had died of the disease. The CARE Act was reauthorized in 1996, as the epidemic spread to more than 600,000 Americans diagnosed with AIDS and amidst the nationwide recognition that CARE Act programs were indispensable to the care and treatment of Americans with HIV/AIDS.

The CARE Act Amendments of 2000 marks the second reauthorization of the CARE Act. In the last twenty years, the HIV/AIDS epidemic has claimed over 420,000 American men, women, and children. Today, the Centers for Disease Control and Prevention estimates that there are currently between 800,000 and 900,000 persons living with HIV in the United States, with 40,000 new infections annually.

While there is still no cure, the CARE Act has been instrumental in responding to the public health, social and economic burdens of the HIV/AIDS epidemic. However, the steady expansion and changed demographics of the epidemic, as well as the improved survival time for people living with AIDS, are placing increasing stress on State and local health care systems, community based organizations and families providing care. Most importantly, the epidemic is expanding beyond major cities to smaller cities and rural regions, and disproportionately affecting women, communities of color, children and youth.

The Ryan White CARE Act Amendments of 2000 preserves the best and proven features of existing CARE Act programs. But the CARE Act Amendments of 2000 also makes important and substantial reforms to respond to the significant changes in the HIV/AIDS epidemic of the last 5 years.

II. ORGANIZATION OF SERVICES UNDER THE CARE ACT AMENDMENTS OF 2000

Title I. Emergency Relief for Areas with Substantial Need for Services: Provides emergency relief grants to 51 eligible metropolitan areas (EMAs) disproportionately affected by the HIV epidemic to provide primary care and HIV-related support services to people with HIV and AIDS. Half of the Title I funding is distributed by formula; the remaining half is distributed competitively, based on the demonstration of severity of need and other criteria.

Planning Council membership has been revised to include HIV prevention providers, homeless and housing service providers, and representatives of prisoners. A third of Planning Council members must be individuals with HIV/AIDS receiving care who are not officers, employees or consultants to Title I grantees.

Title II. CARE Grant Program: Provides formula grants to States, District of Columbia, Puerto Rico and U.S. territories to improve the quality of health care and support services for individuals with HIV disease and their families. The funds are used: to provide medical support services, to continue health insurance payments, to provide home care services, and, through the AIDS Drug Assistance Programs (ADAP), to provide medications necessary for the care of these individuals. Supplemental formula grants are awarded to States with ''emerging communities'' which are ineligible for grants under Title I.

Subtitle B provides discretionary grants to States for the reduction of perinatal transmission of HIV, and for HIV counseling, testing, and outreach to pregnant women. Subtitle C provides discretionary grants to States for partner notification, counseling and referral services.

Title III. Early Intervention Services: Funds nonprofit entities providing primary care and outpatient early intervention services, including case management, counseling, testing, referrals, and clinical and diagnostic services to individuals diagnosed with HIV. The unfunded program of State formula grants in current law is repeated.

Title IV. Other Programs and Activities: Provides grants for comprehensive services to children, youth, and women living with HIV and their families. Such services include primary, specialty and psychosocial care, as well as HIV outreach and prevention activities. Grantees must demonstrate linkages to, and provide clients with access and education on, HIV/AIDS clinical research.

Title IV newly authorizes the AIDS Education and Training Centers (AETC), a network of 14 regional centers conducting clinical HIV education and training of health providers, to provide prenatal and gynecological care. The HIV/AIDS Dental Reimbursement program, covering uncompensated oral health care for patients with HIV/AIDS, is expanded to provide community-based care in underserved areas.

Under Subtitle B, general provisions authorize CDC data collection for CARE Act planning and evaluation, enhanced interagency coordination of HIV services and prevention, development of a plan for the case management of prisoners with HIV, and administrative provisions related to audits, and a plan for simplification of CARE Act grant disbursements.

Title V. General Provisions: Authorizes Institute of Medicine (IOM) studies and expansion of Federal support for the development of rapid HIV tests. Makes necessary and technical corrections in Title XXVI of the Public Health Service Act.

III. SUMMARY OF SELECTED PROVISIONS

*Use of HIV Case Data in Formula Grants*

In order to target funding more accurately to reflect the HIV/AIDS epidemic, the Managers have revised and updated the Title I and Title II formulas to make use of data on cases of HIV infection as well as of AIDS. In Fiscal Year (FY) 2005, HIV and AIDS case data is intended to be used in the Title I and Title II formulas.

However, no later than July 1, 2004, the Secretary shall determine whether HIV case data, as reported to and confirmed by the Director of CDC, is sufficiently accurate and reliable from all eligible areas and States for such use in the formula. The Secretary shall also consider the findings of the Institute of Medicine (IOM) study undertaken under section 501(b).

If the Secretary makes an adverse determination regarding HIV case data, the Managers intend that only AIDS case data will be used in FY2005 formula allocations. The Secretary shall also provide grants and technical assistance to States and eligible areas to ensure that accurate and reliable HIV case data is available no later than FY2007.

*Planning and priority setting*

The Managers have strengthened the capacity of EMAs and States to plan, prioritize, and allocate funds, based on the size and demographic characteristics of the populations with HIV disease in the eligible area. Planning, priority setting, and funding allocation processes must take into account the demographics of the local HIV/AIDS epidemic, existing disparities in access HIV-related health care, and resulting adverse health outcomes. It is the intent of the Managers that CARE Act dollars more closely follow the shifting trends in the local epidemic and address disparities in health care access and health outcomes as well as the need for capacity development within the local and State HIV health care infrastructures.

The Managers intend both EMAs and States to develop strategies to bring into and retain in care those individuals who are aware of their HIV status but are not receiving services. As part of this process, the Managers place the highest priority on EMAs and States focusing on eliminating disparities in access and services among affected subpopulations and historically underserved communities. The Managers recognize, however, that the relative availability or lack of HIV prevalence data will be reflected in the scope, goals, timetable and allocation of funds for implementation of the strategy.

The Managers also expect the Secretary to collaborate with Title I and II grant recipients and providers to develop epidemiologic measures and tools for use in identifying persons with HIV infection who know their HIV status but are not in care. The Managers recognize the difficulty the EMAs and States may experience in identifying persons with HIV infection who are not in care and who may be unknown to any health or social support system. The efforts on the part of EMAs and States to accomplish these important tasks, however, should not be delayed until this process is complete. Instead, the Managers expect Title I and II grant recipients to establish and implement strategies responsive to these urgent needs before the development of nationally uniform measures, to the extent that is practicable and to which necessary prevalence data is reasonably available.

The Managers have also authorized outreach activities in Title I and II intended to

identify individuals with HIV disease know their HIV status but are not receiving services. The intent is to ensure that EMAs and States understand that outreach activities which are consistent with early intervention services and necessary to implement the aforementioned strategies, are appropriate uses of Title I and II funds. It is not the Managers' intent that such activities supplant or otherwise duplicate activities such as case finding, surveillance and social marketing campaigns currently funded and administered by the Centers for Disease Control and Prevention (CDC). Instead, this authorization reflects the urgency of increasing the coordination between HIV prevention and HIV care and treatment services in all CARE Act programs.

*Hold harmless provisions*

The hold-harmless provisions are intended to minimize loss and stabilize systems of care in EMAs and States, while assuring that funds are allocated in Title I and II to reflect the current distribution and epidemiology of the epidemic.

The Managers have revised the Title I hold harmless to limit a potential loss in an EMA's formula allocation to a small percentage of the amount allocated to the eligible are in the previous (or base) year. An EMA may lose no more than 15 percent of its base formula allocation over five years, beginning with 2 percent in the first year and increasing in subsequent years. If the Secretary determines that data on HIV prevalence are accurate and reliable for use in determining Title I formula grants for Fiscal Year 2005, all EMAs may lose no more than 2 percent of their Fiscal Year 2004 formula allocation in that year.

Should an EMA experience a decline in its Title I formula allocation followed by an intervening year in which there is not decline, its losses in any subsequent, nonconsecutive year of decline would once again be limited to 2 percent (ie., the intervening year 'resets the clock').

The Managers intend to ensure that essential primary care and support services are not compromised by short-term fluctuations in AIDS case counts. Because no new EMA is expected by HRSA's Bureau of HIV/AIDS to require that hold harmless in the first three or four years of this reauthorization period, the Managers expect this policy will shield all eligible areas, save those currently requiring the hold harmless, from any meaningful loss in Title I formula funding.

Under the Title II hold harmless, a State or territory may lose no more than 1 percent from the previous fiscal year amounts, or 5 percent over the 5-year reauthorization period. This protection extends to base Title II funding (which excludes funds for AIDS Drug Assistance Programs (ADAP)), as well as to overall Title II funding.

*Women, child, infants, and youth set-aside*

The Managers are aware of the rising incidence of HIV among youth and women, particularly women of color, and recognize the challenges in assuring them access to primary care and support services for HIV and AIDS. The Managers intend to increase the availability of primary care and health-related supportive services under Title I and Title II for each of the four groups described in the set-aside. Youth are added as a new category within this set-aside. The Managers intend the term ''youth'' to include persons between the ages of 13 and 24, and ''children'' to include those under the age of 13, including infants.

The Managers clarify that the set-asides for women, infants, children, and youth with HIV disease be allocated proportionally, based on the percentage of the local HIV-infected population that each group represents. The Managers intend that the States and EMAs continue to make every effort to reach and serve women, infants, children, and youth living with HIV/AIDS by allocating sufficient resources under Titles I and II to serve each of these populations. The Managers also recognize that these priority populations often comprise a greater proportion of HIV cases rather than AIDS cases in a local area. This distinction should be taken into account where necessary prevalence data is reasonably available.

The Mangers are aware that these populations may also have access to HIV care through other parts of Title XXVI, Medicaid, State Children's Health Insurance Program (SCHIP), and other Federal and State programs. Therefore, the requirements to proportionally allocate funds provided under Title II to each of these populations may be waived for States which reasonably demonstrate that these populations are receiving adequate care.

*Capacity development*

Titles I, II and III of this legislation provide a new focus on strengthening the capacity of minority communities and underserved areas where HIV/AIDS is having a disproportionate impact. Currently, many underserved urban and rural areas are not able to compete successfully for planning grants and early intervention service grants due to the lack of infrastructure and experience with the Ryan White Care Act programs. This gap in services available is increasingly important, as the HIV and AIDS epidemic extends into rural communities. In addition to authorizing capacity development under Titles I and II, the Managers establish a preference for rural areas under Title III that will allow program administrators to target capacity development grants, planning grants, and the delivery of primary care services to rural communities with a growing need for HIV services. However, urban areas are not excluded from consideration for future grants nor is funding reduced to current grants in urban areas.

*Quality management*

The Managers recognize the importance of having CARE Act grantees ensure that quality services are provide to people with HIV and that quality management activities are conducted on an ongoing basis. Quality management programs are intended to serve grantees in evaluating and improving the quality of primary care and health-related supportive services provided under this act. The quality management program should accomplish a threefold purpose: (1) assist direct service medical providers funded through the CARE Act in assuring that funded services adhere to established HIV clinical practices and Public Health Service (PHS) guidelines to the extent possible; (2) ensure that strategies for improvements to quality medical care include vital health-related supportive service in achieving appropriate access and adherence with HIV medical care; and (3) ensure that available demographic, clinical, and health are utilization information is used to monitor the spectrum of HIV-related illnesses and trends in the local epidemic.

The Managers expect the Secretary to provide States with guidance and technical assistance for establishing quality management programs, including disseminating such models as have been developed by States and are already being utilized by Title II programs and in clinical practice environments. Furthermore, the Managers intend that the Secretary provide clarification and guidance regarding the distinction between use of CARE Act funds for such program expenditures that are covered as their planning and evaluation and funds for program support costs. It is not the Managers' intent to divert current program resources or to reassign current program support costs or clinical quality programs to new cost areas, if they are an integral part of a State's current quality management efforts.

Program support costs are described as any expenditure related to the provision of delivering or receiving health services supported by CARE Act funds. As applied to the clinical quality programs, these costs include, but are not limited to, activities such as chart review, peer-to-peer review activities, data collection to measure health indicators or outcomes, or other types of activities related to the development or implementation of a clinical quality improvement program. Planning and evaluation costs are related to the collection and analysis of system and process indicators for purposes of determining the impact and effectiveness of funded health-related support services in providing access to and support of individuals and communities within the health delivery system.

*Early intervention services*

The Managers authorize early intervention services as eligible services under Titles I and II under certain circumstances. The Managers intend to allow grantees to provide certain early intervention services, such as HIV counseling, testing, and referral services, to individuals at high risk for HIV infection, in accordance with State or EMA planning activities. The Managers recognize the range of organizations that may be eligible to provide early intervention services, including other grantees under Titles I, II and III such as community based organizations (CBOs) that act as points of entry into the health care system for traditionally underserved and minority populations.

The Managers believe that referral relationships maintained by providers of early intervention services are essential to increasing the number of people with HIV/AIDS who are identified and to bringing them into care earlier in the progression of their disease.

*Health-care related support services*

The Managers wish to stress the importance of CARE Act funds in meeting the health care needs of persons and families with HIV disease. The Act requires support services provided through CARE Act funds to be health care related. States and EMAs should ensure that support services meet the objective of increasing access to health care and ongoing adherence with primary care needs. The Managers reaffirm the critical relationship between support service provision and positive health outcomes.

*Title I planning council duties and membership*

The Managers have amended numerous aspects of CARE Act programs to enhance the coordination between HIV prevention and HIV/AIDS care and treatment services. In this case, Planning Council membership of the providers of HIV prevention services will help assure this coordination. To improve representation of underserved communities, providers of services to homeless populations and representatives of formerly incarcerated individuals with HIV disease are included in planning council membership. It is the intent of the Managers that the needs of all communities affected by HIV/AIDS and all providers working with the service areas be represented. The Managers also intend the Planning Councils more adequately reflect the gender and racial demographics of the HIV/AIDS population within their respective EMAs.

The Managers also intend that patients and consumers of Title I services constitute a substantial proportion of Planning Council memberships. The prohibition of officers,

employees and consultants is not intended to impede the participation qualified, motivated volunteers with Title I grantees from serving on Planning Councils where they do not maintain significant financial relationships, volunteers may be reimbursed reasonable incidental costs, including for training and transportation, which help to facilitate their important contribution to the Planning Councils.

To ensure that new Planning Council members are adequately prepared for full participation in meetings, the Managers direct the Secretary to ensure that proper training and guidance is provided to members of the Councils. The Managers also expect Planning Councils to provide assistance, such as transportation and childcare, to facilitate the participation of consumers, particularly those from affected subpopulations and historically underserved communities.

Consistent with the ''sunshine'' policies of the Federal Advisory Committee Act (FACA), all meetings of the Planning Councils shall be open to the public and be held after adequate notice to the public. Detailed minutes, records, reports, agenda, and other relevant documents should also be available to the public. The Managers intend for such documents to be available for inspection and copying at a single location, including posting on the Internet.

*Title I supplemental*

In order to target funding to areas in greatest need of assistance, severity of need is given a greater weight of 33 percent in the award of Title I supplemental grants. The Managers intend that Title I supplemental awards are not intended to be allocated on the basis of formula grant allocations. Instead, such supplemental awards are to be directed principally to those eligible areas with ''severe need,'' or the greatest or expanding public health challenges in confronting the epidemic. The Managers have included additional factors to be considered in the assessment of severe need, including the current prevalence of HIV/AIDS, and the degree of increasing and unmet needs for services. Additionally, the Managers believe that syphilis, hepatitis B and hepatitis C should be regarded as important comorbidities to HIV/AIDS.

It is the Managers' strong view that HRSA's Bureau of HIV/AIDS should employ standard, quantitative measures to the maximum extent possible in lieu of narrative self-reporting when awarding supplemental awards. The Managers therefore renew the Bureau's obligation to develop in a timely manner a mechanism for determining severe need upon the basis of national, quantitative incidence data. In this regard, the Managers recognize that adequate and reliable data on HIV prevalence may not be uniformly available in all eligible areas on the date of enactment. It is noted, however, that ''HIV disease'' under the CARE Act encompasses both persons living with AIDS as well as persons diagnosed as HIV positive who have not developed AIDS.

*Title II base minimum funding*

The minimum Title II base award is increased in order to increase the funding available to States for the capacity development of health system programs and infrastructure. The Federated States of Micronesia and the Republic of Palau are included as entities eligible to receive Title II funds, in recognition of the need to establish a minimum level of funding to assist in building HIV infrastructure.

*Title II public participation*

The Managers urge States to strengthen public participation in the Ryan White Title II planning process. While the Managers do not intend that States be mandated to consult with all entities participating in the Title I planning process, reference to such entities is intended to provide guidance to the States that such entities are important constituencies which the States should endeavor to include in their planning processes. Moreover, States may demonstrate compliance with the new requirement of an enhanced process of public participation by providing evidence that existing mechanisms for consumer and community input provide for the participation of such entities. The intent is to allow States to utilize the optimal public advisory planning process, such as special planning bodies or standing advisory groups on HIV/AIDS, for their particular population and circumstances.

The Managers are also aware of the difficulties that some States with limited resources may encounter in convening public hearings over large geographic or rural areas and encourage the Secretary to work with these States to develop appropriate processes for public input, and to consider such limitations when enforcing these requirements.

*Title II HIV care consortia*

The Managers intend that the States continue to work with local consortia to ensure that they identify potential disparities in access to HIV care services at the local level, with a special emphasis on those experiencing disparities in access to care, historically underserved populations, and HIV infected persons not in care. However, the Managers do not intend that States and/or consortia be mandated to consult with all entities participating in the Title I planning process. Rather, reference to such entities is intended to provide guidance to the States that such entities are important constituencies which the States should endeavor to include in their planning processes.

*Title II ''emerging communities'' supplement*

There continues to be a growing need to address the geographic expansion of this epidemic, and this Act continues the efforts made during the last reauthorization to direct resources and services to areas that are particularly underserved, including rural areas and metropolitan areas with significant AIDS cases that are not eligible for Title I funding. A supplemental formula grant program is created within Title II to meet HIV care and support needs in non-EMA areas. There are a large number of areas within States that do not meet the definition of a Title I EMA but that, nevertheless, experience significant numbers of people living with AIDS. This provision stipulates that these ''emerging communities,'' defined as cities with between 500 and 1,999 reported AIDS cases in the most recent 5-year period, be allocated 50 percent of new appropriations to address the growing need in these areas. Funding for this provision is triggered when the allocations to carry out Part B, excluding amounts allocated under section 2618(a)(2)(I), are $20,000,000 in excess of funds available for this part in fiscal year 2000, excluding amounts allocated under section 2618(a)(2)(I). States can apply for these supplemental awards by describing the severity of need and the manner in which funds are to be used.

The Managers intend to acknowledge the challenges faced by many areas with a significant burden of HIV and AIDS and a lack of health care infrastructure or resources to provide HIV care services. This supplemental program allows the Secretary to make grants to States to address HIV service needs in these underserved areas. The Managers understand the necessity to continue to support existing and expanding critical Title II base services.

*AIDS Drug Assistance Program supplemental grant and expanded services*

Under this Act, the AIDS Drug Assistance Program (ADAP) has been strengthened to assist States in a number of areas. The Secretary is authorized to reserve 3 percent of ADAP appropriations for discretionary supplemental ADAP grants which shall be awarded in accordance with severity of need criteria established by the Secretary. Such criteria shall account for existing eligibility standards, formulary composition and the number of patients with incomes at or below 200 percent of poverty. The Managers also encourage the Secretary to consider such factors as the State's ability to remove restrictions on eligibility based on current medical conditions or income restrictions and to provide HIV therapeutics consistent with PHS guidelines.

States are also required to match the Federal supplemental at a rate of 1:4. The Managers expect the State to continue to maintain current levels of effort in its ADAP funding. The Managers intend that the 25 percent State match required to receive funds under this section be implemented in a flexible manner that recognizes the variations between Federal, State, and programmatic fiscal years.

In addition, up to 5 percent of ADAP funds will be allowed to support services that directly encourage, support, and enhance adherence with treatment regimens, including medical monitoring, as well as purchase health insurance plans where those plans provided fuller and more cost-effective coverage of AIDS therapies and other needed health care coverage. However, up to 10 percent of ADAP funds may be expended for such purposes if the State demonstrates that such services are essential and do not diminish access to therapeutics. Finally, the Managers recognize that existing Federal policy provides adequate guidelines to states for carrying out provisions under this section.

*Partner notification, perinatal transmission, and counseling services*

Discretionary grants are authorized under this Act for partner notification, counseling and referral services. The Managers have also expanded the existing grant program to States for the reduction of perinatal transmission of HIV, and for HIV counseling, testing, and outreach to pregnant women. Funding for perinatal HIV transmission reduction activities is expanded, with additional grants available to States with newborn testing laws or States with significant reductions in perinatal HIV transmission. In addition, this Act further specifies information to be conveyed to individuals receiving HIV positive test results in order to reduce risk of HIV transmission through sex or needle-sharing practices.

*Coordination of coverage and services*

This Act also strengthens the requirements made on the States and EMAs in a number of areas aimed at improving the coordination of coverage and services. Grantees must assess the availability of other funding sources, such as Medicaid and the State Children's Health Insurance Program (SCHIP) and improve efforts to ensure that CARE Act funds are coordinated with other available payers.

*Titles III and IV administrative expenses*

The administrative cap for the directly funded Title III programs is increased. The administrative cap for Title III grants is raised from 7.5 percent to 10 percent to correspond with the 10 percent cap on individual contractors in Title I. The Secretary is directed to review administrative and program support expenses for Title IV, in consultation with grantees. In order to assure that

children, youth, women, and families have access to quality HIV-related health and support services and research opportunities, the Secretary is directed to work with Title IV grantees to review expenses related to administrative, program support, and direct service-related activities.

*Title IV access to research*

This Act removes the requirement that Title IV grantees enroll a ''significant number'' of patients in research projects. Title IV provides an important link between women, children, and families affected by HIV/AIDS and HIV-related clinical research programs. The ''significant number'' requirement is removed here to eliminate the incentive for providers to inappropriately encourage or pressure patients to enroll in research programs.

To maintain appropriate access to research opportunities, providers are required to develop better documentation of the linkages between care and research. The Secretary of Health and Human Services (HHS), through the National Institutes of Health (NIH), is also directed to examine the distribution and availability of HIV-related clinical programs for purposes of enhancing and expanding access to clinical trials, including trials funded by NIH, CDC and private sponsors. The Managers encourage the Secretary to assure that NIH-sponsored HIV-related trials are responsive to the need to coordinate the health services received by participants with the achievement of research objectives. Nor do the Managers intend this requirement to require the redistribution of funds for such research projects.

*Part F Dental Reimbursement Program*

The Managers have established new grants for community-based oral health care to support collaborative efforts between dental education programs and community-based providers directed at providing oral health care to patients with HIV disease in currently unserved areas and communities without dental education programs. Although the Dental Program has been tremendously successful, there is still a large HIV/AIDS population that has not benefitted because there is not a dental education institution participating in their area. These patients are also in need of dental services that could be provided at community sites if more community-based providers would partner with a dental school or residency program. In these partnerships, dental students or residents could provide treatment for HIV/AIDS patients in underserved communities under the direction of a community-based dentist who would serve as adjunct faculty. By encouraging dental educational institutions to partner with community-based providers, the Managers intend to address to unmet need in these areas by ensuring that dental treatment for the HIV/AIDS population is available in all areas of the country, not just where dental schools are located.

*Technical assistance and guidance*

The Managers reaffirm the Secretary's responsibility in providing needed guidance and tools to grantees in assisting them in carrying out new requirements under this Act. The Secretary is required to work with States and EMAs to establish epidemiologic measures and tools for use in identifying the number of individuals with HIV infection, especially those who are not in care. The legislation requests an IOM study to assist the Secretary in providing this advice to grantees.

The Managers understand that the Secretary has convened a Public Health Service Working Group on HIV Treatment Information Dissemination, which has produced recommendations and a strategy for the dissemination of HIV treatment information to health care providers and patients. Recognizing the importance of such a strategy, the Managers intend that the Secretary issue and begin implementation of the strategy to improve the quality of care received by people living with HIV/AIDS.

*Data collection through CDC*

The Managers believe that an additional authorization for HIV surveillance activities under the CDC will serve to advance the purposes of the CARE Act. To better identify and bring individuals with HIV/AIDS into care, States and cities may use such funding to enhance their HIV/AIDS reporting systems and expand case finding, surveillance, social marketing campaigns, and other prevention service programs. Notwithstanding its strong interest in improving the coordination between HIV prevention and HIV care and treatment services, the Managers intend that this enhanced funding for CDC and its grantees ensure that CARE Act programs and funds not duplicate or be diverted to activities currently funded and administered by the CDC.

*Coordination*

This Act requires the Secretary to submit a plan to Congress concerning the coordination of Health Resources and Services Administration (HRSA), Centers for Disease Control and Prevention (CDC), Substance Abuse and Mental Health Services Administration (SAMHSA), and Health Care Financing Administration (HCFA), to enhance the continuity of care and prevention services for individuals with HIV disease or those at risk of such disease. The Managers believe that much greater effort is required to ensure that the provision of HIV prevention and care services becomes as seamless as possible, and that coordination be pursued at the Federal level, in the States and local communities to eliminate any administrative barriers to the efficient provision of high quality services to individuals with HIV disease.

A second plan for submission to Congress focuses on the medical case management and provision of support services to persons with HIV released from Federal or State prisons.

*Administrative simplification*

The Managers intend for the Secretary of HHS to explore opportunities to reduce the administrative requirements of Ryan CARE Act grantees through simplifying and streamlining the administrative processes required of grantees and providers under Titles I and II. In consultation with grantees and service providers of both parts, the Secretary is directed to (1) develop a plan for coordinating the disbursement of appropriations for grants under Title I with the disbursement of appropriations for grants under Title II, (2) explore the impact of biennial application for Titles I and II on the efficiency of administration and the administrative burden imposed on grantees and providers under Titles I and II, and (3) develop a plan for simplifying the application process for grants under Titles I and II. It is the intent of the Managers to improve the ability of grantees to comply with administrative requirements while decreasing the amount of staff time and resources spent on administrative requirements.

*Program and service studies*

The Managers request that the Secretary, through the IOM, examine changing trends in the HIV/AIDS epidemic and the financing and delivery of primary care and support services for low-income, uninsured, and underinsured and individuals with HIV disease. The Secretary is directed to make recommendation regarding the most effective use of scarce Federal resources. The purpose of the study is to examine key factors associated with the effective and efficient financing and delivery of HIV services (including the quality of services, health outcomes, and cost-effectiveness). The Managers expect that the study would include examination of CARE Act financing of services in relation to existing public sector financing and private health coverage; general demographics and comorbidities of individuals with HIV disease; regional variations in the financing and costs of HIV service delivery; the availability and utility of health outcomes measures and data for measuring quality of Ryan White funded service; and available epidemiological tools and data sets necessary for local and national resource planning and allocation decisions, including an assessment of implementation of HIV infection reporting, as it impacts these factors.

The Managers also require an IOM study focuses on determining the number of newborns with HIV, where the HIV status of the mother is unknown; perinatal HIV transmission reduction efforts in States; and barriers to routine HIV testing of pregnant women and newborns when the mothers' HIV status is unknown. The study is intended to provide States with recommendations on improving perinatal prevention services and reducing the number of pediatric HIV/AIDS cases resulting from perinatal transmission.

*Development of Rapid HIV Test*

The Managers encourage the Secretary to expedite the availability of rapid HIV tests which are safe, effective, reliable and affordable. The Managers intend that the National Institutes of Health expand research which may lead to such tests. The Managers also intend that the Director of CDC should take primary responsibility, in conjunction with the Commissioner of Food and Drugs, for a report to Congress on the public health need and recommendations for the expedited review of rapid HIV tests. The Managers believe that the Food and Drug Administration should account for the particular applications and urgent need for rapid HIV tests, as articulated by public health experts and the CDC, when determining the specific requirements to which such tests will be held prior to marketing.

*Department of Veterans Affairs*

The Managers note that the U.S. Department of Veterans Affairs is the largest single direct provider of HIV care and services in the country. Over 18,000 veterans received HIV care at VA facilities in 1999. Veterans with HIV infection are eligible to participate in Ryan White Title I and Title II programs when they meet eligibility requirements set by EMAs and States, whose plans for the delivery of services must account for the availability of VA services. VA facilities are eligible providers of HIV health and support services where appropriate. The Managers expect that HRSA's Bureau of HIV/AIDS shall encourage Ryan White grantees to develop collaborations between providers and VA facilities to optimize coordination and access to care to all persons with HIV/AIDS.

*International HIV/AIDS Initiatives*

The Managers note that the CARE Act provides a model of service delivery and Federal partnerships with States, cities and community-based organizations which should prove valuable in global efforts to combat the HIV/AIDS epidemic. The Managers strongly encourage the Secretary, the Bureau of HIV/AIDS at HRSA, and the CDC to provide technical assistance available to other countries which has already proven invaluable in helping to limit the suffering caused by HIV/AIDS. It is the Managers' hope that the hard-earned knowledge and experience gained in this country can benefit people with HIV/AIDS overseas.

Ms. ESHOO. Mr. Speaker, I strongly support S. 2311, the Ryan White Care Act Amendments of 2000. Enactment of this legislation will truly make a difference in people's lives.

The Ryan White CARE Act, without question, was the most important legislation Congress has ever enacted for people living with HIV and AIDS. Every year, CARE Act funds provide lifesaving medical and social services for tens of thousands of uninsured and underinsured Americans battling these devastating diseases. AIDS medications, viral load testing, treatment education, and case management are just a few of the essential support services provided by federal CARE Act dollars.

Each of the programs created under the CARE Act services a specific need yet, combined, they make up the health care and social service safety net of last resort. Since it's creation in 1990, reliability and stability have been the two cornerstones of the Ryan White law. When we passed the House version of the reauthorization in July, I spoke out against a provision that ran directly contrary to this safety net principle. A 25 percent reduction in the ''hold harmless'' that was part of the original House bill would have caused a rapid destabilization of systems of care in the Bay Area and potentially around the country. I fought that provision and I'm so pleased that the bill before us today includes a more equitable formula that reflects the changing face of the disease without gutting funding to any one Eligible Metropolitan Area (EMA).

More people than ever are living with HIV/AIDS and the CARE Act must keep pace with the increasing demands. When the CARE Act was passed in 1990, there were 155,619 AIDS cases. In 1996, there were 481,234 cases. Today, America has 733,374 recorded cases of HIV/AIDS. AIDS is the leading cause of death among African Americans between the ages of 25–44 and the second leading cause of death among Latinos in the same age group. HIV/AIDS are still very much with us and we must ensure that all those infected get the medical and social services they need to live longer, more productive lives.

And that's exactly what's been happening. Access to new medications and treatments, such as combination antiretroviral therapies, has significantly lengthened the life expectancy of people with HIV/AIDS. People with AIDS are living longer and those with HIV aren't progressing as quickly to full-blown AIDS. Thankfully, it's no longer necessarily a death sentence. This, in turn, underscores the increasing need for services. As people live longer, their dependence on CARE Act programs greatly increases; hence, the importance of reauthorizing the Ryan White Act.

So, I thank my colleagues, Senators KENNEDY and JEFFORDS and Representatives BROWN, WAXMAN and COBURN, and their staffs, for their work on S. 2311 and for their dedication to reauthorizing the CARE Act this year. It's a good bill that will do wonderful things for people across this country. I urge my colleagues' enthusiastic support.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of S. 2311, Ryan White Care Act. I am very thankful that were are acting on this very important bill, before we run out of time, to ensure that individuals living with HIV and AIDS will receive the health care and related supported services that they need. While, S. 2311 is not perfect, it does provide the necessary authorizations for appropriations and programmatic changes to ensure that the CARE Act is responsive to the evolving demographic trends in the HIV/AIDS epidemic and advances in treatment care.

I am also pleased that one of my major concerns with the House bill to reauthorize the CARE Act, HR 4807, involving incentives for HIV testing of pregnant women and infants, is not in the bill before us today. I oppose mandatory testing of any sub-population, and I strongly believe, that this body must give full consideration to the IOM study as it relates to this issue.

I am encouraged that S. 2311 also changes city and state funding formulas to encompass all who are infected with HIV and not just provide resources for individuals who have progressed to AIDS. This change responds to the changing nature of the epidemic and the newer treatment protocols, which begin medication earlier.

It allows for treatment programs to begin and expand critical prevention efforts. This bill also more effectively represents the burden of the disease and the need for care. In addition, this measure makes a concerted effort to support the fact, that the funding ''needs'' to follow the trends of the disease (which are disproportionately and increasingly affecting people of color).

It also encourages reporting of HIV infections by states (many do not now report). Such adherence to reporting, will improve our ability to be more progressive and get in front of this epidemic by increasing prevention and outreach efforts.

Another major area that is of critical concern to the Congressional Black Caucus and the communities we represent (which are primarily people of color), is the community planning councils, their composition, effectiveness and operations. This process has not worked well for many disenfranchised communities under existing authorization. Community input is essential to effective service provision at the local level. Therefore, we are encouraged by the requirement in the bill that planning, priority setting and funding allocation processes must take into account the demographics of the local HIV/AIDs epidemic, existing disparities in access to HIV—related care.

In this regard, I also encourage that African Americans and other people of color be appropriately represented in the clinical trials and investigator pools based on the trends of the disease.

I would be remiss if, I did not say that based on the past epidemiology, and several studies and forecasts, FY 2001 funding for the all important ADAP program falls around $100 million dollars short of what will be needed to provide treatment to those infected.

This dramatic shortfall represents the many low income, uninsured and under-insured Americans who will not receive appropriate care, and further puts this country far from where we need to be in fighting this epidemic and saving the lives of those infected and most at-risk.

We in the Caucus and our partners in the Congress and the communities we serve, remain vigilant in the nation's fight against the HIV/AIDS crisis. The Ryan White Care Act is the lifeline to countless Americans infected with HIV and AIDS. It is our best ammunition in the war against this devastating disease that is plaguing our nation. Clearly, we in the U.S. Congress must not wait until this disease begins to mirror the pandemic in Africa. An enhanced, strengthened, responsive and adequately funded Ryan White Care Act is absolutely essential to intensified care, treatment, prevention and outreach.

I urge my colleagues to support this much needed and important bill.

Mr. HORN. Mr. Speaker, I rise to express my strong support for the Ryan White Care Act Amendments of 2000. Over the past ten years, the Ryan White Care Act has represented a unique partnership between federal, state and local officials in delivering prevention and treatment services to those affected by this disease.

The good news is the Care Act has expanded access to high quality health care, which is more important than ever in accommodating the growing numbers of people living with HIV and AIDS. As a result, it is important that federal funds distributed to states and cities most impacted by the disease, such as Long Beach, are needs-based. These amendments are an important step towards the equitable distribution of federal resources for people living with HIV and AIDS.

These amendments will also allow heavily impacted areas such as Long Beach to use their funds now for early intervention services, so they can locate people living with HIV and get them into care. With HIV infecting more than 40,000 Americans each year—at an average treatment cost of $200,000 per individual—prevention strategies remain the most cost effective use of public health dollars.

Today, there are nearly 3800 AIDS cases in Long Beach alone. The Ryan White Care Act Amendments will go a long way in improving access to health care for these Americans, in addition to slowing the rate of new infections, especially in communities of color. I am pleased to lend my support to this important bill and encourage all my colleagues to do the same.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong support of S. 2311, the Ryan White CARE Act Amendments of 2000. This bill will make a real and profound difference in the lives of persons living with HIV/AIDS by providing resources for essential primary care health and support services.

The Ryan White CARE Act was first passed in 1990. Since that time, the face of the HIV/AIDS epidemic has changed but the need for the Ryan White CARE Act has not. Today, it is more important than ever that we act to expand access to health and social services.

Since coming to Congress, I have had the opportunity to visit with many of my constituents who have benefited from the Ryan White CARE Act. Person after person has told me that, without this Act, they would be unable to afford the treatments needed so that they can remain healthy and productive members of their community. As members of Congress, we have supported increased medical research efforts that have led to promising treatment advances for people living with HIV/AIDS. The Ryan White CARE Act helps to ensure that people can actually obtain that treatment. It helps them find affordable housing and employment opportunities. It is a program that works and deserves our continued support.

In my district, as in other parts of the country, the HIV/AIDS epidemic continues to threaten individuals, families and communities.

I want to recognize the outstanding efforts of many in combating this crisis, both here and in the Chicagoland area. In particular, I want to thank Representative HENRY WAXMAN for his outstanding leadership. As the original sponsor of the Ryan White CARE Act, he has worked to make sure that it remains effective and is flexible enough to address the changing nature of this epidemic.

I also want to point out the enormous efforts of the City of Chicago and, specifically, the Department of Public Health. Mayor Richard Daley has developed a strategic plan to provide a comprehensive response to this epidemic, working with providers, prevention experts, community representatives and, most importantly, people living with HIV/AIDS. Recognizing that today there are more people living with an AIDS diagnosis in Chicago than at any other time, the City is working to prevent new infections, provide access to drug therapies and other treatments, improve other services such as affordable housing, and ensure that resources are used as effectively as possible to reflect changing needs. Reauthorization of the Ryan White CARE Act with adequate funding is essential to meeting those goals. I also want to point out the important work of the AIDS Foundation of Chicago and Chicago Health Outreach in this effort.

Finally, we must recognize that women and people of color represent a disproportionate number of new AIDS cases. Many of those impacted are uninsured, have no regular access to primary care services, and are unable to afford anti-HIV therapies. I am working with the Evanston Health Department and the faith community in my district to reach out to these communities and provide information on prevention and available services. Therefore, I am pleased that S. 2311 makes improvements in the Ryan White CARE Act to help eliminate disparities in access to services and outreach to underserved communities.

I urge my colleagues to support the Ryan White CARE Act reauthorization and to follow up on this action by providing full appropriation levels for its essential services.

Mr. TOWNS. Mr. Speaker, I rise in support of S. 2311, which reauthorizes ''The Ryan White CARE Act''.

HIV infection and AIDS in Brooklyn remains a difficult battle. The Centers for Disease Control found that minorities now account for more than half of all new cases in the United States. AIDS now kills more black men that gunshot wounds. And, it is also the leading cause of death for Hispanic men ages 25 to 44. This disease has equally affected women and children in minority communities. Eighty-four percent of the AIDS cases involving children, age 12 and under, can be found in the black community. And, AIDS has now become the second leading cause of death for black women and the third leading cause for Hispanic women.

I have witnessed these statistics first hand. My congressional district has the highest incidence of new AIDS cases of any area in New York City. Brownsville has more people living with AIDS than 12 States. It has the second highest number of blacks living with AIDS in all of New York City. In addition, East New York and the Ft. Greene neighborhoods have large populations of women living with AIDS.

Yet, we have not witnessed either the research or treatment and care dollars following the change in disease patterns. While Brooklyn is the epicenter of this disease in New York City, the majority of the Ryan White and NIH funds are still going to organizations which do not serve this constituency. In response to language which I worked to include in this legislation, hopefully, this trend will be halted. And, minority communities, like Brownsville, Ft. Greene and East New York, will receive their fair share of treatment dollars.

I am very pleased that with today's floor consideration of the Ryan White CARE Act we will be able to continue to bring resources to those communities and people who are impacted by AIDS and HIV infection. And, I would urge my colleagues to vote for its passage.

Mr. RUSH. Mr. Speaker, I would like to take this opportunity to commend Mr. WAXMAN and Mr. COBURN for their hard work on the reauthorization of the Ryan White CARE Act of 2000. The Ryan White CARE Act provides grants to eligible metropolitan areas that are disproportionately affected by the HIV epidemic; it provides grants to the states and territories to provide health care support services to people living with HIV/AIDS; it provides programs which support outpatient HIV early intervention services for low-income, medically underserved people in existing primary care systems; and it provides services for children, youth, women and families in a comprehensive, community-based, family-centered system of care.

I am glad to see that the Ryan White CARE Act Amendment of 2000 which I am a cosponsor, addresses the needs of people living with HIV and AIDS. As we witness the dramatic changes taking place in other world nations now confronting exploding epidemics of HIV/AIDS, we recognize that the course of the HIV epidemic is also changing.

Racial and ethnic minorities are increasingly becoming affected with this dreadful disease at an alarming rate. With adequate funding, the Ryan White CARE Act can continue providing medical services to people living with HIV/AIDS, which can help to improve their quality of life.

Mr. Speaker, I would like to thank all of my colleagues who have come to the floor today to speak on the importance of reauthorizing the Ryan White CARE Act of 2000. I am pleased that this important piece of legislation passed the House and Senate and that the leadership considered this important reauthorization before the end of this congressional session.

Mr. NADLER. Mr. Speaker, I rise in strong support of S. 2311, the Ryan White CARE Act Amendments of 2000. This is important bipartisan legislation and I am pleased to see it on the floor today on its way to swift passage. I want to thank the authors for hearing the concerns that were raised when the bill first came through the House, and I believe we have reached a good compromise.

Mr. Speaker, the AIDS epidemic has ravaged our communities throughout the country. The statistics are devastating. Through December 1998, nearly 700,000 people had been diagnosed with AIDS. Over 400,000 of these people have died. The Centers for Disease Control and Prevention estimates that over 40,000 people become infected with HIV each year with an estimated 600,000 to 900,000 people living with HIV today.

As a nation, we could have thrown up our hands and given up in the face of this terrible tragedy. But in 1990, in one of the great legislative achievements of the last decade, Congress took action to address this emergency and passed the Ryan White CARE Act. The CARE Act is a comprehensive program providing treatment and support services to those living with HIV and AIDS. It has brought hope and a little humanity to this terrifying crisis.

The CARE Act is a model of how we can accomplish great things in this chamber. By working together, we have produced a program that provides vital health services to people across the country while targeting communities most in need. It is an efficient program that has been an unqualified success.

We haven't found a cure for AIDS yet, but scientists are making promising discoveries every day, bringing hope that we may one day rid ourselves of this disease once and for all. Until then, there is the CARE Act, reaching out to people who are suffering with HIV and AIDS today and who need our help to lead healthy and productive lives. This is a humane program that deserves our strong support.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support for a cause that must be sustained and implemented in America today. S. 2311, ''Ryan White CARE Act of 2000'' will reauthorize the funds for programs while also changing the formula for current distribution of Ryan White programs. Mr. Speaker, I support this measure that builds on continuing efforts to safeguard the lives of those suffering the most. Accordingly, I applaud the efforts to bring this important legislation to the floor today before the end of the 106th Congress.

Thanks to the persuasive skills by those working on behalf of those afflicted with the HIV/AIDS epidemic, the funding formula within this legislation will actually ensure that minorities are properly covered. The legislation maintains the integrity of the multistructure of the CARE Act, allowing funds to be targeted to the areas hardest hit by the HIV and AIDS epidemic. In addition, I am pleased that the legislation maintains and, in fact, strengthens the decision-making authority of local planning councils and allows resources to be used to locate and bring more individuals into the health care system. Further, I am also delighted to learn that the bill will provide more individuals with early intervention services, such as counseling and testing.

This bill will give states the option to readily extend Medicaid coverage to people living with HIV. If adopted, states will have the ability to add poor and low-income uninsured persons living with HIV to the list of persons categorically eligible for Medicaid. This is very important for people of the 18th Congressional District of Texas who deserve every opportunity to getting the proper coverage it is so critical that they receive quality care. There are HIV-infected persons in my district and across America that need some relief immediately and thus I am pleased by the Medicaid provision in the legislation.

Under current rules, most people living with HIV are ineligible for Medicaid until they have progressed to AIDS and are disabled. Yet, new treatment, such as highly active antiretrovial therapy (HAART), are successfully delaying the progression from HIV infection to AIDS. That is exciting, Mr. Speaker. We can turn this situation around. These advances, along with access to comprehensive health care, have improved the health and quality of

life for many people living with HIV. However, without access to Medicaid these advances will remain out of reach for thousands of poor and low-income uninsured people living with HIV.

Early access to HIV treatment through Medicaid, as provided by this legislation, will result in a reduction of new AIDS cases, increase the quality of life of thousands living with HIV, reduce high medical interventions such as inpatient hospitalizations and terminal care, increase tax revenues and reduce costs in the SSI and SSDI programs.

Another initiative, that effects personally my 18th district in Texas, is the establishment of a new supplementary competitive grant program for states in ''severe need''. HHS must consider the importance of HIV and AIDS, the increased need for service along with the level of unmet need. HHS also must look at disparities in the access to services for historically underserved communities. Acknowledgment of loopholes is being met and solutions being made to combat the destitute situation many underserved communities find themselves in.

Finally, I believe it is significant that the reauthorization of the Ryan White Act has the strong support of the Human Rights Campaign and AIDS Action, two organizations that has done monumental work in the promotion of better health care and other critical benefits for those afflicted with HIV/AIDS. As a result of their hard work, we have a bipartisan effort that finally begins to seek to reach out to minorities in unprecedented fashion.

Congress has long recognized the broad scope of benefits of CARE Act programs to those impacted by the HIV and AIDS. We need to continue helping those in need and redouble our efforts to eliminate the epidemic of HIV/AIDS. Mr. Speaker, I strongly urge my colleagues to strongly support this legislation.

Mr. HOLT. Mr. Speaker, I rise today to express my strong support for passing S. 2311 to reauthorize the Ryan White CARE Act.

I am proud to be a cosponsor of the House reauthorization (H.R. 4807) that we passed by voice vote on July 27, 2000. I am equally proud to stand in support of Senate bill 2311. I urge my colleagues to continue their support for these amendments by voting for S. 2311, and help ensure that those with AIDS will continue to receive the support and resources they need.

Mr. Speaker, we all know the troubling statistics. Since its inception, AIDS has claimed over 400,000 lives in the United States. An estimated 900,000 Americans are living with HIV/AIDS today. Women account for 30 percent of new infections. Over half of all new infections occur in persons under 25. As the AIDS crisis has continued year after year, it has become more and more difficult for anyone to claim that AIDS is someone else's problem.

Since 1990, the CARE Act has helped establish a comprehensive, community-based continuum of care for uninsured and under-insured people living with HIV and AIDS, including access to primary medical care, pharmaceuticals, and support services. The CARE Act provides services to people who would not otherwise have access to care.

As a result of the CARE Act, many people with HIV and AIDS are leading longer and healthier lives today.

Mr. Speaker, since my election to Congress, I have strongly supported increases in funding for medical research. As the spouse of a physician, I have a special affinity for those suffering from life-threatening illnesses. I know some believe that government is the problem and not the solution. But the truth is the opposite: in times of great human suffering and injustice, our government has acted to help our fellow citizens overcome life-threatening conditions and situations. Federal aid for the Ryan White CARE Act is a prime example of the good government can do in the face of tragedy and national danger.

By passing S. 2311, we are making clear that the AIDS epidemic in the United States will receive the attention and public health response it deserves.

By passing S. 2311 today, Mr. Speaker, we will affirm our commitment to people living with HIV/AIDS and their families. We will also be affirming our dedication to sound public policy. By reauthorizing the CARE Act, today, Mr. Speaker, we will give hope and a real chance for a better life to thousands of HIV/AIDS victims.

Mr. DINGELL. Mr. Speaker, I rise today to express my strong support for S. 2311, the Ryan White CARE Act Amendments of 2000. This is an excellent bill and it deserves our immediate consideration and support.

I want to take particular note of the way in which this bill has been developed. This bill comes to us by way of a remarkable bipartisan effort led by my good friend and colleague Representative WAXMAN and from the other side of the aisle, Representative COBURN. Given the complexity of the Ryan White program and the potentially controversial nature of the subject matter, the fact that we will pass a good bill at this time of year with a strong bipartisan vote is a tribute to them.

Our colleagues in the other body have also worked hard on this bill and are to be congratulated for their effort. Senators JEFFORDS, KENNEDY, and FRIST have been solid partners in forging the legislation before us today.

The CDC estimates that more than 900,000 persons in America are now living with HIV. Approximately one-third of these persons know they are infected and are receiving treatment. Another third know they are infected, but are not receiving treatment. Another third does not know they are infected. Another complication is that HIV infections are occurring in every region of the country and in every kind of situation. Underserved areas, such as rural areas, are having a particularly difficult time because they lack the infrastructure of proven prevention and treatment programs.

In brief, S. 2311 keeps those programs that have withstood the test of time. Just as significantly, it makes changes where they were needed. The four titles of the Ryan White CARE Act contain a variety of grants and formulas that distribute funds at the state and local levels. As we all know, changing programs of this kind is never easy. In this case, we have successfully blended the need for change with the need for continuity of care for those areas that have been especially hard hit by the HIV/AIDS epidemic. On this point, let me note the great work of our colleagues Representatives ESHOO, TOWNS and PELOSI. I note, also, that a listing of all of the changes made to the Ryan White program by this bill is set forth in the statement of managers that will be included in the record of today's proceedings.

Finally, Mr. Speaker, I wish to acknowledge the work of ranking member of the Health and Environment Subcommittee, Representative BROWN, and the Subcommittee Chairman, Representative BILIRAKIS. They have forged a solid working relationship on a variety of bills that have come before us this year and we are grateful for their hard work and cooperation.

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

Pursuant to House Resolution 611, the previous question is ordered on the Senate bill, as amended.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 512]

YEAS—411

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| Abercrombie | Cannon | Ehrlich |
| Ackerman | Capps | Emerson |
| Aderholt | Capuano | Engel |
| Allen | Cardin | English |
| Andrews | Carson | Etheridge |
| Archer | Castle | Evans |
| Armey | Chabot | Everett |
| Baca | Chambliss | Ewing |
| Bachus | Chenoweth-Hage | Farr |
| Baird | Clayton | Fattah |
| Baker | Clement | Filner |
| Baldacci | Clyburn | Fletcher |
| Baldwin | Coble | Foley |
| Ballenger | Coburn | Forbes |
| Barcia | Collins | Ford |
| Barr | Combest | Fossella |
| Barrett (NE) | Condit | Fowler |
| Barrett (WI) | Conyers | Frank (MA) |
| Bartlett | Cook | Frelinghuysen |
| Barton | Cooksey | Frost |
| Bass | Costello | Gallegly |
| Becerra | Cox | Ganske |
| Bentsen | Coyne | Gejdenson |
| Bereuter | Cramer | Gekas |
| Berman | Crane | Gibbons |
| Berry | Crowley | Gilchrest |
| Biggert | Cubin | Gillmor |
| Bilbray | Cummings | Gilman |
| Bilirakis | Cunningham | Gonzalez |
| Bishop | Danner | Goode |
| Blagojevich | Davis (FL) | Goodlatte |
| Bliley | Davis (IL) | Goodling |
| Blumenauer | Davis (VA) | Gordon |
| Blunt | Deal | Goss |
| Boehlert | DeFazio | Graham |
| Boehner | DeGette | Granger |
| Bonilla | Delahunt | Green (TX) |
| Bono | DeLauro | Green (WI) |
| Borski | DeLay | Greenwood |
| Boswell | DeMint | Gutierrez |
| Boucher | Deutsch | Gutknecht |
| Boyd | Diaz-Balart | Hall (OH) |
| Brady (PA) | Dickey | Hall (TX) |
| Brady (TX) | Dicks | Hansen |
| Brown (FL) | Dingell | Hastings (FL) |
| Brown (OH) | Dixon | Hastings (WA) |
| Bryant | Doggett | Hayes |
| Burr | Dooley | Hayworth |
| Burton | Doolittle | Herger |
| Buyer | Doyle | Hill (IN) |
| Callahan | Dreier | Hill (MT) |
| Calvert | Duncan | Hilleary |
| Camp | Dunn | Hilliard |
| Campbell | Edwards | Hinchey |
| Canady | Ehlers | Hinojosa |

Hobson
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Holt
Hooley
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Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
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Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
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Shaw
Shays
Sherman
Sherwood
Shimkus
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Simpson
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Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
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Stenholm
Strickland
Stump
Stupak
Sununu
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Tanner
Tauscher
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Taylor (MS)
Taylor (NC)
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Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—22

Berkley
Bonior
Clay
Eshoo
Franks (NJ)
Gephardt
Hefley
King (NY)
Klink
Lazio
Maloney (CT)
McCollum
McIntosh
Miller (FL)
Murtha
Obey
Paul
Rangel
Sweeney
Vento
Wise
Young (FL)

1151

So the Senate bill was passed.

The result of the vote was announced as above recorded.

The title of the Senate bill was amended so as to read: ''A bill to amend the Public Health Service Act to revise and extend programs established under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, and for other purposes.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. MALONEY of Connecticut. Mr. Speaker, I was unavoidably detained during rollcall vote No. 512. Had I been present I would have voted ''yes.''

## PROVIDING FOR CONSIDERATION OF H.R. 2941, LAS CIENEGAS NATIONAL CONSERVATION AREA IN THE STATE OF ARIZONA

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 610 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 610

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2941) to establish the Las Cienegas National Conservation Area in the State of Arizona. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 8 of rule XVIII. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

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

Mr. HASTINGS of Washington. Mr. Speaker, H. Res. 610 is an open rule waiving all points of order against the consideration of H.R. 2941, a bill to establish the Las Cienegas National Conservation Area in the State of Arizona.

The rule provides 1 hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Resources. The rule makes in order as an original bill for the purpose of amendment the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1, which shall be open for amendment at any point. The rule waives all points of order against the amendment in the nature of a substitute.

The rule also authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. The rule further allows the chairman of the Committee on the Whole to postpone votes during the consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides for one motion to recommit, with or without instructions.

H.R. 2941, a bill introduced by the distinguished gentleman from Arizona (Mr. KOLBE), establishes the Las Cienegas National Conservation Area in parts of Pima, Santa Cruz, and Cochise Counties in Arizona. The bill directs the Secretary of the Interior to develop a management plan for the 42,000 acre area which will conserve, protect, and enhance its resources and values.

Mr. Speaker, this legislation also authorizes the Secretary to purchase or exchange necessary acreage for the conservation area from willing sellers, both individuals and from the State of Arizona.

The bill preserves a significant amount of land that is home to an important cross-section of plants and wildlife. It also creates 142,000-plus acre planning district that is an important first step towards providing a biological corridor from the north of Tucson to Mexico for animal movements that

are necessary for the long-term viability of some species.

In addition, two of southern Arizona's perennial streams, the Cienega Creek and the Babocamari River, would be protected by this legislation, ensuring a long-term sustainable riparian area.

1200

Land will also be available for human use in ranching, hunting, and recreation.

H.R. 2941 was reported by unanimous consent by the Committee on Resources on September 20, 2000. Accordingly, I urge my colleagues to support both the rule, House Resolution 610, and the underlying bill.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, I rise in support of this open rule, and urge my colleagues to pass it.

The underlying bill comes after extensive negotiations between the bill's supporters and the administration, and would establish the Las Cienegas National Conservation Area located in Arizona.

This land is important for a diverse cross-section of plants and wildlife. The bill creates the 137,000-acre Sonoita Valley Conservation Planning District, which includes the 42,000 acre Las Cienegas National Conservation Area.

Moreover, the bill would provide an important first step to creating a biological corridor that extends from north of Tucson to Mexico for animal movements that are necessary for the long-term viability of some species.

In addition, two of southern Arizona's perennial streams, the Cienega Creek and the Babocomari River, would be protected, ensuring a long-term, sustainable riparian area.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the author of this bill, the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I rise in support of this rule for H.R. 2941, the Las Cienegas National Conservation Area Establishment Act.

As the gentleman from Washington said, it is an open rule, and deserves support of all the Members of this body.

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

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 513]

YEAS—411

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Baird
Chenoweth-Hage
Clay
Eshoo
Franks (NJ)
Goodling
Granger
Hefley
King (NY)
Klink
Lazio
McCollum
McIntosh
Miller (FL)
Murtha
Obey
Paul
Payne
Stabenow
Sweeney
Vento
Wise

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Ms. MCCARTHY of Missouri changed her vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 110. Joint Resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHUSTER. Mr. Speaker, I rise to a point of a personal privilege.

The SPEAKER pro tempore (Mr. QUINN). The Chair has been apprised of the predicate on which the gentleman from Pennsylvania (Mr. SHUSTER) seeks recognition and finds (in consonance with the precedents cited in section 708 of the House Rules and Manual) that it qualifies as a question of personal privilege under rule IX.

The gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 1 hour.

Mr. SHUSTER. Mr. Speaker, first, I want to thank the Members of the Committee on Standards of Official Conduct for concluding what has been a 4-year nightmare to myself and my family. In fact, 4 years, 1 month and 31 days ago, a group associated with Ralph Nader filed an ethics complaint against me.

I have agreed to accept a single letter of reproval to settle this matter. Now, this letter of reproval deals with matters of appearances of improprieties to which I acknowledge. I am very pleased that the committee dismissed the wild and inaccurate charges originally filed by the Nader group. I am very pleased that not a single allegation, not a scintilla of evidence, not a hint of any of this referred to any actions that I took that influenced my activities as chairman of my committee.

Now, the Webster dictionary defines reproval. As we know, a letter of reproval, by definition, is the mildest form of sanction. The Webster dictionary defines it as, and I quote, ''to scold or correct, usually gently and with kindly intent.''

Now, I must confess I feel neither gentle nor kindly about this 4-year nightmare which has been so difficult for my family and which has cost hundreds of thousands of dollars in legal fees.

It began with this Nader organization complaint filed. And under the rules, it is a fact, not an opinion, it is a fact that, under the rules, such a complaint must include the signatures of three sitting Members. It is a fact, not an opinion, that at least one of those signatures, not only was not by a Member, his name was not even spelled correctly. So on the face of it, this should have been rejected in the very beginning. The then committee began the investigation by violating their own rules. But that is something behind us.

It is also a fact that, in the week of October 5, 1998, 2 years ago, the then chairman of the committee sought me out and said to me, and I can quote it because I immediately not only wrote it down, but also sent it to my attorneys and sent a copy of a letter to the distinguished gentleman himself to make sure that I had not misunderstood. He said to me that, after conferring with other Members of the committee, that they wanted to wrap up the matter by year's end because there was nothing of substance. It was, and I emphasize, I quote, ''B.S.'' I immediately prepared a memorandum, and of course my family and I proceeded on this basis.

As it turned out, that was 2 years ago. I was told they wanted to wrap it up by year's end. It did not happen. We regret that. But we went on to do our best to try to comply with this nightmare.

It is also a matter of public record that the chairman of the investigation committee and I have had bad blood over the years, largely, although not exclusively, over the fact that I refused to block a 6-runway which he wanted killed for his airport. At the time, people came to me and said ''you should object under the rules to that gentleman being chairman of the subcommittee.'' I said absolutely not. I said then that gentleman is an honorable gentleman, and I said now that gentleman is an honorable gentleman. So I agreed for us to proceed under those rules.

I agreed to this letter. It is true that, after my chief of staff of 22 years retired, I and my new chief of staff contacted that old chief of staff numerous times on official business to get guidance because that former chief of staff was the only one who had the knowledge that we needed to conduct the affairs of our office. If that created an appearance of impropriety, absolutely. That is true.

It is also true that my wife and I and my family went to Puerto Rico on what we believed to be an official trip. While it is true that we did, indeed, meet with two different organizations on official business plus, as a member of the Permanent Select Committee on Intelligence, I took time to meet with DEA agents on drug matters relating to Puerto Rico, nevertheless it was concluded by the committee that this trip was more recreational. I accept that judgment that it created the appearance of recreation.

It is also true that my congressional staff contributed many times to work in my campaign. It is true that we kept no written records. I acknowledge that. I admit that. If that is an appearance of impropriety, so be it. We understand that the particular staff person in question did testify that she worked nights and weekends to make it up. But, absolutely, we did not keep records which have been deemed to be adequate, and so I have no problem in acknowledging that violation.

It is also true that the Bud Shuster for Congress Committee spent hundreds of thousands of dollars on dinners and charter flights. We identified it as political. But it is true that we did not spell out the details. We did not spell out who it was we had dinner with. We did not spell out the purpose of the dinner. We reported it all on our FEC reports, but we did not provide any detail. So if that is an appearance of impropriety, so be it. I accept it.

Also, the word ''excessive'' was used in spending campaign funds. Now, if one comes from a rural area, we do not have the benefit of airlines, scheduled airlines. We have to use charter flights.

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But between the dinners and the flights, these campaign expenses were ''excessive.'' We thought that was something the FEC was supposed to deal with, but nevertheless we accept that. If that created the appearance of impropriety, so be it.

But I would point out, in fact, it really raises my hackles a bit when people say, ''Well, you didn't have any opposition.'' My colleagues, I have got to confess to the sin of pride. I am the only Pennsylvanian in our Nation's history who has won both the Democratic and the Republican nominations nine times. These Democratic nominations did not fall out of the sky. We conduct very, very complicated write-in campaigns. And in 11 counties, we have had to run 11 campaigns for a write-in campaign. It costs a lot of money.

We work 365 days a year on the political end of our activities, and we do spend an awful lot of money. And if that created the appearance of impropriety, I accept that.

Now, if our practices created the appearance of impropriety, our attorneys at one point said, wait a minute, these are common practices. I said, well, I thought they were, but maybe they are not. So our attorneys initiated investigations into the FEC reports as well as the ethics report of 35 Members of Congress, both sides of the aisle, particularly Members of the Committee on Standards of Official Conduct and the leadership in the Congress to see whether these practices were also conducted by other Members of the Congress. And, indeed, they discovered that in a vast majority of the cases, meals, with the full range of Washington restaurants, Mr. K's, Red Sage, Morton's, Capitol Grill, were paid for by campaign expenses. The Palm, the MCI Center, private clubs, golfing expenses; all paid for with campaign expenses. Entertainment, music, florists, commercial airfare.

Indeed, I emphasize since we do not have commercial flights in rural Pennsylvania, I had to rely on charter flights, but we spent an awful lot of money on it. And if that created an appearance of impropriety, absolutely I accept that.

Members, as they traveled around in style, Sun Valley, campaign expenses or paid for by private groups; Sun Valley, Idaho, Jackson Hole, Aspen, Boulder, Miami, Boca Raton, Orlando, Ft. Myers, Naples, Palm Springs, Pebble Beach, the list goes on and on, Mexico, Puerto Rico, Bermuda, Virgin Islands, Cuba, Panama, London, Scotland, Ireland, Rome, Zurich, Tokyo, Hong Kong, Singapore, South Africa, et cetera, et cetera, all paid for by private groups.

Now, it is a fact that we did not keep a record of how much of my time was spent on official business and how

much time was spent on recreation. This is one of the things that the Congress and the committee might want to consider clarifying this, so that when a Member does go on a trip paid for by a private group, he should keep a record of how many hours and minutes he spends on official business and how many hours and minutes he spends on recreations so we would know clearly and so my colleagues do not find themselves in the same difficulty in which we have found ourselves.

In fact, I considered introducing legislation, but it is not my style to do something with tongue-in-cheek to say that we have got to have written records of every time we go and have a dinner with somebody, and we must write down who the person was and what was talked about. Do we really want that around here? Well, what is good for the goose is good for the gander, but it is certainly not my point to suggest that that should be done.

I have to tell my colleagues that my attorneys read the committee report, and they take violent exception to some of the characterizations in it, and urge, by the way, that all my colleagues read our reply to the report, but I accept the letter of reproval. I accept the appearance of impropriety. In the course of it, my attorneys tell me there were 150 subpoenas, 75 witnesses, 33 depositions; and they tell me time and time again in debriefings that they were informed that these witnesses by the staff attorneys were intimidated, were threatened, and were harassed.

I want to emphasize very strongly, these are not the gentlemen and ladies on the Committee on Standards of Official Conduct. As far as I have been apprised, the gentlemen and the ladies on the Committee on Standards of Official Conduct conducted themselves in a manner which we all would expect them to conduct themselves. The staff, of course, was a different situation.

So in conclusion, this 4-year ordeal is over. I accept the findings to stop the hemorrhaging of legal fees and to put this behind us. I am less than thrilled by the drumbeat of malicious, inaccurate newspaper stories which have appeared over the period of time. I certainly want to thank my family and my friends, my staff and my colleagues for their tremendous support which I have received during this 4-year nightmare. And perhaps most significantly, as a result of the tremendous support I have received, our Committee on Transportation and Infrastructure has been able to be an effective committee, has been a committee which in fact, more than any other committee in the Congress, I am told, has seen 119 pieces of legislation signed into law, the largest and most productive committee of the Congress with, indeed, some historic pieces of legislation.

So I accept the findings of the committee in order to put this behind us. And most importantly I want to thank all my colleagues for their tremendous support over this period of time.

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

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, the apologia pro vita sua we have just heard from the gentleman in the well is and represents one of the most intensely personal moments in this body; one of the most human experiences that we engage in. None of us, unless we stand in that well, as the gentleman has just done, can understand the pain and the difficulty, but also the strength of character it takes to deliver the statement the gentleman has just made, and to say ''I accept the judgment.'' But it is characteristic of the gentleman to do so.

The gentleman has led the committee throughout all this ordeal with dignity and effectiveness. I know how pained the gentleman is over this report, but I am proud of this moment that he has taken to address his colleagues and to address the country and to address this institution, and I thank the gentleman.

Mr. SHUSTER. Reclaiming my time, Mr. Speaker, I thank my good friend, and I yield back the balance of my time.

## LAS CIENEGAS NATIONAL CONSERVATION AREA IN THE STATE OF ARIZONA

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 610 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2941.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2941) to establish the Las Cienegas National Conservation Area in the State of Arizona, with Mr. QUINN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from West Virginia (Mr. RAHALL) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume, and I rise in full support of H.R. 2941, which establishes the Cienegas National Conservation Area and the Sonoita Valley Conservation Planning District in the State of Arizona. Authored by my colleague, the gentleman from Arizona (Mr.KOLBE), this legislation will ensure the future protection and use of this area.

The purpose of H.R. 2941 is to preserve the many historical, recreation, and rangeland resources of the region while also allowing for environmentally responsible grazing and recreation to continue. The planning district consists of approximately 137,000 acres of land in the Arizona counties of Pima and Santa Cruz. The conservation area on the southern end of the planning district encompasses nearly 42,000 acres of Federal public land. Both of these management prescriptions will conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique aquatic, wildlife, cave, historical, and other resources and values which allowing livestock grazing and recreation to continue.

In 1995, the Sonoita Valley Planning Partnership was formed to work on public lands issues in the Empire-Cienega Resources Conservation Area, which the BLM established in 1988. The partnership is comprised of various stakeholders, such as hiking clubs, conservation organizations, grazing and mining interests, off-highway vehicle clubs, mountain bike clubs, as well as Federal, States, and county government entities. The SVPP has developed a collaborative management plan for these lands, and the National Conservation Area designation gives this plan's objectives permanence.

The establishment of this conservation planning district and national conservation will not affect any property rights of any lands or interests in lands held by the State of Arizona, any political subdivisions of the State of Arizona, or any private landowners. In addition, reasonable access to non-federally owned lands or interest in lands within the NCA must be provided. The establishment of the National Conservation Area must also allow for multiple use, such as grazing, motorized vehicles, military overflights, and hunting.

Mr. Chairman, this bill ensures the designation of the NCA will not lead to the creation of protective perimeters or buffer zones. This bill also assures that any activity or use on lands outside the NCA are not precluded as a result of the designation. In addition, this bill directs the Secretary to develop and implement a comprehensive management plan for the long-term management of the area.

Mr. Chairman, my colleague, the gentleman from Arizona (Mr. KOLBE), deserves a lot of credit for bringing H.R. 2941 to this point. Following the initial hearing on this legislation, many concerns were raised about boundaries, private and State lands, and grazing language. After several months of negotiation with the minority and the Secretary of the Interior, he has produced legislation that is balanced and reasonable. I want to commend the gentleman from Arizona (Mr. KOLBE) for his patience and hard work. This is a worthy piece of legislation, and I strongly urge my colleagues to support H.R. 2941.

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

Mr. RAHALL. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. PASTOR), a member of the powerful Committee on Appropriations.

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

Mr. PASTOR. Mr. Chairman, I rise to support this legislation, which I have cosponsored and is of tremendous importance to Arizona maintenance.

I appreciate the efforts of the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG); and the ranking member, the gentleman from California (Mr. GEORGE MILLER); as well as the subcommittee chairman, the gentleman from Utah (Mr. HANSEN); and my dear friend, the gentleman from West Virginia (Mr. RAHALL), for moving this legislation.

As my colleagues know, this legislation will designate approximately 206,000 acres of land within Pima, Cochise, and Santa Cruz Counties as a National Conservation Area. I represent the area of the designation within Santa Cruz County. I believe, as do many others within Arizona, that it is important for this area to be designated a National Conservation Area.

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This designation would allow for the local people to continue their involvement in the use and preservation of this area by having a say in the important management plan to be developed by the Secretary of Interior.

In 1988, the Empire-Cienegas Resources Conservation Area was established by the Bureau of Land Management. In 1995, in order to address and work on land issues within the Conservation Area, a diverse and caring group of citizens formed the Sonoita Valley Planning Partnership. Virtually every group with an interest in the use and conservation of the area was included in the Partnership.

Conservation organizations have continued to have a say in how this land should be used and protected. Hiking clubs address the needs of the area both in the recreational activities and preservation. Off-highway vehicle clubs and mountain biking clubs have explored ways to use this land while protecting its pristine value and not spoiling it for wildlife and for plant species.

Ranchers have joined the Partnership to best explain how the land can be used for grazing without having a detrimental impact on the environment. Mining companies continue to work within the Partnership in hopes of ensuring an area will be preserved for recreation, wildlife, and beauty.

Finally, State, Federal, and local governments have been included to address the needs of their constituents which are not part of other groups.

Mr. Chairman, I commend the Sonoita Valley Planning Partnership for having developed a management plan for these lands. By Congress designating Las Cienegas as a National Conservation Area, we will give a permanence to the bold and innovative plan that the Partnership has developed. In fact, the management plan is the core of this National Conservation Area designation. In simple terms, it is a plan by local people for local lands.

Mr. Chairman, while there are many details to this legislation, it is important to point out that this bill would preserve a significant amount of land from Tucson to Mexico. It would create a biological corridor that is necessary for the long-term survival of several species that move within the designated area, not to mention protecting a diverse cross-section of plants. It would also sustain a long-term riparian area along two southern Arizona perennial streams.

In closing, Mr. Chairman, we all know there are several options for protecting this land. After looking at all the alternatives, I support the approach of the gentleman from Arizona (Mr. KOLBE) of the Sonoita Valley Planning Partnership as the best alternative to maintaining and preserving this area. By designating this area as a National Conservation Area, we are taking a practical and meaningful approach toward preserving our environment in southeastern Arizona.

I urge my colleagues to support this important legislation.

Mr. HANSEN. Mr. Chairman, I am happy to yield such time as he may consume to the author of this legislation, the gentleman from Arizona (Mr. KOLBE), who has done such an outstanding job on this legislation.

Mr. KOLBE. Mr. Chairman, I thank the gentleman from Utah (Mr. HANSEN) for yielding me the time.

Mr. Chairman, to paraphrase Winston Churchill, consideration of H.R. 2941 marks not the beginning of the end for this legislation, but rather the end of the beginning.

I say that because this is the culmination of 5 years of work by the people who live and work in the area, but its enactment will mark the beginning of an effort to preserve 143,000 acres of land so that future generations can enjoy Arizona's great western heritage, ranching, outdoor recreation and vast open spaces of desert filled with wildlife.

This bill establishes the Las Cienegas National Conservation Area. Mr. Chairman, for the benefit of my colleagues, ''Las Cienegas'' means ''the marshes,'' something we do not normally associate with Arizona. And yet this river bottom, this watershed is indeed one of the spectacular areas of marshes and bogs.

The legislation will ensure that a land management plan is developed that is consistent with local needs and interests. Besides grazing and recreation, other authorized uses of the lands and the NCA include motorized vehicles on specified roads and trails, continued military overflights, and hunting in accordance with State law.

However, future mineral leases are prohibited. The management plan of this NCA must be based on the local partnership's land use plan that has been collaborative in nature. The plan must include educational programs as well as the strategies for management of wildlife, cultural resources, and cave resources.

The bill also protects private property rights and it ensures access to private and other non-Federal properties within the NCA boundary.

This legislation reflects, I believe, a balanced approach to land management that recreation, hunting and ranching can coexist with the Sonoran desert ecosystem. Several perspectives have been brought to the table during the 5 years that this vision has been molded into its current shape, and the gentleman from Utah (Mr. HANSEN) alluded to some of that.

The interest of hiking clubs, of conservation groups, of grazing permittees, of mountain bike clubs, as well as State and county governments have all been intricately involved and interwoven in this consensus building process.

The bill does indeed, as a result, have very broad support. Both counties affected by this bill have passed unanimous bipartisan resolutions of support. It has shown to have bipartisan support here in the House of Representatives. It has support from the Department of Army and the very nearby Fort Huachuca. It has support of the City of Tucson and support of the Empire Ranch Foundation, of environmental organizations, of the Arizona and Pima Trail Associations, of the Southern Arizona Mountain Bike Association, of the Green Valley Hiking Club. And today, just this morning, I am pleased to say that the Governor of the State of Arizona has just faxed us a letter of her support.

Yes, it even has the support of developers.

The bill establishes a 142,800 acres Sonoita Valley Acquisition Planning District, which includes the 42,000 acres Las Cienegas National Conservation Area.

The goal of this acquisition planning district is to give the Secretary of the Interior the authority to reach a consensual agreement with the Governor of Arizona to acquire the State lands and prevent urban sprawl in the region.

This is a one-way street, however. The Secretary of Interior has to try to negotiate and coordinate with the State, but the State must weigh its options and decide whether this would be beneficial for them. If the State or other non-Federal landowners decide not to participate in this vision, this legislation does not prevent them from doing anything that would be allowed today on that land. It simply provides another option to the State as the major landholder within this acquisition planning area.

Also, let me point out that there are no private lands within the NCA

boundary, and non-Federal land within the acquisition planning district could become a part of the National Conservation Area only if they are acquired from a willing seller or if a conservation easement is purchased by the Bureau of Land Management.

Mr. Chairman, I am proud to be here today representing the people of southeastern Arizona on the development of this legislation. They have made a very conscious effort to work with their neighbors, to understand the differing interests, the competing interests that are included in this bill, and to come up with a plan that meets everyone's needs.

Lastly, I would like to take this opportunity to express my thanks and appreciation to the multitude of people who have helped us to get to this point. Many people have put their heart and soul into this bill.

I think of Luther Propst and Mary Vint with the Sonoran Institute; John and Mac Donaldson and John McDonald with the Empire Ranch, and I only wish, I might add, that I could give them some rain right now for their cattle and their feed; of Sheldon Clark, Peter Backus; Supervisors Ray Carroll of Pima County and Ron Morriss of Santa Cruz County; Arizona Game & Fish Commissioner Joe Carter; and Jesse Juen and Laurie Sedlmayr with the Bureau of Land Management.

I also commend Governor Hull and her staff for their valuable contributions to the legislation. I especially want to thank my colleague, the gentleman from Arizona (Mr. PASTOR), for his consistent support. Lisa Daly with Legislative Counsel has to be commended for dealing with my staff's constant pestering and pleasantly and competently dealing with the seemingly never-ending changes to the bill.

Finally, I thank my own staff in Arizona: Kay McLoughlin, Bernadette Polley. And as a witness to just how long this has been going on, I express my thanks also to Melinda Carrell, who retired more than a year ago, not, I might add, because of this bill, but played an instrumental role in developing this legislation.

Without the dedicated work of Kevin Messner, who is with me on the floor today, giving birth to this bill countless times, negotiating improvements, and maneuvering through mine fields, we would not be here on the floor with this bill today.

And finally, last but not least, let me also thank the gentleman from Utah (Mr. HANSEN), the chairman of subcommittee; Allen Freemyer from the majority staff; and Rick Healy from the minority staff for their invaluable input for bringing us here. These folks have been invaluable in this effort. I give my heartfelt thanks to them and say this is what I think the legislative process ought to be about.

I urge my colleagues to vote in favor of a 5-year bipartisan, multi-interest compromise that is being asked for by the people, and I can say virtually all the people, of southern Arizona.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I simply want to commend and congratulate the gentleman from Arizona (Mr. KOLBE) for the manner in which he has moved this legislation, as well as the subcommittee chairman, the gentleman from Utah (Mr. HANSEN).

At the appropriate time, I will submit the statement of the ranking member, the gentleman from California (Mr. GEORGE MILLER) for the RECORD.

We support the revised bill.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Arizona (Mr. KOLBE) for the excellent presentation that he just gave us concerning this piece of legislation.

Mr. GEORGE MILLER of California. Mr. Chairman, H.R. 2941, introduced by Mr. KOLBE, would establish a new national conservation area (NCA) in southeastern Arizona, near Tucson. The area consists of hills, grasslands and marshes along a stretch of Cienega Creek. Left unaddressed, this area is likely to succumb to urban sprawl.

At the hearing on H.R. 2941, Interior Secretary Babbitt testified in general support a conservation designation for the area. However, there were a significant number of problems with the language of the bill that the Secretary and others elaborated on.

Between the hearing and mark up of the legislation there were discussions among the majority and minority staffs, as well as BLM staff and the bill sponsor on changes that could be made to the bill to make it an acceptable proposal.

We appreciate the fact that the bill reported by the Resources Committee made many positive changes to the bill. However, in one instance the reported bill represented a step backward rather than a step forward.

We did not support the language in the Committee bill as it pertains to grazing. This language had the effect of according grazing a higher status than it has under current law. While the revised bill had many good features to it, on grazing it fell short.

I am pleased that the version of the bill made in order today under the Rule includes provisions that address the problem with the grazing language of the Committee-reported bill. The new language provides for environmentally sustainable grazing on appropriate lands within the conservation area. As such, this language will be consistent with the protection of the important resource values of the area.

Mr. Chairman, I appreciate the work of Representative KOLBE and his staff in addressing this important matter. I will be supporting H.R. 2941 with this new language and urge my colleagues to do likewise.

Mr. HANSEN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

In lieu of the amendment recommended by the Committee on Resources printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

Strike all after the enacting clause and insert the following new text:

**SECTION 1. DEFINITIONS.**

For the purposes of this Act, the following definitions apply:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means the Las Cienegas National Conservation Area established by section 4(a).

(2) ACQUISITION PLANNING DISTRICT.—The term ''Acquisition Planning District'' means the Sonoita Valley Acquisition Planning District established by section 2(a).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Conservation Area.

(4) PUBLIC LANDS.—The term ''public lands'' has the meaning given the term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)), except that such term shall not include interest in lands not owned by the United States.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

**SEC. 2. ESTABLISHMENT OF THE SONOITA VALLEY ACQUISITION PLANNING DISTRICT.**

(a) IN GENERAL.—In order to provide for future acquisitions of important conservation land within the Sonoita Valley region of the State of Arizona, there is hereby established the Sonoita Valley Acquisition Planning District.

(b) AREAS INCLUDED.—The Acquisition Planning District shall consist of approximately 142,800 acres of land in the Arizona counties of Pima and Santa Cruz, including the Conservation Area, as generally depicted on the map entitled ''Sonoita Valley Acquisition Planning District and Las Cienegas National Conservation Area'' and dated October 2, 2000.

(c) MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Acquisition Planning District. In case of a conflict between the map referred to in subsection (b) and the map and legal description submitted by the Secretary, the map referred to in subsection (b) shall control. The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, and in the appropriate office of the Bureau of Land Management in Arizona.

**SEC. 3. PURPOSES OF THE ACQUISITION PLANNING DISTRICT.**

(a) IN GENERAL.—The Secretary shall negotiate with land owners for the acquisition of lands and interest in lands suitable for Conservation Area expansion that meet the purposes described in section 4(a). The Secretary shall only acquire property under this Act pursuant to section 7.

(b) FEDERAL LANDS.—The Secretary, through the Bureau of Land Management, shall administer the public lands within the Acquisition Planning District pursuant to this Act and the applicable provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), subject to valid

existing rights, and in accordance with the management plan. Such public lands shall become part of the Conservation Area when they become contiguous with the Conservation Area.

(c) FISH AND WILDLIFE.—Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Arizona with respect to fish and wildlife within the Acquisition Planning District.

(d) PROTECTION OF STATE AND PRIVATE LANDS AND INTERESTS.—Nothing in this Act shall be construed as affecting any property rights or management authority with regard to any lands or interest in lands held by the State of Arizona, any political subdivision of the State of Arizona, or any private property rights within the boundaries of the Acquisition Planning District.

(e) PUBLIC LANDS.—Nothing in this Act shall be construed as in any way diminishing the Secretary's or the Bureau of Land Management's authorities, rights, or responsibilities for managing the public lands within the Acquisition Planning District.

(f) COORDINATED MANAGEMENT.—The Secretary shall coordinate the management of the public lands within the Acquisition Planning District with that of surrounding county, State, and private lands consistent with the provisions of subsection (d).

**SEC. 4. ESTABLISHMENT OF THE LAS CIENEGAS NATIONAL CONSERVATION AREA.**

(a) IN GENERAL.—In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important aquatic, wildlife, vegetative, archaeological, paleontological, scientific, cave, cultural, historical, recreational, educational, scenic, rangeland, and riparian resources and values of the public lands described in subsection (b) while allowing livestock grazing and recreation to continue in appropriate areas, there is hereby established the Las Cienegas National Conservation Area in the State of Arizona.

(b) AREAS INCLUDED.—The Conservation Area shall consist of approximately 42,000 acres of public lands in the Arizona counties of Pima and Santa Cruz, as generally depicted on the map entitled ''Sonoita Valley Acquisition Planning District and Las Cienegas National Conservation Area'' and dated October 2, 2000.

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area. In case of a conflict between the map referred to in subsection (b) and the map and legal description submitted by the Secretary, the map referred to in subsection (b) shall control. The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, and in the appropriate office of the Bureau of Land Management in Arizona.

(d) FOREST LANDS.—Any lands included in the Coronado National Forest that are located within the boundaries of the Conservation Area shall be considered to be a part of the Conservation Area. The Secretary of Agriculture shall revise the boundaries of the Coronado National Forest to reflect the exclusion of such lands from the Coronado National Forest.

**SEC. 5. MANAGEMENT OF THE LAS CIENEGAS NATIONAL CONSERVATION AREA.**

(a) IN GENERAL.—The Secretary shall manage the Conservation Area in a manner that conserves, protects, and enhances its resources and values, including the resources and values specified in section 4(a), pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this Act.

(b) USES.—The Secretary shall allow only such uses of the Conservation Area as the Secretary finds will further the purposes for which the Conservation Area is established as set forth in section 4(a).

(c) GRAZING.—The Secretary of the Interior shall permit grazing subject to all applicable laws, regulations, and Executive Orders consistent with the purposes of this Act.

(d) MOTORIZED VEHICLES.—Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles on public lands in the Conservation Area shall be allowed only—

(1) before the effective date of a management plan prepared pursuant to section 6, on roads and trails designated for use of motorized vehicles in the management plan that applies on the date of the enactment of this Act; and

(2) after the effective date of a management plan prepared pursuant to section 6, on roads and trails designated for use of motor vehicles in that management plan.

(e) MILITARY AIRSPACE.—Prior to the date of the enactment of this Act the Federal Aviation Administration approved restricted military airspace (Areas 2303A and 2303B) which covers portions of the Conservation Area. Designation of the Conservation Area shall not impact or impose any altitude, flight, or other airspace restrictions on current or future military operations or missions. Should the military require additional or modified airspace in the future, the Congress does not intend for the designation of the Conservation Area to impede the military from petitioning the Federal Aviation Administration to change or expand existing restricted military airspace.

(f) ACCESS TO STATE AND PRIVATE LANDS.—Nothing in this Act shall affect valid existing rights-of-way within the Conservation Area. The Secretary shall provide reasonable access to nonfederally owned lands or interest in lands within the boundaries of the Conservation Area.

(g) HUNTING.—Hunting shall be allowed within the Conservation Area in accordance with applicable laws and regulations of the United States and the State of Arizona, except that the Secretary, after consultation with the Arizona State wildlife management agency, may issue regulations designating zones where and establishing periods when no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment.

(h) PREVENTATIVE MEASURES.—Nothing in this Act shall preclude such measures as the Secretary determines necessary to prevent devastating fire or infestation of insects or disease within the Conservation Area.

(i) NO BUFFER ZONES.—The establishment of the Conservation Area shall not lead to the creation of protective perimeters or buffer zones around the Conservation Area. The fact that there may be activities or uses on lands outside the Conservation Area that would not be permitted in the Conservation Area shall not preclude such activities or uses on such lands up to the boundary of the Conservation Area consistent with other applicable laws.

(j) WITHDRAWALS.—Subject to valid existing rights all Federal lands within the Conservation Area and all lands and interest therein which are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws and from location, entry, and patent under the mining laws, and from operation of the mineral leasing and geothermal leasing laws and all amendments thereto.

**SEC. 6. MANAGEMENT PLAN.**

(a) PLAN REQUIRED.—Not later than 2 years after the date of the enactment of this Act, the Secretary, through the Bureau of Land Management, shall develop and begin to implement a comprehensive management plan for the long-term management of the public lands within the Conservation Area in order to fulfill the purposes for which it is established, as set forth in section 4(a). Consistent with the provisions of this Act, the management plan shall be developed—

(1) in consultation with appropriate departments of the State of Arizona, including wildlife and land management agencies, with full public participation;

(2) from the draft Empire-Cienega Ecosystem Management Plan/EIS, dated October 2000, as it applies to Federal lands or lands with conservation easements; and

(3) in accordance with the resource goals and objectives developed through the Sonoita Valley Planning Partnership process as incorporated in the draft Empire-Cienega Ecosystem Management Plan/EIS, dated October 2000, giving full consideration to the management alternative preferred by the Sonoita Valley Planning Partnership, as it applies to Federal lands or lands with conservation easements.

(b) CONTENTS.—The management plan shall include—

(1) provisions designed to ensure the protection of the resources and values described in section 4(a);

(2) an implementation plan for a continuing program of interpretation and public education about the resources and values of the Conservation Area;

(3) a proposal for minimal administrative and public facilities to be developed or improved at a level compatible with achieving the resource objectives for the Conservation Area and with the other proposed management activities to accommodate visitors to the Conservation Area;

(4) cultural resources management strategies for the Conservation Area, prepared in consultation with appropriate departments of the State of Arizona, with emphasis on the preservation of the resources of the Conservation Area and the interpretive, educational, and long-term scientific uses of these resources, giving priority to the enforcement of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the Conservation Area;

(5) wildlife management strategies for the Conservation Area, prepared in consultation with appropriate departments of the State of Arizona and using previous studies of the Conservation Area;

(6) production livestock grazing management strategies, prepared in consultation with appropriate departments of the State of Arizona;

(7) provisions designed to ensure the protection of environmentally sustainable livestock use on appropriate lands within the Conservation Area;

(8) recreation management strategies, including motorized and nonmotorized dispersed recreation opportunities for the Conservation Area, prepared in consultation with appropriate departments of the State of Arizona;

(9) cave resources management strategies prepared in compliance with the goals and objectives of the Federal Cave Resources Protection Act of 1988 (16 U.S.C. 4301 et seq.); and

(10) provisions designed to ensure that if a road or trail located on public lands within

the Conservation Area, or any portion of such a road or trail, is removed, consideration shall be given to providing similar alternative access to the portion of the Conservation Area serviced by such removed road or trail.

(c) COOPERATIVE AGREEMENTS.—In order to better implement the management plan, the Secretary may enter into cooperative agreements with appropriate Federal, State, and local agencies pursuant to section 307(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(b)).

(d) RESEARCH ACTIVITIES.—In order to assist in the development and implementation of the management plan, the Secretary may authorize appropriate research, including research concerning the environmental, biological, hydrological, cultural, agricultural, recreational, and other characteristics, resources, and values of the Conservation Area, pursuant to section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)).

**SEC. 7. LAND ACQUISITION.**

(a) IN GENERAL.—

(1) PRIORITY TO CONSERVATION EASEMENTS.—In acquiring lands or interest in lands under this section, the Secretary shall give priority to such acquisitions in the form of conservation easements.

(2) PRIVATE LANDS.—The Secretary is authorized to acquire privately held lands or interest in lands within the boundaries of the Acquisition Planning District only from a willing seller through donation, exchange, or purchase.

(3) COUNTY LANDS.—The Secretary is authorized to acquire county lands or interest in lands within the boundaries of the Acquisition Planning District only with the consent of the county through donation, exchange, or purchase.

(4) STATE LANDS.—

(A) IN GENERAL.—The Secretary is authorized to acquire lands or interest in lands owned by the State of Arizona located within the boundaries of the Acquisition Planning District only with the consent of the State and in accordance with State law, by donation, exchange, purchase, or eminent domain.

(B) SUNSET OF AUTHORITY TO ACQUIRE BY EMINENT DOMAIN.—The authority to acquire State lands under subparagraph (A) shall expire 10 years after the date of the enactment of this Act.

(C) CONSIDERATION.—As consideration for the acquisitions by the United States of lands or interest in lands under this paragraph, the Secretary shall pay fair market value for such lands or shall convey to the State of Arizona all or some interest in Federal lands (including buildings and other improvements on such lands or other Federal property other than real property) or any other asset of equal value within the State of Arizona.

(D) TRANSFER OF JURISDICTION.—All Federal agencies are authorized to transfer jurisdiction of Federal lands or interest in lands (including buildings and other improvements on such lands or other Federal property other than real property) or any other asset within the State of Arizona to the Bureau of Land Management for the purpose of acquiring lands or interest in lands as provided for in this paragraph.

(b) MANAGEMENT OF ACQUIRED LANDS.—Lands acquired under this section shall, upon acquisition, become part of the Conservation Area and shall be administered as part of the Conservation Area. These lands shall be managed in accordance with this Act, other applicable laws, and the management plan.

**SEC. 8. REPORTS TO CONGRESS.**

(a) PROTECTION OF CERTAIN LANDS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the most effective measures to protect the lands north of the Acquisition Planning District within the Rincon Valley, Colossal Cave area, and Agua Verde Creek corridor north of Interstate 10 to provide an ecological link to Saguaro National Park and the Rincon Mountains and contribute to local government conservation priorities.

(b) IMPLEMENTATION OF THIS ACT.—Not later than 5 years after the date of the enactment of this Act, and at least at the end of every 10-year period thereafter, the Secretary shall submit to Congress a report describing the implementation of this Act, the condition of the resources and values of the Conservation Area, and the progress of the Secretary in achieving the purposes for which the Conservation Area is established as set forth in section 4(a).

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

AMENDMENT OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KOLBE:

Page 14, beginning on line 2, strike ''by donation, exchange, purchase, or eminent domain'' and insert ''by donation, exchange, or purchase''.

Page 14, strike lines 4 through 8.

Page 14, line 9, strike ''(C)'' and insert ''(B)''.

Page 14, line 19, strike ''(D)'' and insert ''(C)''.

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. KOLBE. Mr. Chairman, just very briefly, this represents the last piece of the compromise on this legislation. After discussions at the last hour last night with the Secretary of Interior, we have agreed to remove the provision providing for any eminent domain provisions in the legislation.

If Arizona adopts a constitutional change this year, the provisions dealing with sale or exchange will still be valid, but we have removed the eminent domain. And this amendment accomplishes that.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, we have examined the amendment to the amendment in the nature of a substitute and we feel it is a good amendment, and we would accept it.

Mr. Chairman, I include for the RECORD the following letter and attachment from the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, October 5, 2000.*

Hon. DON YOUNG,
*Chairman, Committee on Resources,*
*U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2941, a bill to establish the Las Cienegas National Conservation Area in the State of Arizona.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll, who can be reached at 226–2860.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 2941—A bill to establish the Las Cienegas National Conservation Area in the state of Arizona*

*As reported by the House Committee on Resources on October 4, 2000*

CBO estimates that H.R. 2941 would have no significant impact on the federal budget. The bill could affect direct spending (including offsetting receipts); therefore, pay-as-you-go procedures would apply, but we estimate that any such impacts would be less than $500,000 in any given year.

H.R. 2941 would establish the Sonoita Valley Conservation Planning District on 136,900 acres of land in Arizona. The bill would authorize the Secretary of the Interior to establish and operate an advisory council for 10 years to assist the Secretary in managing public lands within the proposed district. Within the district, H.R. 2941 also would establish the Las Cienegas National Conservation Area on 42,000 acres of federal lands and would specify requirements for managing those lands. The bill would direct the Secretary to prepare a management plan for the area and would authorize the Secretary to acquire, through purchase or exchange, nonfederal lands within its boundaries. Subject to valid existing rights, H.R. 2941 would withdraw federal lands within the conservation area from mining and from mineral and geothermal leasing and development. Finally, H.R. 2941 would require the Secretary to report to the Congress on activities within the proposed planning district and conservation area.

Based on information from the Bureau of Land Management (BLM), CBO estimates that implementing this legislation would cost about $500,000 annually, assuming appropriation of the necessary sums. That estimate includes the estimated costs of establishing and managing the proposed district and conservation area, operating the advisory council, updating an existing management plan, and preparing the required reports.

Withdrawing lands within the proposed conservation area from mining and from mineral and geothermal leasing and development could result in forgone offsetting receipts from those lands if, under current law, the land would generate receipts from those activities. According to BLM, however, those lands currently generate no significant receipts from such activities, and the agency does not expect them to generate significant receipts over the next 10 years. CBO estimates that any forgone receipts that might

result under this provision would total less than $500,000 a year.

H.R. 2941 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Any significant costs incurred by state, local, or tribal governments would result from voluntary decisions to participate in managing the areas affected by this bill.

The CBO staff contact for this estimate is Megan Carroll, who can be reached at 226–2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. KOLBE).

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments? If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCHUGH) having assumed the chair, Mr. QUINN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2941) to establish the Las Cienegas National Conservation Area in the State of Arizona, pursuant to House Resolution 610, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

1300

The SPEAKER pro tempore (Mr. MCHUGH). Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

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

## GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2941, the legislation just passed.

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

There was no objection.

## CONFERENCE REPORT ON H.R. 3244, VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000

Mr. SMITH of New Jersey submitted the following conference report and statement on the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking:

CONFERENCE REPORT (H. REPT. 106–939)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3244), an Act to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Victims of Trafficking and Violence Protection Act of 2000''.*

***SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.***

*(a) DIVISIONS.—This Act is organized into three divisions, as follows:*

*(1) DIVISION A.—Trafficking Victims Protection Act of 2000.*

*(2) DIVISION B.—Violence Against Women Act of 2000.*

*(3) DIVISION C.—Miscellaneous Provisions.*

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

*Sec. 1. Short title.*
*Sec. 2. Organization of Act into divisions; table of contents.*

*DIVISION A—TRAFFICKING VICTIMS PROTECTION ACT OF 2000*

*Sec. 101. Short title.*
*Sec. 102. Purposes and findings.*
*Sec. 103. Definitions.*
*Sec. 104. Annual Country Reports on Human Rights Practices.*
*Sec. 105. Interagency Task Force To Monitor and Combat Trafficking.*
*Sec. 106. Prevention of trafficking.*
*Sec. 107. Protection and assistance for victims of trafficking.*
*Sec. 108. Minimum standards for the elimination of trafficking.*
*Sec. 109. Assistance to foreign countries to meet minimum standards.*
*Sec. 110. Actions against governments failing to meet minimum standards.*
*Sec. 111. Actions against significant traffickers in persons.*
*Sec. 112. Strengthening prosecution and punishment of traffickers.*
*Sec. 113. Authorizations of appropriations.*

*DIVISION B—VIOLENCE AGAINST WOMEN ACT OF 2000*

*Sec. 1001. Short title.*
*Sec. 1002. Definitions.*
*Sec. 1003. Accountability and oversight.*

*TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN*

*Sec. 1101. Full faith and credit enforcement of protection orders.*
*Sec. 1102. Role of courts.*
*Sec. 1103. Reauthorization of STOP grants.*
*Sec. 1104. Reauthorization of grants to encourage arrest policies.*
*Sec. 1105. Reauthorization of rural domestic violence and child abuse enforcement grants.*
*Sec. 1106. National stalker and domestic violence reduction.*
*Sec. 1107. Amendments to domestic violence and stalking offenses.*
*Sec. 1108. School and campus security.*
*Sec. 1109. Dating violence.*

*TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE*

*Sec. 1201. Legal assistance for victims.*
*Sec. 1202. Shelter services for battered women and children.*
*Sec. 1203. Transitional housing assistance for victims of domestic violence.*
*Sec. 1204. National domestic violence hotline.*
*Sec. 1205. Federal victims counselors.*
*Sec. 1206. Study of State laws regarding insurance discrimination against victims of violence against women.*
*Sec. 1207. Study of workplace effects from violence against women.*
*Sec. 1208. Study of unemployment compensation for victims of violence against women.*
*Sec. 1209. Enhancing protections for older and disabled women from domestic violence and sexual assault.*

*TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN*

*Sec. 1301. Safe havens for children pilot program.*
*Sec. 1302. Reauthorization of victims of child abuse programs.*
*Sec. 1303. Report on effects of parental kidnapping laws in domestic violence cases.*

*TITLE IV—STRENGTHENING EDUCATION AND TRAINING TO COMBAT VIOLENCE AGAINST WOMEN*

*Sec. 1401. Rape prevention and education.*
*Sec. 1402. Education and training to end violence against and abuse of women with disabilities.*
*Sec. 1403. Community initiatives.*
*Sec. 1404. Development of research agenda identified by the Violence Against Women Act of 1994.*
*Sec. 1405. Standards, practice, and training for sexual assault forensic examinations.*
*Sec. 1406. Education and training for judges and court personnel.*
*Sec. 1407. Domestic Violence Task Force.*

*TITLE V—BATTERED IMMIGRANT WOMEN*

*Sec. 1501. Short title.*
*Sec. 1502. Findings and purposes.*
*Sec. 1503. Improved access to immigration protections of the Violence Against Women Act of 1994 for battered immigrant women.*
*Sec. 1504. Improved access to cancellation of removal and suspension of deportation under the Violence Against Women Act of 1994.*
*Sec. 1505. Offering equal access to immigration protections of the Violence Against Women Act of 1994 for all qualified battered immigrant self-petitioners.*
*Sec. 1506. Restoring immigration protections under the Violence Against Women Act of 1994.*
*Sec. 1507. Remedying problems with implementation of the immigration provisions of the Violence Against Women Act of 1994.*
*Sec. 1508. Technical correction to qualified alien definition for battered immigrants.*
*Sec. 1509. Access to Cuban Adjustment Act for battered immigrant spouses and children.*
*Sec. 1510. Access to the Nicaraguan Adjustment and Central American Relief Act for battered spouses and children.*

Sec. 1511. Access to the Haitian Refugee Fairness Act of 1998 for battered spouses and children.
Sec. 1512. Access to services and legal representation for battered immigrants.
Sec. 1513. Protection for certain crime victims including victims of crimes against women.

TITLE VI—MISCELLANEOUS

Sec. 1601. Notice requirements for sexually violent offenders.
Sec. 1602. Teen suicide prevention study.
Sec. 1603. Decade of pain control and research.

DIVISION C—MISCELLANEOUS PROVISIONS

Sec. 2001. Aimee's law.
Sec. 2002. Payment of anti-terrorism judgments.
Sec. 2003. Aid to victims of terrorism.
Sec. 2004. Twenty-first century amendment.

## DIVISION A—TRAFFICKING VICTIMS PROTECTION ACT OF 2000

**SEC. 101. SHORT TITLE.**

This division may be cited as the ''Trafficking Victims Protection Act of 2000''.

**SEC. 102. PURPOSES AND FINDINGS.**

(a) PURPOSES.—The purposes of this division are to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims.

(b) FINDINGS.—Congress finds that:

(1) As the 21st century begins, the degrading institution of slavery continues throughout the world. Trafficking in persons is a modern form of slavery, and it is the largest manifestation of slavery today. At least 700,000 persons annually, primarily women and children, are trafficked within or across international borders. Approximately 50,000 women and children are trafficked into the United States each year.

(2) Many of these persons are trafficked into the international sex trade, often by force, fraud, or coercion. The sex industry has rapidly expanded over the past several decades. It involves sexual exploitation of persons, predominantly women and girls, involving activities related to prostitution, pornography, sex tourism, and other commercial sexual services. The low status of women in many parts of the world has contributed to a burgeoning of the trafficking industry.

(3) Trafficking in persons is not limited to the sex industry. This growing transnational crime also includes forced labor and involves significant violations of labor, public health, and human rights standards worldwide.

(4) Traffickers primarily target women and girls, who are disproportionately affected by poverty, the lack of access to education, chronic unemployment, discrimination, and the lack of economic opportunities in countries of origin. Traffickers lure women and girls into their networks through false promises of decent working conditions at relatively good pay as nannies, maids, dancers, factory workers, restaurant workers, sales clerks, or models. Traffickers also buy children from poor families and sell them into prostitution or into various types of forced or bonded labor.

(5) Traffickers often transport victims from their home communities to unfamiliar destinations, including foreign countries away from family and friends, religious institutions, and other sources of protection and support, leaving the victims defenseless and vulnerable.

(6) Victims are often forced through physical violence to engage in sex acts or perform slavery-like labor. Such force includes rape and other forms of sexual abuse, torture, starvation, imprisonment, threats, psychological abuse, and coercion.

(7) Traffickers often make representations to their victims that physical harm may occur to them or others should the victim escape or attempt to escape. Such representations can have the same coercive effects on victims as direct threats to inflict such harm.

(8) Trafficking in persons is increasingly perpetrated by organized, sophisticated criminal enterprises. Such trafficking is the fastest growing source of profits for organized criminal enterprises worldwide. Profits from the trafficking industry contribute to the expansion of organized crime in the United States and worldwide. Trafficking in persons is often aided by official corruption in countries of origin, transit, and destination, thereby threatening the rule of law.

(9) Trafficking includes all the elements of the crime of forcible rape when it involves the involuntary participation of another person in sex acts by means of fraud, force, or coercion.

(10) Trafficking also involves violations of other laws, including labor and immigration codes and laws against kidnapping, slavery, false imprisonment, assault, battery, pandering, fraud, and extortion.

(11) Trafficking exposes victims to serious health risks. Women and children trafficked in the sex industry are exposed to deadly diseases, including HIV and AIDS. Trafficking victims are sometimes worked or physically brutalized to death.

(12) Trafficking in persons substantially affects interstate and foreign commerce. Trafficking for such purposes as involuntary servitude, peonage, and other forms of forced labor has an impact on the nationwide employment network and labor market. Within the context of slavery, servitude, and labor or services which are obtained or maintained through coercive conduct that amounts to a condition of servitude, victims are subjected to a range of violations.

(13) Involuntary servitude statutes are intended to reach cases in which persons are held in a condition of servitude through nonviolent coercion. In United States v. Kozminski, 487 U.S. 931 (1988), the Supreme Court found that section 1584 of title 18, United States Code, should be narrowly interpreted, absent a definition of involuntary servitude by Congress. As a result, that section was interpreted to criminalize only servitude that is brought about through use or threatened use of physical or legal coercion, and to exclude other conduct that can have the same purpose and effect.

(14) Existing legislation and law enforcement in the United States and other countries are inadequate to deter trafficking and bring traffickers to justice, failing to reflect the gravity of the offenses involved. No comprehensive law exists in the United States that penalizes the range of offenses involved in the trafficking scheme. Instead, even the most brutal instances of trafficking in the sex industry are often punished under laws that also apply to lesser offenses, so that traffickers typically escape deserved punishment.

(15) In the United States, the seriousness of this crime and its components is not reflected in current sentencing guidelines, resulting in weak penalties for convicted traffickers.

(16) In some countries, enforcement against traffickers is also hindered by official indifference, by corruption, and sometimes even by official participation in trafficking.

(17) Existing laws often fail to protect victims of trafficking, and because victims are often illegal immigrants in the destination country, they are repeatedly punished more harshly than the traffickers themselves.

(18) Additionally, adequate services and facilities do not exist to meet victims' needs regarding health care, housing, education, and legal assistance, which safely reintegrate trafficking victims into their home countries.

(19) Victims of severe forms of trafficking should not be inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked, such as using false documents, entering the country without documentation, or working without documentation.

(20) Because victims of trafficking are frequently unfamiliar with the laws, cultures, and languages of the countries into which they have been trafficked, because they are often subjected to coercion and intimidation including physical detention and debt bondage, and because they often fear retribution and forcible removal to countries in which they will face retribution or other hardship, these victims often find it difficult or impossible to report the crimes committed against them or to assist in the investigation and prosecution of such crimes.

(21) Trafficking of persons is an evil requiring concerted and vigorous action by countries of origin, transit or destination, and by international organizations.

(22) One of the founding documents of the United States, the Declaration of Independence, recognizes the inherent dignity and worth of all people. It states that all men are created equal and that they are endowed by their Creator with certain unalienable rights. The right to be free from slavery and involuntary servitude is among those unalienable rights. Acknowledging this fact, the United States outlawed slavery and involuntary servitude in 1865, recognizing them as evil institutions that must be abolished. Current practices of sexual slavery and trafficking of women and children are similarly abhorrent to the principles upon which the United States was founded.

(23) The United States and the international community agree that trafficking in persons involves grave violations of human rights and is a matter of pressing international concern. The international community has repeatedly condemned slavery and involuntary servitude, violence against women, and other elements of trafficking, through declarations, treaties, and United Nations resolutions and reports, including the Universal Declaration of Human Rights; the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the 1948 American Declaration on the Rights and Duties of Man; the 1957 Abolition of Forced Labor Convention; the International Covenant on Civil and Political Rights; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; United Nations General Assembly Resolutions 50/167, 51/66, and 52/98; the Final Report of the World Congress against Sexual Exploitation of Children (Stockholm, 1996); the Fourth World Conference on Women (Beijing, 1995); and the 1991 Moscow Document of the Organization for Security and Cooperation in Europe.

(24) Trafficking in persons is a transnational crime with national implications. To deter international trafficking and bring its perpetrators to justice, nations including the United States must recognize that trafficking is a serious offense. This is done by prescribing appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting rather than punishing the victims of such offenses. The United States must work bilaterally and multilaterally to abolish the trafficking industry by taking steps to promote cooperation among countries linked together by international trafficking routes. The United States must also urge the international community to take strong action in multilateral fora to engage recalcitrant countries in serious and sustained efforts to eliminate trafficking and protect trafficking victims.

**SEC. 103. DEFINITIONS.**

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives.

(2) COERCION.—The term ''coercion'' means—

(A) threats of serious harm to or physical restraint against any person;

(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform

*an act would result in serious harm to or physical restraint against any person; or*

*(C) the abuse or threatened abuse of the legal process.*

*(3) COMMERCIAL SEX ACT.—The term ''commercial sex act'' means any sex act on account of which anything of value is given to or received by any person.*

*(4) DEBT BONDAGE.—The term ''debt bondage'' means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.*

*(5) INVOLUNTARY SERVITUDE.—The term ''involuntary servitude'' includes a condition of servitude induced by means of—*

*(A) any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint, or*

*(B) the abuse or threatened abuse of the legal process.*

*(6) MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.—The term ''minimum standards for the elimination of trafficking'' means the standards set forth in section 108.*

*(7) NONHUMANITARIAN, NONTRADE-RELATED FOREIGN ASSISTANCE.—The term ''nonhumanitarian, nontrade-related foreign assistance'' means—*

*(A) any assistance under the Foreign Assistance Act of 1961, other than—*

*(i) assistance under chapter 4 of part II of that Act that is made available for any program, project, or activity eligible for assistance under chapter 1 of part I of that Act;*

*(ii) assistance under chapter 8 of part I of that Act;*

*(iii) any other narcotics-related assistance under part I of that Act or under chapter 4 or 5 part II of that Act, but any such assistance provided under this clause shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 634A of that Act;*

*(iv) disaster relief assistance, including any assistance under chapter 9 of part I of that Act;*

*(v) antiterrorism assistance under chapter 8 of part II of that Act;*

*(vi) assistance for refugees;*

*(vii) humanitarian and other development assistance in support of programs of nongovernmental organizations under chapters 1 and 10 of that Act;*

*(viii) programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation; and*

*(ix) other programs involving trade-related or humanitarian assistance; and*

*(B) sales, or financing on any terms, under the Arms Export Control Act, other than sales or financing provided for narcotics-related purposes following notification in accordance with the prior notification procedures applicable to reprogrammings pursuant to section 634A of the Foreign Assistance Act of 1961.*

*(8) SEVERE FORMS OF TRAFFICKING IN PERSONS.—The term ''severe forms of trafficking in persons'' means—*

*(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or*

*(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.*

*(9) SEX TRAFFICKING.—The term ''sex trafficking'' means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.*

*(10) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and territories and possessions of the United States.*

*(11) TASK FORCE.—The term ''Task Force'' means the Interagency Task Force to Monitor and Combat Trafficking established under section 105.*

*(12) UNITED STATES.—The term ''United States'' means the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.*

*(13) VICTIM OF A SEVERE FORM OF TRAFFICKING.—The term ''victim of a severe form of trafficking'' means a person subject to an act or practice described in paragraph (8).*

*(14) VICTIM OF TRAFFICKING.—The term ''victim of trafficking'' means a person subjected to an act or practice described in paragraph (8) or (9).*

***SEC. 104. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.***

*(a) COUNTRIES RECEIVING ECONOMIC ASSISTANCE.—Section 116(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151(f)) is amended to read as follows:*

*''(f)(1) The report required by subsection (d) shall include the following:*

*''(A) A description of the nature and extent of severe forms of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, in each foreign country.*

*''(B) With respect to each country that is a country of origin, transit, or destination for victims of severe forms of trafficking in persons, an assessment of the efforts by the government of that country to combat such trafficking. The assessment shall address the following:*

*''(i) Whether government authorities in that country participate in, facilitate, or condone such trafficking.*

*''(ii) Which government authorities in that country are involved in activities to combat such trafficking.*

*''(iii) What steps the government of that country has taken to prohibit government officials from participating in, facilitating, or condoning such trafficking, including the investigation, prosecution, and conviction of such officials.*

*''(iv) What steps the government of that country has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking.*

*''(v) What steps the government of that country has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of relief from deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter.*

*''(vi) Whether the government of that country is cooperating with governments of other countries to extradite traffickers when requested, or, to the extent that such cooperation would be inconsistent with the laws of such country or with extradition treaties to which such country is a party, whether the government of that country is taking all appropriate measures to modify or replace such laws and treaties so as to permit such cooperation.*

*''(vii) Whether the government of that country is assisting in international investigations of transnational trafficking networks and in other cooperative efforts to combat severe forms of trafficking in persons.*

*''(viii) Whether the government of that country refrains from prosecuting victims of severe forms of trafficking in persons due to such victims having been trafficked, and refrains from other discriminatory treatment of such victims.*

*''(ix) Whether the government of that country recognizes the rights of victims of severe forms of trafficking in persons and ensures their access to justice.*

*''(C) Such other information relating to trafficking in persons as the Secretary of State considers appropriate.*

*''(2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.''.*

*(b) COUNTRIES RECEIVING SECURITY ASSISTANCE.—Section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304) is amended by adding at the end the following new subsection:*

*''(h)(1) The report required by subsection (b) shall include the following:*

*''(A) A description of the nature and extent of severe forms of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, in each foreign country.*

*''(B) With respect to each country that is a country of origin, transit, or destination for victims of severe forms of trafficking in persons, an assessment of the efforts by the government of that country to combat such trafficking. The assessment shall address the following:*

*''(i) Whether government authorities in that country participate in, facilitate, or condone such trafficking.*

*''(ii) Which government authorities in that country are involved in activities to combat such trafficking.*

*''(iii) What steps the government of that country has taken to prohibit government officials from participating in, facilitating, or condoning such trafficking, including the investigation, prosecution, and conviction of such officials.*

*''(iv) What steps the government of that country has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking.*

*''(v) What steps the government of that country has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of relief from deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter.*

*''(vi) Whether the government of that country is cooperating with governments of other countries to extradite traffickers when requested, or, to the extent that such cooperation would be inconsistent with the laws of such country or with extradition treaties to which such country is a party, whether the government of that country is taking all appropriate measures to modify or replace such laws and treaties so as to permit such cooperation.*

*''(vii) Whether the government of that country is assisting in international investigations of transnational trafficking networks and in other cooperative efforts to combat severe forms of trafficking in persons.*

*''(viii) Whether the government of that country refrains from prosecuting victims of severe forms of trafficking in persons due to such victims having been trafficked, and refrains from other discriminatory treatment of such victims.*

*''(ix) Whether the government of that country recognizes the rights of victims of severe forms of trafficking in persons and ensures their access to justice.*

*''(C) Such other information relating to trafficking in persons as the Secretary of State considers appropriate.*

*''(2) In compiling data and making assessments for the purposes of paragraph (1), United*

*States diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.''.*

***SEC. 105. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.***

*(a) ESTABLISHMENT.—The President shall establish an Interagency Task Force to Monitor and Combat Trafficking.*

*(b) APPOINTMENT.—The President shall appoint the members of the Task Force, which shall include the Secretary of State, the Administrator of the United States Agency for International Development, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Director of Central Intelligence, and such other officials as may be designated by the President.*

*(c) CHAIRMAN.—The Task Force shall be chaired by the Secretary of State.*

*(d) ACTIVITIES OF THE TASK FORCE.—The Task Force shall carry out the following activities:*

*(1) Coordinate the implementation of this division.*

*(2) Measure and evaluate progress of the United States and other countries in the areas of trafficking prevention, protection, and assistance to victims of trafficking, and prosecution and enforcement against traffickers, including the role of public corruption in facilitating trafficking. The Task Force shall have primary responsibility for assisting the Secretary of State in the preparation of the reports described in section 110.*

*(3) Expand interagency procedures to collect and organize data, including significant research and resource information on domestic and international trafficking. Any data collection procedures established under this subsection shall respect the confidentiality of victims of trafficking.*

*(4) Engage in efforts to facilitate cooperation among countries of origin, transit, and destination. Such efforts shall aim to strengthen local and regional capacities to prevent trafficking, prosecute traffickers and assist trafficking victims, and shall include initiatives to enhance cooperative efforts between destination countries and countries of origin and assist in the appropriate reintegration of stateless victims of trafficking.*

*(5) Examine the role of the international ''sex tourism'' industry in the trafficking of persons and in the sexual exploitation of women and children around the world.*

*(6) Engage in consultation and advocacy with governmental and nongovernmental organizations, among other entities, to advance the purposes of this division.*

*(e) SUPPORT FOR THE TASK FORCE.—The Secretary of State is authorized to establish within the Department of State an Office to Monitor and Combat Trafficking, which shall provide assistance to the Task Force. Any such Office shall be headed by a Director. The Director shall have the primary responsibility for assisting the Secretary of State in carrying out the purposes of this division and may have additional responsibilities as determined by the Secretary. The Director shall consult with nongovernmental organizations and multilateral organizations, and with trafficking victims or other affected persons. The Director shall have the authority to take evidence in public hearings or by other means. The agencies represented on the Task Force are authorized to provide staff to the Office on a nonreimbursable basis.*

***SEC. 106. PREVENTION OF TRAFFICKING.***

*(a) ECONOMIC ALTERNATIVES TO PREVENT AND DETER TRAFFICKING.—The President shall establish and carry out international initiatives to enhance economic opportunity for potential victims of trafficking as a method to deter trafficking. Such initiatives may include—*

*(1) microcredit lending programs, training in business development, skills training, and job counseling;*

*(2) programs to promote women's participation in economic decisionmaking;*

*(3) programs to keep children, especially girls, in elementary and secondary schools, and to educate persons who have been victims of trafficking;*

*(4) development of educational curricula regarding the dangers of trafficking; and*

*(5) grants to nongovernmental organizations to accelerate and advance the political, economic, social, and educational roles and capacities of women in their countries.*

*(b) PUBLIC AWARENESS AND INFORMATION.—The President, acting through the Secretary of Labor, the Secretary of Health and Human Services, the Attorney General, and the Secretary of State, shall establish and carry out programs to increase public awareness, particularly among potential victims of trafficking, of the dangers of trafficking and the protections that are available for victims of trafficking.*

*(c) CONSULTATION REQUIREMENT.—The President shall consult with appropriate nongovernmental organizations with respect to the establishment and conduct of initiatives described in subsections (a) and (b).*

***SEC. 107. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.***

*(a) ASSISTANCE FOR VICTIMS IN OTHER COUNTRIES.—*

*(1) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development, in consultation with appropriate nongovernmental organizations, shall establish and carry out programs and initiatives in foreign countries to assist in the safe integration, reintegration, or resettlement, as appropriate, of victims of trafficking. Such programs and initiatives shall be designed to meet the appropriate assistance needs of such persons and their children, as identified by the Task Force.*

*(2) ADDITIONAL REQUIREMENT.—In establishing and conducting programs and initiatives described in paragraph (1), the Secretary of State and the Administrator of the United States Agency for International Development shall take all appropriate steps to enhance cooperative efforts among foreign countries, including countries of origin of victims of trafficking, to assist in the integration, reintegration, or resettlement, as appropriate, of victims of trafficking, including stateless victims.*

*(b) VICTIMS IN THE UNITED STATES.—*

*(1) ASSISTANCE.—*

*(A) ELIGIBILITY FOR BENEFITS AND SERVICES.—Notwithstanding title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, an alien who is a victim of a severe form of trafficking in persons shall be eligible for benefits and services under any Federal or State program or activity funded or administered by any official or agency described in subparagraph (B) to the same extent as an alien who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act.*

*(B) REQUIREMENT TO EXPAND BENEFITS AND SERVICES.—Subject to subparagraph (C) and, in the case of nonentitlement programs, to the availability of appropriations, the Secretary of Health and Human Services, the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and the heads of other Federal agencies shall expand benefits and services to victims of severe forms of trafficking in persons in the United States, without regard to the immigration status of such victims.*

*(C) DEFINITION OF VICTIM OF A SEVERE FORM OF TRAFFICKING IN PERSONS.—For the purposes of this paragraph, the term ''victim of a severe form of trafficking in persons'' means only a person—*

*(i) who has been subjected to an act or practice described in section 103(8) as in effect on the date of the enactment of this Act; and*

*(ii)(I) who has not attained 18 years of age; or*

*(II) who is the subject of a certification under subparagraph (E).*

*(D) ANNUAL REPORT.—Not later than December 31 of each year, the Secretary of Health and Human Services, in consultation with the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and the heads of other appropriate Federal agencies shall submit a report, which includes information on the number of persons who received benefits or other services under this paragraph in connection with programs or activities funded or administered by such agencies or officials during the preceding fiscal year, to the Committee on Ways and Means, the Committee on International Relations, and the Committee on the Judiciary of the House of Representatives and the Committee on Finance, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate.*

*(E) CERTIFICATION.—*

*(i) IN GENERAL.—Subject to clause (ii), the certification referred to in subparagraph (C) is a certification by the Secretary of Health and Human Services, after consultation with the Attorney General, that the person referred to in subparagraph (C)(ii)(II)—*

*(I) is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons; and*

*(II)(aa) has made a bona fide application for a visa under section 101(a)(15)(T) of the Immigration and Nationality Act, as added by subsection (e), that has not been denied; or*

*(bb) is a person whose continued presence in the United States the Attorney General is ensuring in order to effectuate prosecution of traffickers in persons.*

*(ii) PERIOD OF EFFECTIVENESS.—A certification referred to in subparagraph (C), with respect to a person described in clause (i)(II)(bb), shall be effective only for so long as the Attorney General determines that the continued presence of such person is necessary to effectuate prosecution of traffickers in persons.*

*(iii) INVESTIGATION AND PROSECUTION DEFINED.—For the purpose of a certification under this subparagraph, the term ''investigation and prosecution'' includes—*

*(I) identification of a person or persons who have committed severe forms of trafficking in persons;*

*(II) location and apprehension of such persons; and*

*(III) testimony at proceedings against such persons.*

*(2) GRANTS.—*

*(A) IN GENERAL.—Subject to the availability of appropriations, the Attorney General may make grants to States, Indian tribes, units of local government, and nonprofit, nongovernmental victims' service organizations to develop, expand, or strengthen victim service programs for victims of trafficking.*

*(B) ALLOCATION OF GRANT FUNDS.—Of amounts made available for grants under this paragraph, there shall be set aside—*

*(i) three percent for research, evaluation, and statistics;*

*(ii) two percent for training and technical assistance; and*

*(iii) one percent for management and administration.*

*(C) LIMITATION ON FEDERAL SHARE.—The Federal share of a grant made under this paragraph may not exceed 75 percent of the total costs of the projects described in the application submitted.*

*(c) TRAFFICKING VICTIM REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Attorney General and the Secretary of State shall promulgate regulations for law enforcement personnel, immigration officials, and Department of State officials to implement the following:*

*(1) PROTECTIONS WHILE IN CUSTODY.—Victims of severe forms of trafficking, while in the custody of the Federal Government and to the extent practicable, shall—*

*(A) not be detained in facilities inappropriate to their status as crime victims;*

*(B) receive necessary medical care and other assistance; and*

*(C) be provided protection if a victim's safety is at risk or if there is danger of additional harm by recapture of the victim by a trafficker, including—*

*(i) taking measures to protect trafficked persons and their family members from intimidation and threats of reprisals and reprisals from traffickers and their associates; and*

*(ii) ensuring that the names and identifying information of trafficked persons and their family members are not disclosed to the public.*

*(2) ACCESS TO INFORMATION.—Victims of severe forms of trafficking shall have access to information about their rights and translation services.*

*(3) AUTHORITY TO PERMIT CONTINUED PRESENCE IN THE UNITED STATES.—Federal law enforcement officials may permit an alien individual's continued presence in the United States, if after an assessment, it is determined that such individual is a victim of a severe form of trafficking and a potential witness to such trafficking, in order to effectuate prosecution of those responsible, and such officials in investigating and prosecuting traffickers shall protect the safety of trafficking victims, including taking measures to protect trafficked persons and their family members from intimidation, threats of reprisals, and reprisals from traffickers and their associates.*

*(4) TRAINING OF GOVERNMENT PERSONNEL.—Appropriate personnel of the Department of State and the Department of Justice shall be trained in identifying victims of severe forms of trafficking and providing for the protection of such victims.*

*(d) CONSTRUCTION.—Nothing in subsection (c) shall be construed as creating any private cause of action against the United States or its officers or employees.*

*(e) PROTECTION FROM REMOVAL FOR CERTAIN CRIME VICTIMS.—*

*(1) IN GENERAL.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—*

*(A) by striking ''or'' at the end of subparagraph (R);*

*(B) by striking the period at the end of subparagraph (S) and inserting ''; or''; and*

*(C) by adding at the end the following new subparagraph:*

*''(T)(i) subject to section 214(n), an alien who the Attorney General determines—*

*''(I) is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000,*

*''(II) is physically present in the United States, American Samoa, or the Commonwealth of the Northern Mariana Islands, or at a port of entry thereto, on account of such trafficking,*

*''(III)(aa) has complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, or*

*''(bb) has not attained 15 years of age, and*

*''(IV) the alien would suffer extreme hardship involving unusual and severe harm upon removal; and*

*''(ii) if the Attorney General considers it necessary to avoid extreme hardship—*

*''(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, and parents of such alien; and*

*''(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien,*

*if accompanying, or following to join, the alien described in clause (i).''.*

*(2) CONDITIONS OF NONIMMIGRANT STATUS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—*

*(A) by redesignating the subsection (l) added by section 625(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–1820) as subsection (m); and*

*(B) by adding at the end the following:*

*''(n)(1) No alien shall be eligible for admission to the United States under section 101(a)(15)(T) if there is substantial reason to believe that the alien has committed an act of a severe form of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000).*

*''(2) The total number of aliens who may be issued visas or otherwise provided nonimmigrant status during any fiscal year under section 101(a)(15)(T) may not exceed 5,000.*

*''(3) The numerical limitation of paragraph (2) shall only apply to principal aliens and not to the spouses, sons, daughters, or parents of such aliens.''.*

*(3) WAIVER OF GROUNDS FOR INELIGIBILITY FOR ADMISSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by adding at the end the following:*

*''(13)(A) The Attorney General shall determine whether a ground for inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(T).*

*''(B) In addition to any other waiver that may be available under this section, in the case of a nonimmigrant described in section 101(a)(15)(T), if the Attorney General considers it to be in the national interest to do so, the Attorney General, in the Attorney General's discretion, may waive the application of—*

*''(i) paragraphs (1) and (4) of subsection (a); and*

*''(ii) any other provision of such subsection (excluding paragraphs (3), (10)(C), and (10(E)) if the activities rendering the alien inadmissible under the provision were caused by, or were incident to, the victimization described in section 101(a)(15)(T)(i)(I).''.*

*(4) DUTIES OF THE ATTORNEY GENERAL WITH RESPECT TO ''T'' VISA NONIMMIGRANTS.—Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by adding at the end the following new subsection:*

*''(i) With respect to each nonimmigrant alien described in subsection (a)(15)(T)(i)—*

*''(1) the Attorney General and other Government officials, where appropriate, shall provide the alien with a referral to a nongovernmental organization that would advise the alien regarding the alien's options while in the United States and the resources available to the alien; and*

*''(2) the Attorney General shall, during the period the alien is in lawful temporary resident status under that subsection, grant the alien authorization to engage in employment in the United States and provide the alien with an 'employment authorized' endorsement or other appropriate work permit.''.*

*(5) STATUTORY CONSTRUCTION.—Nothing in this section, or in the amendments made by this section, shall be construed as prohibiting the Attorney General from instituting removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) against an alien admitted as a nonimmigrant under section 101(a)(15)(T)(i) of that Act, as added by subsection (e), for conduct committed after the alien's admission into the United States, or for conduct or a condition that was not disclosed to the Attorney General prior to the alien's admission as a nonimmigrant under such section 101(a)(15)(T)(i).*

*(f) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—Section 245 of such Act (8 U.S.C 1255) is amended by adding at the end the following new subsection:*

*''(l)(1) If, in the opinion of the Attorney General, a nonimmigrant admitted into the United States under section 101(a)(15)(T)(i)—*

*''(A) has been physically present in the United States for a continuous period of at least 3 years since the date of admission as a nonimmigrant under section 101(a)(15)(T)(i),*

*''(B) has, throughout such period, been a person of good moral character, and*

*''(C)(i) has, during such period, complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, or*

*''(ii) the alien would suffer extreme hardship involving unusual and severe harm upon removal from the United States,*

*the Attorney General may adjust the status of the alien (and any person admitted under that section as the spouse, parent, or child of the alien) to that of an alien lawfully admitted for permanent residence.*

*''(2) Paragraph (1) shall not apply to an alien admitted under section 101(a)(15)(T) who is inadmissible to the United States by reason of a ground that has not been waived under section 212, except that, if the Attorney General considers it to be in the national interest to do so, the Attorney General, in the Attorney General's discretion, may waive the application of—*

*''(A) paragraphs (1) and (4) of section 212(a); and*

*''(B) any other provision of such section (excluding paragraphs (3), (10)(C), and (10(E)), if the activities rendering the alien inadmissible under the provision were caused by, or were incident to, the victimization described in section 101(a)(15)(T)(i)(I).*

*''(2) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.*

*''(3)(A) The total number of aliens whose status may be adjusted under paragraph (1) during any fiscal year may not exceed 5,000.*

*''(B) The numerical limitation of subparagraph (A) shall only apply to principal aliens and not to the spouses, sons, daughters, or parents of such aliens.*

*''(4) Upon the approval of adjustment of status under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval.''.*

*(g) ANNUAL REPORTS.—On or before October 31 of each year, the Attorney General shall submit a report to the appropriate congressional committees setting forth, with respect to the preceding fiscal year, the number, if any, of otherwise eligible applicants who did not receive visas under section 101(a)(15)(T) of the Immigration and Nationality Act, as added by subsection (e), or who were unable to adjust their status under section 245(l) of such Act, solely on account of the unavailability of visas due to a limitation imposed by section 214(n)(1) or 245(l)(4)(A) of such Act.*

***SEC. 108. MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.***

*(a) MINIMUM STANDARDS.—For purposes of this division, the minimum standards for the elimination of trafficking applicable to the government of a country of origin, transit, or destination for a significant number of victims of severe forms of trafficking are the following:*

*(1) The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.*

*(2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.*

*(3) For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.*

*(4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.*

*(b) CRITERIA.—In determinations under subsection (a)(4), the following factors should be*

*considered as indicia of serious and sustained efforts to eliminate severe forms of trafficking in persons:*

*(1) Whether the government of the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons that take place wholly or partly within the territory of the country.*

*(2) Whether the government of the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provisions for legal alternatives to their removal to countries in which they would face retribution or hardship, and ensures that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked.*

*(3) Whether the government of the country has adopted measures to prevent severe forms of trafficking in persons, such as measures to inform and educate the public, including potential victims, about the causes and consequences of severe forms of trafficking in persons.*

*(4) Whether the government of the country cooperates with other governments in the investigation and prosecution of severe forms of trafficking in persons.*

*(5) Whether the government of the country extradites persons charged with acts of severe forms of trafficking in persons on substantially the same terms and to substantially the same extent as persons charged with other serious crimes (or, to the extent such extradition would be inconsistent with the laws of such country or with international agreements to which the country is a party, whether the government is taking all appropriate measures to modify or replace such laws and treaties so as to permit such extradition).*

*(6) Whether the government of the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether law enforcement agencies of the country respond to any such evidence in a manner that is consistent with the vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of human rights of victims and the internationally recognized human right to leave any country, including one's own, and to return to one's own country.*

*(7) Whether the government of the country vigorously investigates and prosecutes public officials who participate in or facilitate severe forms of trafficking in persons, and takes all appropriate measures against officials who condone such trafficking.*

***SEC. 109. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS.***

*Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new section:*

***''SEC. 134. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.***

*''(a) AUTHORIZATION.—The President is authorized to provide assistance to foreign countries directly, or through nongovernmental and multilateral organizations, for programs, projects, and activities designed to meet the minimum standards for the elimination of trafficking (as defined in section 103 of the Trafficking Victims Protection Act of 2000), including—*

*''(1) the drafting of laws to prohibit and punish acts of trafficking;*

*''(2) the investigation and prosecution of traffickers;*

*''(3) the creation and maintenance of facilities, programs, projects, and activities for the protection of victims; and*

*''(4) the expansion of exchange programs and international visitor programs for governmental and nongovernmental personnel to combat trafficking.*

*''(b) FUNDING.—Amounts made available to carry out the other provisions of this part (including chapter 4 of part II of this Act) and the Support for East European Democracy (SEED) Act of 1989 shall be made available to carry out this section.''.*

***SEC. 110. ACTIONS AGAINST GOVERNMENTS FAILING TO MEET MINIMUM STANDARDS.***

*(a) STATEMENT OF POLICY.—It is the policy of the United States not to provide nonhumanitarian, nontrade-related foreign assistance to any government that—*

*(1) does not comply with minimum standards for the elimination of trafficking; and*

*(2) is not making significant efforts to bring itself into compliance with such standards.*

*(b) REPORTS TO CONGRESS.—*

*(1) ANNUAL REPORT.—Not later than June 1 of each year, the Secretary of State shall submit to the appropriate congressional committees a report with respect to the status of severe forms of trafficking in persons that shall include—*

*(A) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments fully comply with such standards;*

*(B) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments do not yet fully comply with such standards but are making significant efforts to bring themselves into compliance; and*

*(C) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments do not fully comply with such standards and are not making significant efforts to bring themselves into compliance.*

*(2) INTERIM REPORTS.—In addition to the annual report under paragraph (1), the Secretary of State may submit to the appropriate congressional committees at any time one or more interim reports with respect to the status of severe forms of trafficking in persons, including information about countries whose governments—*

*(A) have come into or out of compliance with the minimum standards for the elimination of trafficking; or*

*(B) have begun or ceased to make significant efforts to bring themselves into compliance,*

*since the transmission of the last annual report.*

*(3) SIGNIFICANT EFFORTS.—In determinations under paragraph (1) or (2) as to whether the government of a country is making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking, the Secretary of State shall consider—*

*(A) the extent to which the country is a country of origin, transit, or destination for severe forms of trafficking;*

*(B) the extent of noncompliance with the minimum standards by the government and, particularly, the extent to which officials or employees of the government have participated in, facilitated, condoned, or are otherwise complicit in severe forms of trafficking; and*

*(C) what measures are reasonable to bring the government into compliance with the minimum standards in light of the resources and capabilities of the government.*

*(c) NOTIFICATION.—Not less than 45 days or more than 90 days after the submission, on or after January 1, 2003, of an annual report under subsection (b)(1), or an interim report under subsection (b)(2), the President shall submit to the appropriate congressional committees a notification of one of the determinations listed in subsection (d) with respect to each foreign country whose government, according to such report—*

*(A) does not comply with the minimum standards for the elimination of trafficking; and*

*(B) is not making significant efforts to bring itself into compliance, as described in subsection (b)(1)(C).*

*(d) PRESIDENTIAL DETERMINATIONS.—The determinations referred to in subsection (c) are the following:*

*(1) WITHHOLDING OF NONHUMANITARIAN, NONTRADE-RELATED ASSISTANCE.—The President has determined that—*

*(A)(i) the United States will not provide nonhumanitarian, nontrade-related foreign assistance to the government of the country for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance; or*

*(ii) in the case of a country whose government received no nonhumanitarian, nontrade-related foreign assistance from the United States during the previous fiscal year, the United States will not provide funding for participation by officials or employees of such governments in educational and cultural exchange programs for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance; and*

*(B) the President will instruct the United States Executive Director of each multilateral development bank and of the International Monetary Fund to vote against, and to use the Executive Director's best efforts to deny, any loan or other utilization of the funds of the respective institution to that country (other than for humanitarian assistance, for trade-related assistance, or for development assistance which directly addresses basic human needs, is not administered by the government of the sanctioned country, and confers no benefit to that government) for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance.*

*(2) ONGOING, MULTIPLE, BROAD-BASED RESTRICTIONS ON ASSISTANCE IN RESPONSE TO HUMAN RIGHTS VIOLATIONS.—The President has determined that such country is already subject to multiple, broad-based restrictions on assistance imposed in significant part in response to human rights abuses and such restrictions are ongoing and are comparable to the restrictions provided in paragraph (1). Such determination shall be accompanied by a description of the specific restriction or restrictions that were the basis for making such determination.*

*(3) SUBSEQUENT COMPLIANCE.—The Secretary of State has determined that the government of the country has come into compliance with the minimum standards or is making significant efforts to bring itself into compliance.*

*(4) CONTINUATION OF ASSISTANCE IN THE NATIONAL INTEREST.—Notwithstanding the failure of the government of the country to comply with minimum standards for the elimination of trafficking and to make significant efforts to bring itself into compliance, the President has determined that the provision to the country of nonhumanitarian, nontrade-related foreign assistance, or the multilateral assistance described in paragraph (1)(B), or both, would promote the purposes of this division or is otherwise in the national interest of the United States.*

*(5) EXERCISE OF WAIVER AUTHORITY.—*

*(A) IN GENERAL.—The President may exercise the authority under paragraph (4) with respect to—*

*(i) all nonhumanitarian, nontrade-related foreign assistance to a country;*

*(ii) all multilateral assistance described in paragraph (1)(B) to a country; or*

*(iii) one or more programs, projects, or activities of such assistance.*

*(B) AVOIDANCE OF SIGNIFICANT ADVERSE EFFECTS.—The President shall exercise the authority under paragraph (4) when necessary to avoid significant adverse effects on vulnerable populations, including women and children.*

*(6) DEFINITION OF MULTILATERAL DEVELOPMENT BANK.—In this subsection, the term ''multilateral development bank'' refers to any of the following institutions: the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, the African Development Fund, the European Bank for*

*Reconstruction and Development, and the Multilateral Investment Guaranty Agency.*

*(e) CERTIFICATION.—Together with any notification under subsection (c), the President shall provide a certification by the Secretary of State that, with respect to any assistance described in clause (ii), (iii), or (v) of section 103(7)(A), or with respect to any assistance described in section 103(7)(B), no assistance is intended to be received or used by any agency or official who has participated in, facilitated, or condoned a severe form of trafficking in persons.*

***SEC. 111. ACTIONS AGAINST SIGNIFICANT TRAFFICKERS IN PERSONS.***

*(a) AUTHORITY TO SANCTION SIGNIFICANT TRAFFICKERS IN PERSONS.—*

*(1) IN GENERAL.—The President may exercise the authorities set forth in section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701) without regard to section 202 of that Act (50 U.S.C. 1701) in the case of any of the following persons:*

*(A) Any foreign person that plays a significant role in a severe form of trafficking in persons, directly or indirectly in the United States.*

*(B) Foreign persons that materially assist in, or provide financial or technological support for or to, or provide goods or services in support of, activities of a significant foreign trafficker in persons identified pursuant to subparagraph (A).*

*(C) Foreign persons that are owned, controlled, or directed by, or acting for or on behalf of, a significant foreign trafficker identified pursuant to subparagraph (A).*

*(2) PENALTIES.—The penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) apply to violations of any license, order, or regulation issued under this section.*

*(b) REPORT TO CONGRESS ON IDENTIFICATION AND SANCTIONING OF SIGNIFICANT TRAFFICKERS IN PERSONS.—*

*(1) IN GENERAL.—Upon exercising the authority of subsection (a), the President shall report to the appropriate congressional committees—*

*(A) identifying publicly the foreign persons that the President determines are appropriate for sanctions pursuant to this section and the basis for such determination; and*

*(B) detailing publicly the sanctions imposed pursuant to this section.*

*(2) REMOVAL OF SANCTIONS.—Upon suspending or terminating any action imposed under the authority of subsection (a), the President shall report to the committees described in paragraph (1) on such suspension or termination.*

*(3) SUBMISSION OF CLASSIFIED INFORMATION.—Reports submitted under this subsection may include an annex with classified information regarding the basis for the determination made by the President under paragraph (1)(A).*

*(c) LAW ENFORCEMENT AND INTELLIGENCE ACTIVITIES NOT AFFECTED.—Nothing in this section prohibits or otherwise limits the authorized law enforcement or intelligence activities of the United States, or the law enforcement activities of any State or subdivision thereof.*

*(d) EXCLUSION OF PERSONS WHO HAVE BENEFITED FROM ILLICIT ACTIVITIES OF TRAFFICKERS IN PERSONS.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by inserting at the end the following new subparagraph:*

*''(H) SIGNIFICANT TRAFFICKERS IN PERSONS.—*

*''(i) IN GENERAL.—Any alien who is listed in a report submitted pursuant to section 111(b) of the Trafficking Victims Protection Act of 2000, or who the consular officer or the Attorney General knows or has reason to believe is or has been a knowing aider, abettor, assister, conspirator, or colluder with such a trafficker in severe forms of trafficking in persons, as defined in the section 103 of such Act, is inadmissible.*

*''(ii) BENEFICIARIES OF TRAFFICKING.—Except as provided in clause (iii), any alien who the consular officer or the Attorney General knows or has reason to believe is the spouse, son, or daughter of an alien inadmissible under clause (i), has, within the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity, is inadmissible.*

*''(iii) EXCEPTION FOR CERTAIN SONS AND DAUGHTERS.—Clause (ii) shall not apply to a son or daughter who was a child at the time he or she received the benefit described in such clause.''.*

*(e) IMPLEMENTATION.—*

*(1) DELEGATION OF AUTHORITY.—The President may delegate any authority granted by this section, including the authority to designate foreign persons under paragraphs (1)(B) and (1)(C) of subsection (a).*

*(2) PROMULGATION OF RULES AND REGULATIONS.—The head of any agency, including the Secretary of Treasury, is authorized to take such actions as may be necessary to carry out any authority delegated by the President pursuant to paragraph (1), including promulgating rules and regulations.*

*(3) OPPORTUNITY FOR REVIEW.—Such rules and regulations shall include procedures affording an opportunity for a person to be heard in an expeditious manner, either in person or through a representative, for the purpose of seeking changes to or termination of any determination, order, designation or other action associated with the exercise of the authority in subsection (a).*

*(f) DEFINITION OF FOREIGN PERSONS.—In this section, the term ''foreign person'' means any citizen or national of a foreign state or any entity not organized under the laws of the United States, including a foreign government official, but does not include a foreign state.*

*(g) CONSTRUCTION.—Nothing in this section shall be construed as precluding judicial review of the exercise of the authority described in subsection (a).*

***SEC. 112. STRENGTHENING PROSECUTION AND PUNISHMENT OF TRAFFICKERS.***

*(a) TITLE 18 AMENDMENTS.—Chapter 77 of title 18, United States Code, is amended—*

*(1) in each of sections 1581(a), 1583, and 1584—*

*(A) by striking ''10 years'' and inserting ''20 years''; and*

*(B) by adding at the end the following: ''If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.'';*

*(2) by inserting at the end the following:*

***''§ 1589. Forced labor***

*''Whoever knowingly provides or obtains the labor or services of a person—*

*''(1) by threats of serious harm to, or physical restraint against, that person or another person;*

*''(2) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or*

*''(3) by means of the abuse or threatened abuse of law or the legal process,*

*shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.*

***''§ 1590. Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor***

*''Whoever knowingly recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.*

***''§ 1591. Sex trafficking of children or by force, fraud or coercion***

*''(a) Whoever knowingly—*

*''(1) in or affecting interstate commerce, recruits, entices, harbors, transports, provides, or obtains by any means a person; or*

*''(2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1),*

*knowing that force, fraud, or coercion described in subsection (c)(2) will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).*

*''(b) The punishment for an offense under subsection (a) is—*

*''(1) if the offense was effected by force, fraud, or coercion or if the person transported had not attained the age of 14 years at the time of such offense, by a fine under this title or imprisonment for any term of years or for life, or both; or*

*''(2) if the offense was not so effected, and the person transported had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title or imprisonment for not more than 20 years, or both.*

*''(c) In this section:*

*''(1) The term 'commercial sex act' means any sex act, on account of which anything of value is given to or received by any person.''*

*''(2) The term 'coercion' means—*

*''(A) threats of serious harm to or physical restraint against any person;*

*''(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or*

*''(C) the abuse or threatened abuse of law or the legal process.*

*''(3) The term 'venture' means any group of 2 or more individuals associated in fact, whether or not a legal entity.*

***''§ 1592. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor***

*''(a) Whoever knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person—*

*''(1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, 1591, or 1594(a);*

*''(2) with intent to violate section 1581, 1583, 1584, 1589, 1590, or 1591; or*

*''(3) to prevent or restrict or to attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel, in order to maintain the labor or services of that person, when the person is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000;*

*shall be fined under this title or imprisoned for not more than 5 years, or both.*

*''(b) Subsection (a) does not apply to the conduct of a person who is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, if that conduct is caused by, or incident to, that trafficking.*

***"§ 1593. Mandatory restitution***

*''(a) Notwithstanding sections 3663 or 3663A, and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any offense under this chapter.*

*''(b)(1) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses, as determined by the court under paragraph (3) of this subsection.*

*''(2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.*

*''(3) As used in this subsection, the term 'full amount of the victim's losses' has the same meaning as provided in section 2259(b)(3) and shall in addition include the greater of the gross income or value to the defendant of the victim's services or labor or the value of the victim's labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act (29 U.S.C. 201, et seq.).*

*''(c) As used in this section, the term 'victim' means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.*

***"§ 1594. General provisions***

*''(a) Whoever attempts to violate section 1581, 1583, 1584, 1589, 1590, or 1591 shall be punishable in the same manner as a completed violation of that section.*

*''(b) The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—*

*''(1) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and*

*''(2) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.*

*''(c)(1) The following shall be subject to forfeiture to the United States and no property right shall exist in them:*

*''(A) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter.*

*''(B) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.*

*''(2) The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.*

*''(d) WITNESS PROTECTION.—Any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection).''; and*

*(3) by amending the table of sections at the beginning of chapter 77 by adding at the end the following new items:*

*''1589. Forced labor.*
*''1590. Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor.*
*''1591. Sex trafficking of children or by force, fraud, or coercion.*
*''1592. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor.*
*''1593. Mandatory restitution.*
*''1594. General provisions.''.*

*(b) AMENDMENT TO THE SENTENCING GUIDELINES.—*

*(1) Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of offenses involving the trafficking of persons including component or related crimes of peonage, involuntary servitude, slave trade offenses, and possession, transfer or sale of false immigration documents in furtherance of trafficking, and the Fair Labor Standards Act and the Migrant and Seasonal Agricultural Worker Protection Act.*

*(2) In carrying out this subsection, the Sentencing Commission shall—*

*(A) take all appropriate measures to ensure that these sentencing guidelines and policy statements applicable to the offenses described in paragraph (1) of this subsection are sufficiently stringent to deter and adequately reflect the heinous nature of such offenses;*

*(B) consider conforming the sentencing guidelines applicable to offenses involving trafficking in persons to the guidelines applicable to peonage, involuntary servitude, and slave trade offenses; and*

*(C) consider providing sentencing enhancements for those convicted of the offenses described in paragraph (1) of this subsection that—*

*(i) involve a large number of victims;*

*(ii) involve a pattern of continued and flagrant violations;*

*(iii) involve the use or threatened use of a dangerous weapon; or*

*(iv) result in the death or bodily injury of any person.*

*(3) The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.*

***SEC. 113. AUTHORIZATIONS OF APPROPRIATIONS.***

*(a) AUTHORIZATION OF APPROPRIATIONS IN SUPPORT OF THE TASK FORCE.—To carry out the purposes of sections 104, 105, and 110, there are authorized to be appropriated to the Secretary of State $1,500,000 for fiscal year 2001 and $3,000,000 for fiscal year 2002.*

*(b) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.—To carry out the purposes of section 107(b), there are authorized to be appropriated to the Secretary of Health and Human Services $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.*

*(c) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF STATE.—*

*(1) ASSISTANCE FOR VICTIMS IN OTHER COUNTRIES.—To carry out the purposes of section 107(a), there are authorized to be appropriated to the Secretary of State $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.*

*(2) VOLUNTARY CONTRIBUTIONS TO OSCE.—To carry out the purposes of section 109, there are authorized to be appropriated to the Secretary of State $300,000 for voluntary contributions to advance projects aimed at preventing trafficking, promoting respect for human rights of trafficking victims, and assisting the Organization for Security and Cooperation in Europe participating states in related legal reform for fiscal year 2001.*

*(3) PREPARATION OF ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS.—To carry out the purposes of section 104, there are authorized to be appropriated to the Secretary of State such sums as may be necessary to include the additional information required by that section in the annual Country Reports on Human Rights Practices, including the preparation and publication of the list described in subsection (a)(1) of that section.*

*(d) AUTHORIZATION OF APPROPRIATIONS TO ATTORNEY GENERAL.—To carry out the purposes of section 107(b), there are authorized to be appropriated to the Attorney General $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.*

*(e) AUTHORIZATION OF APPROPRIATIONS TO PRESIDENT.—*

*(1) FOREIGN VICTIM ASSISTANCE.—To carry out the purposes of section 106, there are authorized to be appropriated to the President $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.*

*(2) ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS.—To carry out the purposes of section 109, there are authorized to be appropriated to the President $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.*

*(f) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF LABOR.—To carry out the purposes of section 107(b), there are authorized to be appropriated to the Secretary of Labor $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.*

## *DIVISION B—VIOLENCE AGAINST WOMEN ACT OF 2000*

***SEC. 1001. SHORT TITLE.***

*This division may be cited as the ''Violence Against Women Act of 2000''.*

***SEC. 1002. DEFINITIONS.***

*In this division—*

*(1) the term ''domestic violence'' has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2); and*

*(2) the term ''sexual assault'' has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).*

***SEC. 1003. ACCOUNTABILITY AND OVERSIGHT.***

*(a) REPORT BY GRANT RECIPIENTS.—The Attorney General or Secretary of Health and Human Services, as applicable, shall require grantees under any program authorized or reauthorized by this division or an amendment made by this division to report on the effectiveness of the activities carried out with amounts made available to carry out that program, including number of persons served, if applicable, numbers of persons seeking services who could not be served and such other information as the Attorney General or Secretary may prescribe.*

*(b) REPORT TO CONGRESS.—The Attorney General or Secretary of Health and Human Services, as applicable, shall report biennially to the Committees on the Judiciary of the House of Representatives and the Senate on the grant programs described in subsection (a), including the information contained in any report under that subsection.*

## *TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN*

***SEC. 1101. FULL FAITH AND CREDIT ENFORCEMENT OF PROTECTION ORDERS.***

*(a) IN GENERAL.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended—*

*(1) in the heading, by adding ''**AND ENFORCEMENT OF PROTECTION ORDERS**'' at the end;*

*(2) in section 2101(b)—*

*(A) in paragraph (6), by inserting ''(including juvenile courts)'' after ''courts''; and*

*(B) by adding at the end the following:*

*''(7) To provide technical assistance and computer and other equipment to police departments, prosecutors, courts, and tribal jurisdictions to facilitate the widespread enforcement of protection orders, including interstate enforcement, enforcement between States and tribal jurisdictions, and enforcement between tribal jurisdictions.''; and*

*(3) in section 2102—*

*(A) in subsection (b)—*

*(i) in paragraph (1), by striking ''and'' at the end;*

*(ii) in paragraph (2), by striking the period at the end and inserting '', including the enforcement of protection orders from other States and*

*jurisdictions (including tribal jurisdictions);''; and*

*(iii) by adding at the end the following:*

*''(3) have established cooperative agreements or can demonstrate effective ongoing collaborative arrangements with neighboring jurisdictions to facilitate the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions); and*

*''(4) in applications describing plans to further the purposes stated in paragraph (4) or (7) of section 2101(b), will give priority to using the grant to develop and install data collection and communication systems, including computerized systems, and training on how to use these systems effectively to link police, prosecutors, courts, and tribal jurisdictions for the purpose of identifying and tracking protection orders and violations of protection orders, in those jurisdictions where such systems do not exist or are not fully effective.''; and*

*(B) by adding at the end the following:*

*''(c) DISSEMINATION OF INFORMATION.—The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about successful data collection and communication systems that meet the purposes described in this section. Such dissemination shall target States, State and local courts, Indian tribal governments, and units of local government.''.*

*(b) PROTECTION ORDERS.—*

*(1) FILING COSTS.—Section 2006 of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–5) is amended—*

*(A) in the heading, by striking ''**FILING**'' and inserting ''**AND PROTECTION ORDERS**'' after ''**CHARGES**'';*

*(B) in subsection (a)—*

*(i) by striking paragraph (1) and inserting the following:*

*''(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction; or''; and*

*(ii) in paragraph (2)(B), by striking ''2 years'' and inserting ''2 years after the date of enactment of the Violence Against Women Act of 2000''; and*

*(C) by adding at the end the following:*

*''(c) DEFINITION.—In this section, the term 'protection order' has the meaning given the term in section 2266 of title 18, United States Code.''.*

*(2) ELIGIBILITY FOR GRANTS TO ENCOURAGE ARREST POLICIES.—Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—*

*(A) in subsection (c), by striking paragraph (4) and inserting the following:*

*''(4) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction.''; and*

*(B) by adding at the end the following:*

*''(d) DEFINITION.—In this section, the term 'protection order' has the meaning given the term in section 2266 of title 18, United States Code.''.*

*(3) APPLICATION FOR GRANTS TO ENCOURAGE ARREST POLICIES.—Section 2102(a)(1)(B) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–1(a)(1)(B)) is amended by inserting before the semicolon the following: ''or, in the case of the condition set forth in subsection 2101(c)(4), the expiration of the 2-year period beginning on the date of enactment of the Violence Against Women Act of 2000''.*

*(4) REGISTRATION FOR PROTECTION ORDERS.—Section 2265 of title 18, United States Code, is amended by adding at the end the following:*

*''(d) NOTIFICATION AND REGISTRATION.—*

*''(1) NOTIFICATION.—A State or Indian tribe according full faith and credit to an order by a court of another State or Indian tribe shall not notify or require notification of the party against whom a protection order has been issued that the protection order has been registered or filed in that enforcing State or tribal jurisdiction unless requested to do so by the party protected under such order.*

*''(2) NO PRIOR REGISTRATION OR FILING AS PREREQUISITE FOR ENFORCEMENT.—Any protection order that is otherwise consistent with this section shall be accorded full faith and credit, notwithstanding failure to comply with any requirement that the order be registered or filed in the enforcing State or tribal jurisdiction.*

*''(e) TRIBAL COURT JURISDICTION.—For purposes of this section, a tribal court shall have full civil jurisdiction to enforce protection orders, including authority to enforce any orders through civil contempt proceedings, exclusion of violators from Indian lands, and other appropriate mechanisms, in matters arising within the authority of the tribe.''.*

*(c) TECHNICAL AMENDMENT.—The table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended in the item relating to part U, by adding ''AND ENFORCEMENT OF PROTECTION ORDERS'' at the end.*

***SEC. 1102. ROLE OF COURTS.***

*(a) COURTS AS ELIGIBLE STOP SUBGRANTEES.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—*

*(1) in section 2001—*

*(A) in subsection (a), by striking ''Indian tribal governments,'' and inserting ''State and local courts (including juvenile courts), Indian tribal governments, tribal courts,''; and*

*(B) in subsection (b)—*

*(i) in paragraph (1), by inserting '', judges, other court personnel,'' after ''law enforcement officers'';*

*(ii) in paragraph (2), by inserting '', judges, other court personnel,'' after ''law enforcement officers''; and*

*(iii) in paragraph (3), by inserting '', court,'' after ''police''; and*

*(2) in section 2002—*

*(A) in subsection (a), by inserting ''State and local courts (including juvenile courts),'' after ''States,'' the second place it appears;*

*(B) in subsection (c), by striking paragraph (3) and inserting the following:*

*''(3) of the amount granted—*

*''(A) not less than 25 percent shall be allocated to police and not less than 25 percent shall be allocated to prosecutors;*

*''(B) not less than 30 percent shall be allocated to victim services; and*

*''(C) not less than 5 percent shall be allocated for State and local courts (including juvenile courts); and''; and*

*(C) in subsection (d)(1), by inserting ''court,'' after ''law enforcement,''.*

*(b) ELIGIBLE GRANTEES; USE OF GRANTS FOR EDUCATION.—Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—*

*(1) in subsection (a), by inserting ''State and local courts (including juvenile courts), tribal courts,'' after ''Indian tribal governments,'';*

*(2) in subsection (b)—*

*(A) by inserting ''State and local courts (including juvenile courts),'' after ''Indian tribal governments'';*

*(B) in paragraph (2), by striking ''policies and'' and inserting ''policies, educational programs, and'';*

*(C) in paragraph (3), by inserting ''parole and probation officers,'' after ''prosecutors,''; and*

*(D) in paragraph (4), by inserting ''parole and probation officers,'' after ''prosecutors,'';*

*(3) in subsection (c), by inserting ''State and local courts (including juvenile courts),'' after ''Indian tribal governments''; and*

*(4) by adding at the end the following:*

*''(e) ALLOTMENT FOR INDIAN TRIBES.—Not less than 5 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.''.*

***SEC. 1103. REAUTHORIZATION OF STOP GRANTS.***

*(a) REAUTHORIZATION.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (18) and inserting the following:*

*''(18) There is authorized to be appropriated to carry out part T $185,000,000 for each of fiscal years 2001 through 2005.''.*

*(b) GRANT PURPOSES.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—*

*(1) in section 2001—*

*(A) in subsection (b)—*

*(i) in paragraph (5), by striking ''racial, cultural, ethnic, and language minorities'' and inserting ''underserved populations'';*

*(ii) in paragraph (6), by striking ''and'' at the end;*

*(iii) in paragraph (7), by striking the period at the end and inserting a semicolon; and*

*(iv) by adding at the end the following:*

*''(8) supporting formal and informal statewide, multidisciplinary efforts, to the extent not supported by State funds, to coordinate the response of State law enforcement agencies, prosecutors, courts, victim services agencies, and other State agencies and departments, to violent crimes against women, including the crimes of sexual assault, domestic violence, and dating violence;*

*''(9) training of sexual assault forensic medical personnel examiners in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault;''; and*

*(B) by adding at the end the following:*

*''(c) STATE COALITION GRANTS.—*

*''(1) PURPOSE.—The Attorney General shall award grants to each State domestic violence coalition and sexual assault coalition for the purposes of coordinating State victim services activities, and collaborating and coordinating with Federal, State, and local entities engaged in violence against women activities.*

*''(2) GRANTS TO STATE COALITIONS.—The Attorney General shall award grants to—*

*''(A) each State domestic violence coalition, as determined by the Secretary of Health and Human Services through the Family Violence Prevention and Services Act (42 U.S.C. 10410 et seq.); and*

*''(B) each State sexual assault coalition, as determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).*

*''(3) ELIGIBILITY FOR OTHER GRANTS.—Receipt of an award under this subsection by each State domestic violence and sexual assault coalition shall not preclude the coalition from receiving additional grants under this part to carry out the purposes described in subsection (b).'';*

*(2) in section 2002(b)—*

*(A) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively;*

*(B) in paragraph (1), by striking ''4 percent'' and inserting ''5 percent'';*

*(C) in paragraph (5), as redesignated, by striking ''$500,000'' and inserting ''$600,000''; and*

*(D) by inserting after paragraph (1) the following:*

*''(2) 2.5 percent shall be available for grants for State domestic violence coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/54 of the total amount made available under this paragraph for each fiscal year;*

*''(3) 2.5 percent shall be available for grants for State sexual assault coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/54 of the total amount made available under this paragraph for each fiscal year;*

*''(4) 1/54 shall be available for the development and operation of nonprofit tribal domestic violence and sexual assault coalitions in Indian country;'';*

*(3) in section 2003, by striking paragraph (7) and inserting the following:*

*''(7) the term 'underserved populations' includes populations underserved because of geographic location (such as rural isolation), underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the State planning process in consultation with the Attorney General;'' and*

*(4) in section 2004(b)(3), by inserting '', and the membership of persons served in any underserved population'' before the semicolon.*

***SEC. 1104. REAUTHORIZATION OF GRANTS TO ENCOURAGE ARREST POLICIES.***

*Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (19) and inserting the following:*

*''(19) There is authorized to be appropriated to carry out part U $65,000,000 for each of fiscal years 2001 through 2005.''.*

***SEC. 1105. REAUTHORIZATION OF RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT GRANTS.***

*Section 40295(c) of the Violence Against Women Act of 1994 (42 U.S.C. 13971(c)) is amended—*

*(1) by striking paragraph (1) and inserting the following:*

*''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2001 through 2005.''; and*

*(2) by adding at the end the following:*

*''(3) ALLOTMENT FOR INDIAN TRIBES.—Not less than 5 percent of the total amount made available to carry out this section for each fiscal year shall be available for grants to Indian tribal governments.''.*

***SEC. 1106. NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION.***

*(a) REAUTHORIZATION.—Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended to read as follows:*

***''SEC. 40603. AUTHORIZATION OF APPROPRIATIONS.***

*''There is authorized to be appropriated to carry out this subtitle $3,000,000 for each of fiscal years 2001 through 2005.''.*

*(b) TECHNICAL AMENDMENT.—Section 40602(a) of the Violence Against Women Act of 1994 (42 U.S.C. 14031 note) is amended by inserting ''and implement'' after ''improve''.*

***SEC. 1107. AMENDMENTS TO DOMESTIC VIOLENCE AND STALKING OFFENSES.***

*(a) INTERSTATE DOMESTIC VIOLENCE.—Section 2261 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:*

*''(a) OFFENSES.—*

*''(1) TRAVEL OR CONDUCT OF OFFENDER.—A person who travels in interstate or foreign commerce or enters or leaves Indian country with the intent to kill, injure, harass, or intimidate a spouse or intimate partner, and who, in the course of or as a result of such travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).*

*''(2) CAUSING TRAVEL OF VICTIM.—A person who causes a spouse or intimate partner to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and who, in the course of, as a result of, or to facilitate such conduct or travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).''.*

*(b) INTERSTATE STALKING.—*

*(1) IN GENERAL.—Section 2261A of title 18, United States Code, is amended to read as follows:*

***''§ 2261A. Interstate stalking***

*''Whoever—*

*''(1) travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to kill, injure, harass, or intimidate another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury to, that person, a member of the immediate family (as defined in section 115) of that person, or the spouse or intimate partner of that person; or*

*''(2) with the intent—*

*''(A) to kill or injure a person in another State or tribal jurisdiction or within the special maritime and territorial jurisdiction of the United States; or*

*''(B) to place a person in another State or tribal jurisdiction, or within the special maritime and territorial jurisdiction of the United States, in reasonable fear of the death of, or serious bodily injury to—*

*''(i) that person;*

*''(ii) a member of the immediate family (as defined in section 115) of that person; or*

*''(iii) a spouse or intimate partner of that person;*

*uses the mail or any facility of interstate or foreign commerce to engage in a course of conduct that places that person in reasonable fear of the death of, or serious bodily injury to, any of the persons described in clauses (i) through (iii);*

*shall be punished as provided in section 2261(b).''.*

*(2) AMENDMENT OF FEDERAL SENTENCING GUIDELINES.—*

*(A) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to reflect the amendment made by this subsection.*

*(B) FACTORS FOR CONSIDERATION.—In carrying out subparagraph (A), the Commission shall consider—*

*(i) whether the Federal Sentencing Guidelines relating to stalking offenses should be modified in light of the amendment made by this subsection; and*

*(ii) whether any changes the Commission may make to the Federal Sentencing Guidelines pursuant to clause (i) should also be made with respect to offenses under chapter 110A of title 18, United States Code.*

*(c) INTERSTATE VIOLATION OF PROTECTION ORDER.—Section 2262 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:*

*''(a) OFFENSES.—*

*''(1) TRAVEL OR CONDUCT OF OFFENDER.—A person who travels in interstate or foreign commerce, or enters or leaves Indian country, with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engages in such conduct, shall be punished as provided in subsection (b).*

*''(2) CAUSING TRAVEL OF VICTIM.—A person who causes another person to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and in the course of, as a result of, or to facilitate such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, shall be punished as provided in subsection (b).''.*

*(d) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended to read as follows:*

***''§ 2266. Definitions***

*''In this chapter:*

*''(1) BODILY INJURY.—The term 'bodily injury' means any act, except one done in self-defense, that results in physical injury or sexual abuse.*

*''(2) COURSE OF CONDUCT.—The term 'course of conduct' means a pattern of conduct composed of 2 or more acts, evidencing a continuity of purpose.*

*''(3) ENTER OR LEAVE INDIAN COUNTRY.—The term 'enter or leave Indian country' includes leaving the jurisdiction of 1 tribal government and entering the jurisdiction of another tribal government.*

*''(4) INDIAN COUNTRY.—The term 'Indian country' has the meaning stated in section 1151 of this title.*

*''(5) PROTECTION ORDER.—The term 'protection order' includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil and criminal court (other than a support or child custody order issued pursuant to State divorce and child custody laws, except to the extent that such an order is entitled to full faith and credit under other Federal law) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.*

*''(6) SERIOUS BODILY INJURY.—The term 'serious bodily injury' has the meaning stated in section 2119(2).*

*''(7) SPOUSE OR INTIMATE PARTNER.—The term 'spouse or intimate partner' includes—*

*''(A) for purposes of—*

*''(i) sections other than 2261A, a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser; and*

*''(ii) section 2261A, a spouse or former spouse of the target of the stalking, a person who shares a child in common with the target of the stalking, and a person who cohabits or has cohabited as a spouse with the target of the stalking; and*

*''(B) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State or tribal jurisdiction in which the injury occurred or where the victim resides.*

*''(8) STATE.—The term 'State' includes a State of the United States, the District of Columbia, and a commonwealth, territory, or possession of the United States.*

''(9) TRAVEL IN INTERSTATE OR FOREIGN COMMERCE.—The term 'travel in interstate or foreign commerce' does not include travel from 1 State to another by an individual who is a member of an Indian tribe and who remains at all times in the territory of the Indian tribe of which the individual is a member.''.

**SEC. 1108. SCHOOL AND CAMPUS SECURITY.**

(a) GRANTS TO REDUCE VIOLENT CRIMES AGAINST WOMEN ON CAMPUS.—Section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152) is amended—

(1) in paragraphs (2), (6), (7), and (9) of subsection (b), by striking ''and domestic violence'' and inserting ''domestic violence, and dating violence'';

(2) in subsection (c)(2)(B), by striking ''and domestic violence'' and inserting '', domestic violence and dating violence'';

(3) in subsection (f)—

(A) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively;

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

''(1) the term 'dating violence' means violence committed by a person—

''(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

''(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

''(i) the length of the relationship;

''(ii) the type of relationship; and

''(iii) the frequency of interaction between the persons involved in the relationship.'';

(C) in paragraph (2) (as redesignated by subparagraph (A)), by inserting '', dating'' after ''domestic'' each place the term appears; and

(D) in paragraph (4) (as redesignated by subparagraph (A))—

(i) by inserting ''or a public, nonprofit organization acting in a nongovernmental capacity'' after ''organization'';

(ii) by inserting '', dating violence'' after ''assists domestic violence'';

(iii) by striking ''or domestic violence'' and inserting '', domestic violence or dating violence''; and

(iv) by inserting ''dating violence,'' before ''stalking,''; and

(4) in subsection (g), by striking ''fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''each of fiscal years 2001 through 2005''.

(b) MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part Z the following new part:

**''PART AA—MATCHING GRANT PROGRAM FOR SCHOOL SECURITY**

**''SEC. 2701. PROGRAM AUTHORIZED.**

''(a) IN GENERAL.—The Attorney General is authorized to make grants to States, units of local government, and Indian tribes to provide improved security, including the placement and use of metal detectors and other deterrent measures, at schools and on school grounds.

''(b) USES OF FUNDS.—Grants awarded under this section shall be distributed directly to the State, unit of local government, or Indian tribe, and shall be used to improve security at schools and on school grounds in the jurisdiction of the grantee through one or more of the following:

''(1) Placement and use of metal detectors, locks, lighting, and other deterrent measures.

''(2) Security assessments.

''(3) Security training of personnel and students.

''(4) Coordination with local law enforcement.

''(5) Any other measure that, in the determination of the Attorney General, may provide a significant improvement in security.

''(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this part, the Attorney General shall give preferential consideration, if feasible, to an application from a jurisdiction that has a demonstrated need for improved security, has a demonstrated need for financial assistance, and has evidenced the ability to make the improvements for which the grant amounts are sought.

''(d) MATCHING FUNDS.—

''(1) The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent.

''(2) Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

''(3) The Attorney General may provide, in the guidelines implementing this section, for the requirement of paragraph (1) to be waived or altered in the case of a recipient with a financial need for such a waiver or alteration.

''(e) EQUITABLE DISTRIBUTION.—In awarding grants under this part, the Attorney General shall ensure, to the extent practicable, an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

''(f) ADMINISTRATIVE COSTS.—The Attorney General may reserve not more than 2 percent from amounts appropriated to carry out this part for administrative costs.

**''SEC. 2702. APPLICATIONS.**

''(a) IN GENERAL.—To request a grant under this part, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require. Each application shall—

''(1) include a detailed explanation of—

''(A) the intended uses of funds provided under the grant; and

''(B) how the activities funded under the grant will meet the purpose of this part; and

''(2) be accompanied by an assurance that the application was prepared after consultation with individuals not limited to law enforcement officers (such as school violence researchers, child psychologists, social workers, teachers, principals, and other school personnel) to ensure that the improvements to be funded under the grant are—

''(A) consistent with a comprehensive approach to preventing school violence; and

''(B) individualized to the needs of each school at which those improvements are to be made.

''(b) GUIDELINES.—Not later than 90 days after the date of the enactment of this part, the Attorney General shall promulgate guidelines to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

**''SEC. 2703. ANNUAL REPORT TO CONGRESS.**

''Not later than November 30th of each year, the Attorney General shall submit a report to the Congress regarding the activities carried out under this part. Each such report shall include, for the preceding fiscal year, the number of grants funded under this part, the amount of funds provided under those grants, and the activities for which those funds were used.

**''SEC. 2704. DEFINITIONS.**

''For purposes of this part—

''(1) the term 'school' means a public elementary or secondary school;

''(2) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level; and

''(3) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

**''SEC. 2705. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to carry out this part $30,000,000 for each of fiscal years 2001 through 2003.''.

**SEC. 1109. DATING VIOLENCE.**

(a) DEFINITIONS.—

(1) SECTION 2003.—Section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg–2) is amended—

(A) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(B) by adding at the end the following:

''(9) the term 'dating violence' means violence committed by a person—

''(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

''(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

''(i) the length of the relationship;

''(ii) the type of relationship; and

''(iii) the frequency of interaction between the persons involved in the relationship.''.

(2) SECTION 2105.—Section 2105 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–4) is amended—

(A) in paragraph (1), by striking ''and'' at the end;

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

(C) by adding at the end the following:

''(3) the term 'dating violence' means violence committed by a person—

''(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

''(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

''(i) the length of the relationship;

''(ii) the type of relationship; and

''(iii) the frequency of interaction between the persons involved in the relationship.''.

(b) STOP GRANTS.—Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

(1) in paragraph (1), by striking ''sexual assault and domestic violence'' and inserting ''sexual assault, domestic violence, and dating violence''; and

(2) in paragraph (5), by striking ''sexual assault and domestic violence'' and inserting ''sexual assault, domestic violence, and dating violence''.

(c) GRANTS TO ENCOURAGE ARREST POLICIES.—Section 2101(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(b)) is amended—

(1) in paragraph (2), by inserting ''and dating violence'' after ''domestic violence''; and

(2) in paragraph (5), by inserting ''and dating violence'' after ''domestic violence''.

(d) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT.—Section 40295(a) of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971(a)) is amended—

(1) in paragraph (1), by inserting ''and dating violence (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg–2))'' after ''domestic violence''; and

(2) in paragraph (2), by inserting ''and dating violence (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg–2))'' after ''domestic violence''.

**TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE**

**SEC. 1201. LEGAL ASSISTANCE FOR VICTIMS.**

(a) IN GENERAL.—The purpose of this section is to enable the Attorney General to award grants to increase the availability of legal assistance necessary to provide effective aid to victims of domestic violence, stalking, or sexual assault who are seeking relief in legal matters arising as

*a consequence of that abuse or violence, at minimal or no cost to the victims.*

*(b) DEFINITIONS.—In this section:*

*(1) DOMESTIC VIOLENCE.—The term ''domestic violence'' has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).*

*(2) LEGAL ASSISTANCE FOR VICTIMS.—The term ''legal assistance'' includes assistance to victims of domestic violence, stalking, and sexual assault in family, immigration, administrative agency, or housing matters, protection or stay away order proceedings, and other similar matters. No funds made available under this section may be used to provide financial assistance in support of any litigation described in paragraph (14) of section 504 of Public Law 104–134.*

*(3) SEXUAL ASSAULT.—The term ''sexual assault'' has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).*

*(c) LEGAL ASSISTANCE FOR VICTIMS GRANTS.—The Attorney General may award grants under this subsection to private nonprofit entities, Indian tribal governments, and publicly funded organizations not acting in a governmental capacity such as law schools, and which shall be used—*

*(1) to implement, expand, and establish cooperative efforts and projects between domestic violence and sexual assault victim services organizations and legal assistance providers to provide legal assistance for victims of domestic violence, stalking, and sexual assault;*

*(2) to implement, expand, and establish efforts and projects to provide legal assistance for victims of domestic violence, stalking, and sexual assault by organizations with a demonstrated history of providing direct legal or advocacy services on behalf of these victims; and*

*(3) to provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer legal assistance to victims of domestic violence, stalking, and sexual assault.*

*(d) ELIGIBILITY.—To be eligible for a grant under subsection (c), applicants shall certify in writing that—*

*(1) any person providing legal assistance through a program funded under subsection (c) has completed or will complete training in connection with domestic violence or sexual assault and related legal issues;*

*(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a State, local, or tribal domestic violence or sexual assault program or coalition, as well as appropriate State and local law enforcement officials;*

*(3) any person or organization providing legal assistance through a program funded under subsection (c) has informed and will continue to inform State, local, or tribal domestic violence or sexual assault programs and coalitions, as well as appropriate State and local law enforcement officials of their work; and*

*(4) the grantee's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, domestic violence, or child sexual abuse is an issue.*

*(e) EVALUATION.—The Attorney General may evaluate the grants funded under this section through contracts or other arrangements with entities expert on domestic violence, stalking, and sexual assault, and on evaluation research.*

*(f) AUTHORIZATION OF APPROPRIATIONS.—*

*(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2001 through 2005.*

*(2) ALLOCATION OF FUNDS.—*

*(A) TRIBAL PROGRAMS.—Of the amount made available under this subsection in each fiscal year, not less than 5 percent shall be used for grants for programs that assist victims of domestic violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.*

*(B) VICTIMS OF SEXUAL ASSAULT.—Of the amount made available under this subsection in each fiscal year, not less than 25 percent shall be used for direct services, training, and technical assistance to support projects focused solely or primarily on providing legal assistance to victims of sexual assault.*

*(3) NONSUPPLANTATION.—Amounts made available under this section shall be used to supplement and not supplant other Federal, State, and local funds expended to further the purpose of this section.*

***SEC. 1202. SHELTER SERVICES FOR BATTERED WOMEN AND CHILDREN.***

*(a) REAUTHORIZATION.—Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:*

*''(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $175,000,000 for each of fiscal years 2001 through 2005.''.*

*(b) STATE MINIMUM; REALLOTMENT.—Section 304 of the Family Violence Prevention and Services Act (42 U.S.C. 10403) is amended—*

*(1) in subsection (a), by striking ''for grants to States for any fiscal year'' and all that follows and inserting the following: ''and available for grants to States under this subsection for any fiscal year—*

*''(1) Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than ⅛ of 1 percent of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made; and*

*''(2) each State shall be allotted for payment in a grant authorized under section 303(a), $600,000, with the remaining funds to be allotted to each State in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all States.'';*

*(2) in subsection (c), in the first sentence, by inserting ''and available'' before ''for grants''; and*

*(3) by adding at the end the following:*

*''(e) In subsection (a)(2), the term ''State'' does not include any jurisdiction specified in subsection (a)(1).''.*

***SEC. 1203. TRANSITIONAL HOUSING ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE.***

*Title III of the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following:*

***''SEC. 319. TRANSITIONAL HOUSING ASSISTANCE.***

*''(a) IN GENERAL.—The Secretary shall award grants under this section to carry out programs to provide assistance to individuals, and their dependents—*

*''(1) who are homeless or in need of transitional housing or other housing assistance, as a result of fleeing a situation of domestic violence; and*

*''(2) for whom emergency shelter services are unavailable or insufficient.*

*''(b) ASSISTANCE DESCRIBED.—Assistance provided under this section may include—*

*''(1) short-term housing assistance, including rental or utilities payments assistance and assistance with related expenses, such as payment of security deposits and other costs incidental to relocation to transitional housing, in cases in which assistance described in this paragraph is necessary to prevent homelessness because an individual or dependent is fleeing a situation of domestic violence; and*

*''(2) support services designed to enable an individual or dependent who is fleeing a situation of domestic violence to locate and secure permanent housing, and to integrate the individual or dependent into a community, such as transportation, counseling, child care services, case management, employment counseling, and other assistance.*

*''(c) TERM OF ASSISTANCE.—*

*''(1) IN GENERAL.—Subject to paragraph (2), an individual or dependent assisted under this section may not receive assistance under this section for a total of more than 12 months.*

*''(2) WAIVER.—The recipient of a grant under this section may waive the restrictions of paragraph (1) for up to an additional 6-month period with respect to any individual (and dependents of the individual) who has made a good-faith effort to acquire permanent housing and has been unable to acquire the housing.*

*''(d) REPORTS.—*

*''(1) REPORT TO SECRETARY.—*

*''(A) IN GENERAL.—An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report describing the number of individuals and dependents assisted, and the types of housing assistance and support services provided, under this section.*

*''(B) CONTENTS.—Each report shall include information on—*

*''(i) the purpose and amount of housing assistance provided to each individual or dependent assisted under this section;*

*''(ii) the number of months each individual or dependent received the assistance;*

*''(iii) the number of individuals and dependents who were eligible to receive the assistance, and to whom the entity could not provide the assistance solely due to a lack of available housing; and*

*''(iv) the type of support services provided to each individual or dependent assisted under this section.*

*''(2) REPORT TO CONGRESS.—The Secretary shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in reports submitted under paragraph (1).*

*''(e) EVALUATION, MONITORING, AND ADMINISTRATION.—Of the amount appropriated under subsection (f) for each fiscal year, not more than 1 percent shall be used by the Secretary for evaluation, monitoring, and administrative costs under this section.*

*''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2001.''.*

***SEC. 1204. NATIONAL DOMESTIC VIOLENCE HOTLINE.***

*Section 316(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(f)) is amended by striking paragraph (1) and inserting the following:*

*''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2001 through 2005.''.*

***SEC. 1205. FEDERAL VICTIMS COUNSELORS.***

*Section 40114 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1910) is amended by striking ''(such as District of Columbia)—'' and all that follows and inserting ''(such as District of Columbia), $1,000,000 for each of fiscal years 2001 through 2005.''.*

***SEC. 1206. STUDY OF STATE LAWS REGARDING INSURANCE DISCRIMINATION AGAINST VICTIMS OF VIOLENCE AGAINST WOMEN.***

*(a) IN GENERAL.—The Attorney General shall conduct a national study to identify State laws that address discrimination against victims of domestic violence and sexual assault related to issuance or administration of insurance policies.*

*(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the findings and recommendations of the study required by subsection (a).*

***SEC. 1207. STUDY OF WORKPLACE EFFECTS FROM VIOLENCE AGAINST WOMEN.***

*The Attorney General shall—*

*(1) conduct a national survey of plans, programs, and practices developed to assist employers and employees on appropriate responses in the workplace related to victims of domestic violence, stalking, or sexual assault; and*

*(2) not later than 18 months after the date of enactment of this Act, submit to Congress a report describing the results of that survey, which report shall include the recommendations of the Attorney General to assist employers and employees affected in the workplace by incidents of domestic violence, stalking, and sexual assault.*

***SEC. 1208. STUDY OF UNEMPLOYMENT COMPENSATION FOR VICTIMS OF VIOLENCE AGAINST WOMEN.***

*The Secretary of Labor, in consultation with the Attorney General, shall—*

*(1) conduct a national study to identify State laws that address the separation from employment of an employee due to circumstances directly resulting from the experience of domestic violence by the employee and circumstances governing that receipt (or nonreceipt) by the employee of unemployment compensation based on such separation; and*

*(2) not later than 1 year after the date of enactment of this Act, submit to Congress a report describing the results of that study, together with any recommendations based on that study.*

***SEC. 1209. ENHANCING PROTECTIONS FOR OLDER AND DISABLED WOMEN FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT.***

*(a) ELDER ABUSE, NEGLECT, AND EXPLOITATION.—The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:*

***"Subtitle H—Elder Abuse, Neglect, and Exploitation, Including Domestic Violence and Sexual Assault Against Older or Disabled Individuals***

***"SEC. 40801. DEFINITIONS.***

*''In this subtitle:*

*''(1) IN GENERAL.—The terms 'elder abuse, neglect, and exploitation', and 'older individual' have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).*

*''(2) DOMESTIC VIOLENCE.—The term 'domestic violence' has the meaning given such term by section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).*

*''(3) SEXUAL ASSAULT.—The term 'sexual assault' has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).*

***"SEC. 40802. TRAINING PROGRAMS FOR LAW ENFORCEMENT OFFICERS.***

*''The Attorney General may make grants for training programs to assist law enforcement officers, prosecutors, and relevant officers of Federal, State, tribal, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation and violence against individuals with disabilities, including domestic violence and sexual assault, against older or disabled individuals.*

***"SEC. 40803. AUTHORIZATION OF APPROPRIATIONS.***

*''There are authorized to be appropriated to carry out this subtitle $5,000,000 for each of fiscal years 2001 through 2005.''.*

*(b) PROTECTIONS FOR OLDER AND DISABLED INDIVIDUALS FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN PRO-ARREST GRANTS.—Section 2101(b) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended by adding at the end the following:*

*''(8) To develop or strengthen policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence and sexual assault against older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) and individuals with disabilities (as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2))).''.*

*(c) PROTECTIONS FOR OLDER AND DISABLED INDIVIDUALS FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN STOP GRANTS.—Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) (as amended by section 1103(b) of this division) is amended by adding at the end the following:*

*''(10) developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older and disabled women who are victims of domestic violence or sexual assault, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support, counseling, and other victim services to such older and disabled individuals; and''.*

***TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN***

***SEC. 1301. SAFE HAVENS FOR CHILDREN PILOT PROGRAM.***

*(a) IN GENERAL.—The Attorney General may award grants to States, units of local government, and Indian tribal governments that propose to enter into or expand the scope of existing contracts and cooperative agreements with public or private nonprofit entities to provide supervised visitation and safe visitation exchange of children by and between parents in situations involving domestic violence, child abuse, sexual assault, or stalking.*

*(b) CONSIDERATIONS.—In awarding grants under subsection (a), the Attorney General shall take into account—*

*(1) the number of families to be served by the proposed visitation programs and services;*

*(2) the extent to which the proposed supervised visitation programs and services serve underserved populations (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2));*

*(3) with respect to an applicant for a contract or cooperative agreement, the extent to which the applicant demonstrates cooperation and collaboration with nonprofit, nongovernmental entities in the local community served, including the State or tribal domestic violence coalition, State or tribal sexual assault coalition, local shelters, and programs for domestic violence and sexual assault victims; and*

*(4) the extent to which the applicant demonstrates coordination and collaboration with State and local court systems, including mechanisms for communication and referral.*

*(c) APPLICANT REQUIREMENTS.—The Attorney General shall award grants for contracts and cooperative agreements to applicants that—*

*(1) demonstrate expertise in the area of family violence, including the areas of domestic violence or sexual assault, as appropriate;*

*(2) ensure that any fees charged to individuals for use of programs and services are based on the income of those individuals, unless otherwise provided by court order;*

*(3) demonstrate that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, are in place for the operation of supervised visitation programs and services or safe visitation exchange; and*

*(4) prescribe standards by which the supervised visitation or safe visitation exchange will occur.*

*(d) REPORTING.—*

*(1) IN GENERAL.—Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter, the Attorney General shall submit to Congress a report that includes information concerning—*

*(A) the number of—*

*(i) individuals served and the number of individuals turned away from visitation programs and services and safe visitation exchange (categorized by State);*

*(ii) the number of individuals from underserved populations served and turned away from services; and*

*(iii) the type of problems that underlie the need for supervised visitation or safe visitation exchange, such as domestic violence, child abuse, sexual assault, other physical abuse, or a combination of such factors;*

*(B) the numbers of supervised visitations or safe visitation exchanges ordered under this section during custody determinations under a separation or divorce decree or protection order, through child protection services or other social services agencies, or by any other order of a civil, criminal, juvenile, or family court;*

*(C) the process by which children or abused partners are protected during visitations, temporary custody transfers, and other activities for which supervised visitation is established under this section;*

*(D) safety and security problems occurring during the reporting period during supervised visitation under this section, including the number of parental abduction cases; and*

*(E) the number of parental abduction cases in a judicial district using supervised visitation programs and services under this section, both as identified in criminal prosecution and custody violations.*

*(2) GUIDELINES.—The Attorney General shall establish guidelines for the collection and reporting of data under this subsection.*

*(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2001 and 2002.*

*(f) ALLOTMENT FOR INDIAN TRIBES.—Not less than 5 percent of the total amount made available for each fiscal year to carry out this section shall be available for grants to Indian tribal governments.*

***SEC. 1302. REAUTHORIZATION OF VICTIMS OF CHILD ABUSE PROGRAMS.***

*(a) COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.—Section 218 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014) is amended by striking subsection (a) and inserting the following:*

*''(a) AUTHORIZATION.—There is authorized to be appropriated to carry out this subtitle $12,000,000 for each of fiscal years 2001 through 2005.''.*

*(b) CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS.—Section 224 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024) is amended by striking subsection (a) and inserting the following:*

*''(a) AUTHORIZATION.—There is authorized to be appropriated to carry out this subtitle $2,300,000 for each of fiscal years 2001 through 2005.''.*

*(c) GRANTS FOR TELEVISED TESTIMONY.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (7) and inserting the following:*

*''(7) There is authorized to be appropriated to carry out part N $1,000,000 for each of fiscal years 2001 through 2005.''.*

*(d) DISSEMINATION OF INFORMATION.—The Attorney General shall—*

*(1) annually compile and disseminate information (including through electronic publication) about the use of amounts expended and the projects funded under section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)), section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)), and section 1007(a)(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(7)), including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects; and*

*(2) focus dissemination of the information described in paragraph (1) toward community-based programs, including domestic violence and sexual assault programs.*

***SEC. 1303. REPORT ON EFFECTS OF PARENTAL KIDNAPPING LAWS IN DOMESTIC VIOLENCE CASES.***

*(a) IN GENERAL.—The Attorney General shall—*

*(1) conduct a study of Federal and State laws relating to child custody, including custody provisions in protection orders, the Uniform Child Custody Jurisdiction and Enforcement Act adopted by the National Conference of Commissioners on Uniform State Laws in July 1997, the Parental Kidnaping Prevention Act of 1980 and the amendments made by that Act, and the effect of those laws on child custody cases in which domestic violence is a factor; and*

*(2) submit to Congress a report describing the results of that study, including the effects of implementing or applying model State laws, and the recommendations of the Attorney General to reduce the incidence or pattern of violence against women or of sexual assault of the child.*

*(b) SUFFICIENCY OF DEFENSES.—In carrying out subsection (a) with respect to the Parental Kidnaping Prevention Act of 1980 and the amendments made by that Act, the Attorney General shall examine the sufficiency of defenses to parental abduction charges available in cases involving domestic violence, and the burdens and risks encountered by victims of domestic violence arising from jurisdictional requirements of that Act and the amendments made by that Act.*

*(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000 for fiscal year 2001.*

*(d) CONDITION FOR CUSTODY DETERMINATION.—Section 1738A(c)(2)(C)(ii) of title 28, United States Code, is amended by striking ''he'' and inserting ''the child, a sibling, or parent of the child''.*

## *TITLE IV—STRENGTHENING EDUCATION AND TRAINING TO COMBAT VIOLENCE AGAINST WOMEN*

***SEC. 1401. RAPE PREVENTION AND EDUCATION.***

*(a) IN GENERAL.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393A the following:*

***"SEC. 393B. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCATION.***

*''(a) PERMITTED USE.—The Secretary, acting through the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, shall award targeted grants to States to be used for rape prevention and education programs conducted by rape crisis centers, State sexual assault coalitions, and other public and private nonprofit entities for—*

*''(1) educational seminars;*

*''(2) the operation of hotlines;*

*''(3) training programs for professionals;*

*''(4) the preparation of informational material;*

*''(5) education and training programs for students and campus personnel designed to reduce the incidence of sexual assault at colleges and universities;*

*''(6) education to increase awareness about drugs used to facilitate rapes or sexual assaults; and*

*''(7) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved communities and awareness among individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).*

*''(b) COLLECTION AND DISSEMINATION OF INFORMATION ON SEXUAL ASSAULT.—The Secretary shall, through the National Resource Center on Sexual Assault established under the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, provide resource information, policy, training, and technical assistance to Federal, State, local, and Indian tribal agencies, as well as to State sexual assault coalitions and local sexual assault programs and to other professionals and interested parties on issues relating to sexual assault, including maintenance of a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of sexual assault.*

*''(c) AUTHORIZATION OF APPROPRIATIONS.—*

*''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $80,000,000 for each of fiscal years 2001 through 2005.*

*''(2) NATIONAL RESOURCE CENTER ALLOTMENT.—Of the total amount made available under this subsection in each fiscal year, not more than the greater of $1,000,000 or 2 percent of such amount shall be available for allotment under subsection (b).*

*''(d) LIMITATIONS.—*

*''(1) SUPPLEMENT NOT SUPPLANT.—Amounts provided to States under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services of the type described in subsection (a).*

*''(2) STUDIES.—A State may not use more than 2 percent of the amount received by the State under this section for each fiscal year for surveillance studies or prevalence studies.*

*''(3) ADMINISTRATION.—A State may not use more than 5 percent of the amount received by the State under this section for each fiscal year for administrative expenses.''.*

*(b) REPEAL.—Section 40151 of the Violence Against Women Act of 1994 (108 Stat. 1920), and the amendment made by such section, is repealed.*

***SEC. 1402. EDUCATION AND TRAINING TO END VIOLENCE AGAINST AND ABUSE OF WOMEN WITH DISABILITIES.***

*(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to States, units of local government, Indian tribal governments, and nongovernmental private entities to provide education and technical assistance for the purpose of providing training, consultation, and information on domestic violence, stalking, and sexual assault against women who are individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).*

*(b) PRIORITIES.—In awarding grants under this section, the Attorney General shall give priority to applications designed to provide education and technical assistance on—*

*(1) the nature, definition, and characteristics of domestic violence, stalking, and sexual assault experienced by women who are individuals with disabilities;*

*(2) outreach activities to ensure that women who are individuals with disabilities who are victims of domestic violence, stalking, and sexual assault receive appropriate assistance;*

*(3) the requirements of shelters and victim services organizations under Federal anti-discrimination laws, including the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973; and*

*(4) cost-effective ways that shelters and victim services may accommodate the needs of individuals with disabilities in accordance with the Americans with Disabilities Act of 1990.*

*(c) USES OF GRANTS.—Each recipient of a grant under this section shall provide information and training to organizations and programs that provide services to individuals with disabilities, including independent living centers, disability-related service organizations, and domestic violence programs providing shelter or related assistance.*

*(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,500,000 for each of fiscal years 2001 through 2005.*

***SEC. 1403. COMMUNITY INITIATIVES.***

*Section 318 of the Family Violence Prevention and Services Act (42 U.S.C. 10418) is amended by striking subsection (h) and inserting the following:*

*''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of fiscal years 2001 through 2005.''.*

***SEC. 1404. DEVELOPMENT OF RESEARCH AGENDA IDENTIFIED BY THE VIOLENCE AGAINST WOMEN ACT OF 1994.***

*(a) IN GENERAL.—The Attorney General shall—*

*(1) direct the National Institute of Justice, in consultation and coordination with the Bureau of Justice Statistics and the National Academy of Sciences, through its National Research Council, to develop a research agenda based on the recommendations contained in the report entitled ''Understanding Violence Against Women'' of the National Academy of Sciences; and*

*(2) not later than 1 year after the date of enactment of this Act, in consultation with the Secretary of the Department of Health and Human Services, submit to Congress a report which shall include—*

*(A) a description of the research agenda developed under paragraph (1) and a plan to implement that agenda;*

*(B) recommendations for priorities in carrying out that agenda to most effectively advance knowledge about and means by which to prevent or reduce violence against women.*

*(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.*

***SEC. 1405. STANDARDS, PRACTICE, AND TRAINING FOR SEXUAL ASSAULT FORENSIC EXAMINATIONS.***

*(a) IN GENERAL.—The Attorney General shall—*

*(1) evaluate existing standards of training and practice for licensed health care professionals performing sexual assault forensic examinations and develop a national recommended standard for training;*

*(2) recommend sexual assault forensic examination training for all health care students to improve the recognition of injuries suggestive of rape and sexual assault and baseline knowledge of appropriate referrals in victim treatment and evidence collection; and*

*(3) review existing national, State, tribal, and local protocols on sexual assault forensic examinations, and based on this review, develop a recommended national protocol and establish a mechanism for its nationwide dissemination.*

*(b) CONSULTATION.—The Attorney General shall consult with national, State, tribal, and local experts in the area of rape and sexual assault, including rape crisis centers, State and tribal sexual assault and domestic violence coalitions and programs, and programs for criminal justice, forensic nursing, forensic science, emergency room medicine, law, social services, and sex crimes in underserved communities (as defined in section 2003(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(7)), as amended by this division).*

*(c) REPORT.—The Attorney General shall ensure that not later than 1 year after the date of enactment of this Act, a report of the actions taken pursuant to subsection (a) is submitted to Congress.*

*(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000 for fiscal year 2001.*

***SEC. 1406. EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL.***

*(a) GRANTS FOR EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN STATE COURTS.—*

*(1) SECTION 40412.—Section 40412 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13992) is amended—*

*(A) by striking ''and'' at the end of paragraph (18);*

(B) by striking the period at the end of paragraph (19) and inserting a semicolon; and

(C) by inserting after paragraph (19) the following:

''(20) the issues raised by domestic violence in determining custody and visitation, including how to protect the safety of the child and of a parent who is not a predominant aggressor of domestic violence, the legitimate reasons parents may report domestic violence, the ways domestic violence may relate to an abuser's desire to seek custody, and evaluating expert testimony in custody and visitation determinations involving domestic violence;

''(21) the issues raised by child sexual assault in determining custody and visitation, including how to protect the safety of the child, the legitimate reasons parents may report child sexual assault, and evaluating expert testimony in custody and visitation determinations involving child sexual assault, including the current scientifically-accepted and empirically valid research on child sexual assault;

''(22) the extent to which addressing domestic violence and victim safety contributes to the efficient administration of justice;''.

(2) SECTION 40414.—Section 40414(a) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13994(a)) is amended by inserting ''and $1,500,000 for each of the fiscal years 2001 through 2005'' after ''1996''.

(b) GRANTS FOR EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN FEDERAL COURTS.—

(1) SECTION 40421.—Section 40421(d) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 14001(d)) is amended to read as follows:

''(d) CONTINUING EDUCATION AND TRAINING PROGRAMS.—The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, United States Code, shall include in the educational programs it prepares, including the training programs for newly appointed judges, information on the aspects of the topics listed in section 40412 that pertain to issues within the jurisdiction of the Federal courts, and shall prepare materials necessary to implement this subsection.''.

(2) SECTION 40422.—Section 40422(2) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 14002(2)) is amended by inserting ''and $500,000 for each of the fiscal years 2001 through 2005'' after ''1996''.

(c) TECHNICAL AMENDMENTS TO THE EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT OF 1994.—

(1) ENSURING COLLABORATION WITH DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROGRAMS.—Section 40413 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13993) is amended by adding '', including national, State, tribal, and local domestic violence and sexual assault programs and coalitions'' after ''victim advocates''.

(2) PARTICIPATION OF TRIBAL COURTS IN STATE TRAINING AND EDUCATION PROGRAMS.—Section 40411 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13991) is amended by adding at the end the following: ''Nothing shall preclude the attendance of tribal judges and court personnel at programs funded under this section for States to train judges and court personnel on the laws of the States.''.

(3) USE OF FUNDS FOR DISSEMINATION OF MODEL PROGRAMS.—Section 40414 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13994) is amended by adding at the end the following:

''(c) STATE JUSTICE INSTITUTE.—The State Justice Institute may use up to 5 percent of the funds appropriated under this section for annually compiling and broadly disseminating (including through electronic publication) information about the use of funds and about the projects funded under this section, including any evaluations of the projects and information to enable the replication and adoption of the projects.''.

(d) DATING VIOLENCE.—

(1) SECTION 40411.—Section 40411 of the Equal Justice for Women in Courts Act of 1994 (42 U.S.C 13991) is amended by inserting ''dating violence,'' after ''domestic violence,''.

(2) SECTION 40412.—Section 40412 of such Act (42 U.S.C 13992) is amended—

(A) in paragraph (10), by inserting ''and dating violence (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg–2))'' before the semicolon;

(B) in paragraph (11), by inserting ''and dating violence'' after ''domestic violence'';

(C) in paragraph (13), by inserting ''and dating violence'' after ''domestic violence'' in both places that it appears;

(D) in paragraph (17), by inserting ''or dating violence'' after ''domestic violence'' in both places that it appears; and

(E) in paragraph (18), by inserting ''and dating violence'' after ''domestic violence''.

**SEC. 1407. DOMESTIC VIOLENCE TASK FORCE**

The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) (as amended by section 1209(a) of this division) is amended by adding at the end the following:

**"Subtitle I—Domestic Violence Task Force**

**"SEC. 40901. TASK FORCE.**

''(a) ESTABLISH.—The Attorney General, in consultation with national nonprofit, nongovernmental organizations whose primary expertise is in domestic violence, shall establish a task force to coordinate research on domestic violence and to report to Congress on any overlapping or duplication of efforts on domestic violence issues. The task force shall be comprised of representatives from all Federal agencies that fund such research.

''(b) USES OF FUNDS.—Funds appropriated under this section shall be used to—

''(1) develop a coordinated strategy to strengthen research focused on domestic violence education, prevention, and intervention strategies;

''(2) track and report all Federal research and expenditures on domestic violence; and

''(3) identify gaps and duplication of efforts in domestic violence research and governmental expenditures on domestic violence issues.

''(c) REPORT.—The Task Force shall report to Congress annually on its work under subsection (b).

''(d) DEFINITION.—For purposes of this section, the term 'domestic violence' has the meaning given such term by section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(1)).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 for each of fiscal years 2001 through 2004.''.

**TITLE V—BATTERED IMMIGRANT WOMEN**

**SEC. 1501. SHORT TITLE.**

This title may be cited as the ''Battered Immigrant Women Protection Act of 2000''.

**SEC. 1502. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) the goal of the immigration protections for battered immigrants included in the Violence Against Women Act of 1994 was to remove immigration laws as a barrier that kept battered immigrant women and children locked in abusive relationships;

(2) providing battered immigrant women and children who were experiencing domestic violence at home with protection against deportation allows them to obtain protection orders against their abusers and frees them to cooperate with law enforcement and prosecutors in criminal cases brought against their abusers and the abusers of their children without fearing that the abuser will retaliate by withdrawing or threatening withdrawal of access to an immigration benefit under the abuser's control; and

(3) there are several groups of battered immigrant women and children who do not have access to the immigration protections of the Violence Against Women Act of 1994 which means that their abusers are virtually immune from prosecution because their victims can be deported as a result of action by their abusers and the Immigration and Naturalization Service cannot offer them protection no matter how compelling their case under existing law.

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

(1) to remove barriers to criminal prosecutions of persons who commit acts of battery or extreme cruelty against immigrant women and children; and

(2) to offer protection against domestic violence occurring in family and intimate relationships that are covered in State and tribal protection orders, domestic violence, and family law statutes.

**SEC. 1503. IMPROVED ACCESS TO IMMIGRATION PROTECTIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 FOR BATTERED IMMIGRANT WOMEN.**

(a) INTENDED SPOUSE DEFINED.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

''(50) The term 'intended spouse' means any alien who meets the criteria set forth in section 204(a)(1)(A)(iii)(II)(aa)(BB), 204(a)(1)(B)(ii)(II)(aa)(BB), or 240A(b)(2)(A)(i)(III).''.

(b) IMMEDIATE RELATIVE STATUS FOR SELF-PETITIONERS MARRIED TO U.S. CITIZENS.—

(1) SELF-PETITIONING SPOUSES.—

(A) BATTERY OR CRUELTY TO ALIEN OR ALIEN'S CHILD.—Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iii)) is amended to read as follows:

''(iii)(I) An alien who is described in subclause (II) may file a petition with the Attorney General under this clause for classification of the alien (and any child of the alien) if the alien demonstrates to the Attorney General that—

''(aa) the marriage or the intent to marry the United States citizen was entered into in good faith by the alien; and

''(bb) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse.

''(II) For purposes of subclause (I), an alien described in this subclause is an alien—

''(aa)(AA) who is the spouse of a citizen of the United States;

''(BB) who believed that he or she had married a citizen of the United States and with whom a marriage ceremony was actually performed and who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such citizen of the United States; or

''(CC) who was a bona fide spouse of a United States citizen within the past 2 years and—

''(aaa) whose spouse died within the past 2 years;

''(bbb) whose spouse lost or renounced citizenship status within the past 2 years related to an incident of domestic violence; or

''(ccc) who demonstrates a connection between the legal termination of the marriage within the past 2 years and battering or extreme cruelty by the United States citizen spouse;

''(bb) who is a person of good moral character;

''(cc) who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) or who would have been so classified but for the bigamy of the citizen of the United States that the alien intended to marry; and

''(dd) who has resided with the alien's spouse or intended spouse.''.

(2) SELF-PETITIONING CHILDREN.—Section 204(a)(1)(A)(iv) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended to read as follows:

''(iv) An alien who is the child of a citizen of the United States, or who was a child of a United States citizen parent who within the past 2 years lost or renounced citizenship status related to an incident of domestic violence, and who is a person of good moral character, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who resides, or has resided in the past, with the citizen parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen parent. For purposes of this clause, residence includes any period of visitation.''.

(3) FILING OF PETITIONS.—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding at the end the following:

''(v) An alien who—

''(I) is the spouse, intended spouse, or child living abroad of a citizen who—

''(aa) is an employee of the United States Government;

''(bb) is a member of the uniformed services (as defined in section 101(a) of title 10, United States Code); or

''(cc) has subjected the alien or the alien's child to battery or extreme cruelty in the United States; and

''(II) is eligible to file a petition under clause (iii) or (iv);

shall file such petition with the Attorney General under the procedures that apply to self-petitioners under clause (iii) or (iv), as applicable.''.

(c) SECOND PREFERENCE IMMIGRATION STATUS FOR SELF-PETITIONERS MARRIED TO LAWFUL PERMANENT RESIDENTS.—

(1) SELF-PETITIONING SPOUSES.—Section 204(a)(1)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(ii)) is amended to read as follows:

''(ii)(I) An alien who is described in subclause (II) may file a petition with the Attorney General under this clause for classification of the alien (and any child of the alien) if such a child has not been classified under clause (iii) of section 203(a)(2)(A) and if the alien demonstrates to the Attorney General that—

''(aa) the marriage or the intent to marry the lawful permanent resident was entered into in good faith by the alien; and

''(bb) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse.

''(II) For purposes of subclause (I), an alien described in this paragraph is an alien—

''(aa)(AA) who is the spouse of a lawful permanent resident of the United States; or

''(BB) who believed that he or she had married a lawful permanent resident of the United States and with whom a marriage ceremony was actually performed and who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such lawful permanent resident of the United States; or

''(CC) who was a bona fide spouse of a lawful permanent resident within the past 2 years and—

''(aaa) whose spouse lost status within the past 2 years due to an incident of domestic violence; or

''(bbb) who demonstrates a connection between the legal termination of the marriage within the past 2 years and battering or extreme cruelty by the lawful permanent resident spouse;

''(bb) who is a person of good moral character;

''(cc) who is eligible to be classified as a spouse of an alien lawfully admitted for permanent residence under section 203(a)(2)(A) or who would have been so classified but for the bigamy of the lawful permanent resident of the United States that the alien intended to marry; and

''(dd) who has resided with the alien's spouse or intended spouse.''.

(2) SELF-PETITIONING CHILDREN.—Section 204(a)(1)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(iii)) is amended to read as follows:

''(iii) An alien who is the child of an alien lawfully admitted for permanent residence, or who was the child of a lawful permanent resident who within the past 2 years lost lawful permanent resident status due to an incident of domestic violence, and who is a person of good moral character, who is eligible for classification under section 203(a)(2)(A), and who resides, or has resided in the past, with the alien's permanent resident alien parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's permanent resident parent.''.

(3) FILING OF PETITIONS.—Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) is amended by adding at the end the following:

''(iv) An alien who—

''(I) is the spouse, intended spouse, or child living abroad of a lawful permanent resident who—

''(aa) is an employee of the United States Government;

''(bb) is a member of the uniformed services (as defined in section 101(a) of title 10, United States Code); or

''(cc) has subjected the alien or the alien's child to battery or extreme cruelty in the United States; and

''(II) is eligible to file a petition under clause (ii) or (iii);

shall file such petition with the Attorney General under the procedures that apply to self-petitioners under clause (ii) or (iii), as applicable.''.

(d) GOOD MORAL CHARACTER DETERMINATIONS FOR SELF-PETITIONERS AND TREATMENT OF CHILD SELF-PETITIONERS AND PETITIONS INCLUDING DERIVATIVE CHILDREN ATTAINING 21 YEARS OF AGE.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) by redesignating subparagraphs (C) through (H) as subparagraphs (E) through (J), respectively;

(2) by inserting after subparagraph (B) the following:

''(C) Notwithstanding section 101(f), an act or conviction that is waivable with respect to the petitioner for purposes of a determination of the petitioner's admissibility under section 212(a) or deportability under section 237(a) shall not bar the Attorney General from finding the petitioner to be of good moral character under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) if the Attorney General finds that the act or conviction was connected to the alien's having been battered or subjected to extreme cruelty.

''(D)(i)(I) Any child who attains 21 years of age who has filed a petition under clause (iv) of section 204(a)(1)(A) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable, with the same priority date assigned to the self-petition filed under clause (iv) of section 204(a)(1)(A). No new petition shall be required to be filed.

''(II) Any individual described in subclause (I) is eligible for deferred action and work authorization.

''(III) Any derivative child who attains 21 years of age who is included in a petition described in clause (ii) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable, with the same priority date as that assigned to the petitioner in any petition described in clause (ii). No new petition shall be required to be filed.

''(IV) Any individual described in subclause (III) and any derivative child of a petition described in clause (ii) is eligible for deferred action and work authorization.

''(ii) The petition referred to in clause (i)(III) is a petition filed by an alien under subparagraph (A)(iii), (A)(iv), (B)(ii) or (B)(iii) in which the child is included as a derivative beneficiary.''; and

(3) in subparagraph (J) (as so redesignated), by inserting ''or in making determinations under subparagraphs (C) and (D),'' after ''subparagraph (B),''.

(e) ACCESS TO NATURALIZATION FOR DIVORCED VICTIMS OF ABUSE.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430(a)) is amended—

(1) by inserting '', or any person who obtained status as a lawful permanent resident by reason of his or her status as a spouse or child of a United States citizen who battered him or her or subjected him or her to extreme cruelty,'' after ''United States'' the first place such term appears; and

(2) by inserting ''(except in the case of a person who has been battered or subjected to extreme cruelty by a United States citizen spouse or parent)'' after ''has been living in marital union with the citizen spouse''.

**SEC. 1504. IMPROVED ACCESS TO CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION UNDER THE VIOLENCE AGAINST WOMEN ACT OF 1994.**

(a) CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN NONPERMANENT RESIDENTS.—Section 240A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)) is amended to read as follows:

''(2) SPECIAL RULE FOR BATTERED SPOUSE OR CHILD.—

''(A) AUTHORITY.—The Attorney General may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable from the United States if the alien demonstrates that—

''(i)(I) the alien has been battered or subjected to extreme cruelty by a spouse or parent who is or was a United States citizen (or is the parent of a child of a United States citizen and the child has been battered or subjected to extreme cruelty by such citizen parent);

''(II) the alien has been battered or subjected to extreme cruelty by a spouse or parent who is or was a lawful permanent resident (or is the parent of a child of an alien who is or was a lawful permanent resident and the child has been battered or subjected to extreme cruelty by such permanent resident parent); or

''(III) the alien has been battered or subjected to extreme cruelty by a United States citizen or lawful permanent resident whom the alien intended to marry, but whose marriage is not legitimate because of that United States citizen's or lawful permanent resident's bigamy;

''(ii) the alien has been physically present in the United States for a continuous period of not less than 3 years immediately preceding the date of such application, and the issuance of a charging document for removal proceedings shall not toll the 3-year period of continuous physical presence in the United States;

''(iii) the alien has been a person of good moral character during such period, subject to the provisions of subparagraph (C);

''(iv) the alien is not inadmissible under paragraph (2) or (3) of section 212(a), is not deportable under paragraphs (1)(G) or (2) through (4) of section 237(a) (except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver), and has not been convicted of an aggravated felony; and

''(v) the removal would result in extreme hardship to the alien, the alien's child, or the alien's parent.

''(B) PHYSICAL PRESENCE.—Notwithstanding subsection (d)(2), for purposes of subparagraph (A)(i)(II) or for purposes of section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence if the alien demonstrates a connection between the absence and the battering or extreme cruelty perpetrated against the alien. No absence or portion of an absence connected to the battering or extreme cruelty shall count toward the 90-day or 180-day limits established in subsection (d)(2). If any absence or aggregate absences exceed 180 days, the absences or portions of the absences will not be considered to break the period of continuous presence. Any such period of time excluded from the 180-day limit shall be excluded in computing the time during which the alien has been physically present for purposes of the 3-year requirement set forth in section 240A(b)(2)(B) and section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

''(C) GOOD MORAL CHARACTER.—Notwithstanding section 101(f), an act or conviction that does not bar the Attorney General from granting relief under this paragraph by reason of subparagraph (A)(iv) shall not bar the Attorney General from finding the alien to be of good moral character under subparagraph (A)(i)(III) or section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), if the Attorney General finds that the act or conviction was connected to the alien's having been battered or subjected to extreme cruelty and determines that a waiver is otherwise warranted.

''(D) CREDIBLE EVIDENCE CONSIDERED.—In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.''.

(b) CHILDREN OF BATTERED ALIENS AND PARENTS OF BATTERED ALIEN CHILDREN.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended by adding at the end the following:

''(4) CHILDREN OF BATTERED ALIENS AND PARENTS OF BATTERED ALIEN CHILDREN.—

''(A) IN GENERAL.—The Attorney General shall grant parole under section 212(d)(5) to any alien who is a—

''(i) child of an alien granted relief under section 240A(b)(2) or 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996); or

''(ii) parent of a child alien granted relief under section 240A(b)(2) or 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

''(B) DURATION OF PAROLE.—The grant of parole shall extend from the time of the grant of relief under section 240A(b)(2) or section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) to the time the application for adjustment of status filed by aliens covered under this paragraph has been finally adjudicated. Applications for adjustment of status filed by aliens covered under this paragraph shall be treated as if they were applications filed under section 204(a)(1) (A)(iii), (A)(iv), (B)(ii), or (B)(iii) for purposes of section 245 (a) and (c). Failure by the alien granted relief under section 240A(b)(2) or section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) to exercise due diligence in filing a visa petition on behalf of an alien described in clause (i) or (ii) may result in revocation of parole.''.

(c) EFFECTIVE DATE.—Any individual who becomes eligible for relief by reason of the enactment of the amendments made by subsections (a) and (b), shall be eligible to file a motion to reopen pursuant to section 240(c)(6)(C)(iv). The amendments made by subsections (a) and (b) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 587). Such portions of the amendments made by subsection (b) that relate to section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) shall take effect as if included in subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953 et seq.).

**SEC. 1505. OFFERING EQUAL ACCESS TO IMMIGRATION PROTECTIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 FOR ALL QUALIFIED BATTERED IMMIGRANT SELF-PETITIONERS.**

(a) BATTERED IMMIGRANT WAIVER.—Section 212(a)(9)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(C)(ii)) is amended by adding at the end the following: ''The Attorney General in the Attorney General's discretion may waive the provisions of section 212(a)(9)(C)(i) in the case of an alien to whom the Attorney General has granted classification under clause (iii), (iv), or (v) of section 204(a)(1)(A), or classification under clause (ii), (iii), or (iv) of section 204(a)(1)(B), in any case in which there is a connection between—

''(1) the alien's having been battered or subjected to extreme cruelty; and

''(2) the alien's—

''(A) removal;

''(B) departure from the United States;

''(C) reentry or reentries into the United States; or

''(D) attempted reentry into the United States.''.

(b) DOMESTIC VIOLENCE VICTIM WAIVER.—

(1) WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.—Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended by inserting at the end the following:

''(7) WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.—

''(A) IN GENERAL.—The Attorney General is not limited by the criminal court record and may waive the application of paragraph (2)(E)(i) (with respect to crimes of domestic violence and crimes of stalking) and (ii) in the case of an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship—

''(i) upon a determination that—

''(I) the alien was acting is self-defense;

''(II) the alien was found to have violated a protection order intended to protect the alien; or

''(III) the alien committed, was arrested for, was convicted of, or pled guilty to committing a crime—

''(aa) that did not result in serious bodily injury; and

''(bb) where there was a connection between the crime and the alien's having been battered or subjected to extreme cruelty.

''(B) CREDIBLE EVIDENCE CONSIDERED.—In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.''.

(2) CONFORMING AMENDMENT.—Section 240A(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(1)(C)) is amended by inserting ''(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)'' after ''237(a)(3)''.

(c) MISREPRESENTATION WAIVERS FOR BATTERED SPOUSES OF UNITED STATES CITIZENS AND LAWFUL PERMANENT RESIDENTS.—

(1) WAIVER OF INADMISSIBILITY.—Section 212(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(i)(1)) is amended by inserting before the period at the end the following: ''or, in the case of an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), the alien demonstrates extreme hardship to the alien or the alien's United States citizen, lawful permanent resident, or qualified alien parent or child''.

(2) WAIVER OF DEPORTABILITY.—Section 237(a)(1)(H) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(H)) is amended—

(A) in clause (i), by inserting ''(I)'' after ''(i)'';

(B) by redesignating clause (ii) as subclause (II); and

(C) by adding after clause (i) the following:

''(ii) is an alien who qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B).''.

(d) BATTERED IMMIGRANT WAIVER.—Section 212(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(g)(1)) is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by adding ''or'' at the end; and

(3) by inserting after subparagraph (B) the following:

''(C) qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B);''.

(e) WAIVERS FOR VAWA ELIGIBLE BATTERED IMMIGRANTS.—Section 212(h)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(h)(1)) is amended—

(1) in subparagraph (B), by striking ''and'' and inserting ''or''; and

(2) by adding at the end the following:

''(C) the alien qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B); and''.

(f) PUBLIC CHARGE.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end the following:

''(p) In determining whether an alien described in subsection (a)(4)(C)(i) is inadmissible under subsection (a)(4) or ineligible to receive an immigrant visa or otherwise to adjust to the status of permanent resident by reason of subsection (a)(4), the consular officer or the Attorney General shall not consider any benefits the alien may have received that were authorized under section 501 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1641(c)).''.

(g) REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives covering, with respect to fiscal year 1997 and each fiscal year thereafter—

(1) the policy and procedures of the Immigration and Naturalization Service under which an alien who has been battered or subjected to extreme cruelty who is eligible for suspension of deportation or cancellation of removal can request to be placed, and be placed, in deportation or removal proceedings so that such alien may apply for suspension of deportation or cancellation of removal;

*(2) the number of requests filed at each district office under this policy;*

*(3) the number of these requests granted reported separately for each district; and*

*(4) the average length of time at each Immigration and Naturalization office between the date that an alien who has been subject to battering or extreme cruelty eligible for suspension of deportation or cancellation of removal requests to be placed in deportation or removal proceedings and the date that the immigrant appears before an immigration judge to file an application for suspension of deportation or cancellation of removal.*

***SEC. 1506. RESTORING IMMIGRATION PROTECTIONS UNDER THE VIOLENCE AGAINST WOMEN ACT OF 1994.***

*(a) REMOVING BARRIERS TO ADJUSTMENT OF STATUS FOR VICTIMS OF DOMESTIC VIOLENCE.—*

*(1) IMMIGRATION AMENDMENTS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—*

*(A) in subsection (a), by inserting ''or the status of any other alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) or'' after ''into the United States.''; and*

*(B) in subsection (c), by striking ''Subsection (a) shall not be applicable to'' and inserting the following: ''Other than an alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1), subsection (a) shall not be applicable to''.*

*(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications for adjustment of status pending on or made on or after January 14, 1998.*

*(b) REMOVING BARRIERS TO CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION FOR VICTIMS OF DOMESTIC VIOLENCE.—*

*(1) NOT TREATING SERVICE OF NOTICE AS TERMINATING CONTINUOUS PERIOD.—Section 240A(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1229b(d)(1)) is amended by striking ''when the alien is served a notice to appear under section 239(a) or'' and inserting ''(A) except in the case of an alien who applies for cancellation of removal under subsection (b)(2), when the alien is served a notice to appear under section 239(a), or (B)''.*

*(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 587).*

*(3) MODIFICATION OF CERTAIN TRANSITION RULES FOR BATTERED SPOUSE OR CHILD.—Section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note) is amended—*

*(A) by striking the subparagraph heading and inserting the following:*

*''(C) SPECIAL RULE FOR CERTAIN ALIENS GRANTED TEMPORARY PROTECTION FROM DEPORTATION AND FOR BATTERED SPOUSES AND CHILDREN.—''; and*

*(B) in clause (i)—*

*(i) in subclause (IV), by striking ''or'' at the end;*

*(ii) in subclause (V), by striking the period at the end and inserting ''; or''; and*

*(iii) by adding at the end the following:*

*''(VI) is an alien who was issued an order to show cause or was in deportation proceedings before April 1, 1997, and who applied for suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the date of the enactment of this Act).''.*

*(4) EFFECTIVE DATE.—The amendments made by paragraph (3) shall take effect as if included in the enactment of section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note).*

*(c) ELIMINATING TIME LIMITATIONS ON MOTIONS TO REOPEN REMOVAL AND DEPORTATION PROCEEDINGS FOR VICTIMS OF DOMESTIC VIOLENCE.—*

*(1) REMOVAL PROCEEDINGS.—*

*(A) IN GENERAL.—Section 240(c)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(6)(C)) is amended by adding at the end the following:*

*''(iv) SPECIAL RULE FOR BATTERED SPOUSES AND CHILDREN.—The deadline specified in subsection (b)(5)(C) for filing a motion to reopen does not apply—*

*''(I) if the basis for the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B), or section 240A(b)(2);*

*''(II) if the motion is accompanied by a cancellation of removal application to be filed with the Attorney General or by a copy of the self-petition that has been or will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen; and*

*''(III) if the motion to reopen is filed within 1 year of the entry of the final order of removal, except that the Attorney General may, in the Attorney General's discretion, waive this time limitation in the case of an alien who demonstrates extraordinary circumstances or extreme hardship to the alien's child.''.*

*(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1229–1229c).*

*(2) DEPORTATION PROCEEDINGS.—*

*(A) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen or rescind deportation proceedings under the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)), there is no time limit on the filing of a motion to reopen such proceedings, and the deadline specified in section 242B(c)(3) of the Immigration and Nationality Act (as so in effect) (8 U.S.C. 1252b(c)(3)) does not apply—*

*(i) if the basis of the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as so in effect) (8 U.S.C. 1254(a)(3)); and*

*(ii) if the motion is accompanied by a suspension of deportation application to be filed with the Attorney General or by a copy of the self-petition that will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen.*

*(B) APPLICABILITY.—Subparagraph (A) shall apply to motions filed by aliens who—*

*(i) are, or were, in deportation proceedings under the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)); and*

*(ii) have become eligible to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)) as a result of the amendments made by—*

*(I) subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953 et seq.); or*

*(II) this title.*

***SEC. 1507. REMEDYING PROBLEMS WITH IMPLEMENTATION OF THE IMMIGRATION PROVISIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994.***

*(a) EFFECT OF CHANGES IN ABUSERS' CITIZENSHIP STATUS ON SELF-PETITION.—*

*(1) RECLASSIFICATION.—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) (as amended by section 1503(b)(3) of this title) is amended by adding at the end the following:*

*''(vi) For the purposes of any petition filed under clause (iii) or (iv), the denaturalization, loss or renunciation of citizenship, death of the abuser, divorce, or changes to the abuser's citizenship status after filing of the petition shall not adversely affect the approval of the petition, and for approved petitions shall not preclude the classification of the eligible self-petitioning spouse or child as an immediate relative or affect the alien's ability to adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on the approved self-petition under such clauses.''.*

*(2) LOSS OF STATUS.—Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) (as amended by section 1503(c)(3) of this title) is amended by adding at the end the following:*

*''(v)(I) For the purposes of any petition filed or approved under clause (ii) or (iii), divorce, or the loss of lawful permanent resident status by a spouse or parent after the filing of a petition under that clause shall not adversely affect approval of the petition, and, for an approved petition, shall not affect the alien's ability to adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on an approved self-petition under clause (ii) or (iii).*

*''(II) Upon the lawful permanent resident spouse or parent becoming or establishing the existence of United States citizenship through naturalization, acquisition of citizenship, or other means, any petition filed with the Immigration and Naturalization Service and pending or approved under clause (ii) or (iii) on behalf of an alien who has been battered or subjected to extreme cruelty shall be deemed reclassified as a petition filed under subparagraph (A) even if the acquisition of citizenship occurs after divorce or termination of parental rights.''.*

*(3) DEFINITION OF IMMEDIATE RELATIVES.—Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1154(b)(2)(A)(i)) is amended by adding at the end the following: ''For purposes of this clause, an alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) of this Act remains an immediate relative in the event that the United States citizen spouse or parent loses United States citizenship on account of the abuse.''.*

*(b) ALLOWING REMARRIAGE OF BATTERED IMMIGRANTS.—Section 204(h) of the Immigration and Nationality Act (8 U.S.C. 1154(h)) is amended by adding at the end the following: ''Remarriage of an alien whose petition was approved under section 204(a)(1)(B)(ii) or 204(a)(1)(A)(iii) or marriage of an alien described in clause (iv) or (vi) of section 204(a)(1)(A) or in section 204(a)(1)(B)(iii) shall not be the basis for revocation of a petition approval under section 205.''.*

***SEC. 1508. TECHNICAL CORRECTION TO QUALIFIED ALIEN DEFINITION FOR BATTERED IMMIGRANTS.***

*Section 431(c)(1)(B)(iii) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)(iii)) is amended to read as follows:*

*''(iii) suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).''.*

***SEC. 1509. ACCESS TO CUBAN ADJUSTMENT ACT FOR BATTERED IMMIGRANT SPOUSES AND CHILDREN.***

*(a) IN GENERAL.—The last sentence of the first section of Public Law 89–732 (November 2, 1966; 8 U.S.C. 1255 note) is amended by striking the period at the end and inserting the following: '', except that such spouse or child who has been battered or subjected to extreme cruelty may adjust to permanent resident status under this Act without demonstrating that he or she is residing with the Cuban spouse or parent in the United*

*States. In acting on applications under this section with respect to spouses or children who have been battered or subjected to extreme cruelty, the Attorney General shall apply the provisions of section 204(a)(1)(H).''.*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953 et seq.).*

***SEC. 1510. ACCESS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT FOR BATTERED SPOUSES AND CHILDREN.***

*(a) ADJUSTMENT OF STATUS OF CERTAIN NICARAGUAN AND CUBAN BATTERED SPOUSES.—Section 202(d) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100, as amended) is amended—*

*(1) in paragraph (1), by striking subparagraph (B) and inserting the following:*

*''(B) the alien—*

*''(i) is the spouse, child, or unmarried son or daughter of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that the son or daughter has been physically present in the United States for a continuous period beginning not later than December 1, 1995, and ending not earlier than the date on which the application for adjustment under this subsection is filed; or*

*''(ii) was, at the time at which an alien filed for adjustment under subsection (a), the spouse or child of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), and the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the alien that filed for adjustment under subsection (a);''; and*

*(2) by adding at the end the following:*

*''(3) PROCEDURE.—In acting on an application under this section with respect to a spouse or child who has been battered or subjected to extreme cruelty, the Attorney General shall apply section 204(a)(1)(H).''.*

*(b) CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION TRANSITION RULES FOR CERTAIN BATTERED SPOUSES.—Section 309(c)(5)(C) of the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1101 note) (as amended by section 1506(b)(3) of this title) is amended—*

*(1) in clause (i)—*

*(A) by striking the period at the end of subclause (VI) (as added by section 1506(b)(3) of this title) and inserting ''; or''; and*

*(B) by adding at the end the following:*

*''(VII)(aa) was the spouse or child of an alien described in subclause (I), (II), or (V)—*

*''(AA) at the time at which a decision is rendered to suspend the deportation or cancel the removal of the alien;*

*''(BB) at the time at which the alien filed an application for suspension of deportation or cancellation of removal; or*

*''(CC) at the time at which the alien registered for benefits under the settlement agreement in American Baptist Churches, et. al. v. Thornburgh (ABC), applied for temporary protected status, or applied for asylum; and*

*''(bb) the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the alien described in subclause (I), (II), or (V).''; and*

*(2) by adding at the end the following:*

*''(iii) CONSIDERATION OF PETITIONS.—In acting on a petition filed under subclause (VII) of clause (i) the provisions set forth in section 204(a)(1)(H) shall apply.*

*''(iv) RESIDENCE WITH SPOUSE OR PARENT NOT REQUIRED.—For purposes of the application of clause (i)(VII), a spouse or child shall not be required to demonstrate that he or she is residing with the spouse or parent in the United States.''.*

*(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall be effective as if included in the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100, as amended).*

***SEC. 1511. ACCESS TO THE HAITIAN REFUGEE FAIRNESS ACT OF 1998 FOR BATTERED SPOUSES AND CHILDREN.***

*(a) IN GENERAL.—Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277; 112 Stat. 2681–538) is amended to read as follows:*

*''(B)(i) the alien is the spouse, child, or unmarried son or daughter of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that, in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that the son or daughter has been physically present in the United States for a continuous period beginning not later than December 1, 1995, and ending not earlier than the date on which the application for such adjustment is filed;*

*''(ii) at the time of filing of the application for adjustment under subsection (a), the alien is the spouse or child of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a) and the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the individual described in subsection (a); and*

*''(iii) in acting on applications under this section with respect to spouses or children who have been battered or subjected to extreme cruelty, the Attorney General shall apply the provisions of section 204(a)(1)(H).''.*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277; 112 Stat. 2681–538).*

***SEC. 1512. ACCESS TO SERVICES AND LEGAL REPRESENTATION FOR BATTERED IMMIGRANTS.***

*(a) LAW ENFORCEMENT AND PROSECUTION GRANTS.—Section 2001(b) of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) (as amended by section 1209(c) of this division) is amended by adding at the end the following:*

*''(11) providing assistance to victims of domestic violence and sexual assault in immigration matters.''.*

*(b) GRANTS TO ENCOURAGE ARRESTS.—Section 2101(b)(5) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(b)(5)) is amended by inserting before the period the following: '', including strengthening assistance to such victims in immigration matters''.*

*(c) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT GRANTS.—Section 40295(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953; 42 U.S.C. 13971(a)(2)) is amended to read as follows:*

*''(2) to provide treatment, counseling, and assistance to victims of domestic violence and child abuse, including in immigration matters; and''.*

*(d) CAMPUS DOMESTIC VIOLENCE GRANTS.—Section 826(b)(5) of the Higher Education Amendments of 1998 (Public Law 105–244; 20 U.S.C. 1152) is amended by inserting before the period at the end the following: '', including assistance to victims in immigration matters''.*

***SEC. 1513. PROTECTION FOR CERTAIN CRIME VICTIMS INCLUDING VICTIMS OF CRIMES AGAINST WOMEN.***

*(a) FINDINGS AND PURPOSE.—*

*(1) FINDINGS.—Congress makes the following findings:*

*(A) Immigrant women and children are often targeted to be victims of crimes committed against them in the United States, including rape, torture, kidnaping, trafficking, incest, domestic violence, sexual assault, female genital mutilation, forced prostitution, involuntary servitude, being held hostage or being criminally restrained.*

*(B) All women and children who are victims of these crimes committed against them in the United States must be able to report these crimes to law enforcement and fully participate in the investigation of the crimes committed against them and the prosecution of the perpetrators of such crimes.*

*(2) PURPOSE.—*

*(A) The purpose of this section is to create a new nonimmigrant visa classification that will strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of domestic violence, sexual assault, trafficking of aliens, and other crimes described in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act committed against aliens, while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States. This visa will encourage law enforcement officials to better serve immigrant crime victims and to prosecute crimes committed against aliens.*

*(B) Creating a new nonimmigrant visa classification will facilitate the reporting of crimes to law enforcement officials by trafficked, exploited, victimized, and abused aliens who are not in lawful immigration status. It also gives law enforcement officials a means to regularize the status of cooperating individuals during investigations or prosecutions. Providing temporary legal status to aliens who have been severely victimized by criminal activity also comports with the humanitarian interests of the United States.*

*(C) Finally, this section gives the Attorney General discretion to convert the status of such nonimmigrants to that of permanent residents when doing so is justified on humanitarian grounds, for family unity, or is otherwise in the public interest.*

*(b) ESTABLISHMENT OF HUMANITARIAN/MATERIAL WITNESS NONIMMIGRANT CLASSIFICATION.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) (as amended by section 107 of this Act) is amended—*

*(1) by striking ''or'' at the end of subparagraph (S);*

*(2) by striking the period at the end of subparagraph (T) and inserting ''; or''; and*

*(3) by adding at the end the following new subparagraph:*

*''(U)(i) subject to section 214(o), an alien who files a petition for status under this subparagraph, if the Attorney General determines that—*

*''(I) the alien has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity described in clause (iii);*

*''(II) the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) possesses information concerning criminal activity described in clause (iii);*

*''(III) the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) has been helpful, is being helpful, or is likely to be helpful to a Federal, State, or local law enforcement official, to a Federal, State, or local prosecutor, to a Federal or State judge, to the Service, or to other Federal, State, or local authorities investigating or prosecuting criminal activity described in clause (iii); and*

*''(IV) the criminal activity described in clause (iii) violated the laws of the United States or occurred in the United States (including in Indian country and military installations) or the territories and possessions of the United States;*

*''(ii) if the Attorney General considers it necessary to avoid extreme hardship to the spouse, the child, or, in the case of an alien child, the*

*parent of the alien described in clause (i), the Attorney General may also grant status under this paragraph based upon certification of a government official listed in clause (i)(III) that an investigation or prosecution would be harmed without the assistance of the spouse, the child, or, in the case of an alien child, the parent of the alien; and*

*''(iii) the criminal activity referred to in this clause is that involving one or more of the following or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes.''.*

*(c) CONDITIONS FOR ADMISSION AND DUTIES OF THE ATTORNEY GENERAL.—Section 214 of such Act (8 U.S.C. 1184) (as amended by section 107 of this Act) is amended by adding at the end the following new subsection:*

*''(o) REQUIREMENTS APPLICABLE TO SECTION 101(a)(15)(U) VISAS.—*

*''(1) PETITIONING PROCEDURES FOR SECTION 101(a)(15)(U) VISAS.—The petition filed by an alien under section 101(a)(15)(U)(i) shall contain a certification from a Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating criminal activity described in section 101(a)(15)(U)(iii). This certification may also be provided by an official of the Service whose ability to provide such certification is not limited to information concerning immigration violations. This certification shall state that the alien ''has been helpful, is being helpful, or is likely to be helpful'' in the investigation or prosecution of criminal activity described in section 101(a)(15)(U)(iii).*

*''(2) NUMERICAL LIMITATIONS.—*

*''(A) The number of aliens who may be issued visas or otherwise provided status as nonimmigrants under section 101(a)(15)(U) in any fiscal year shall not exceed 10,000.*

*''(B) The numerical limitations in subparagraph (A) shall only apply to principal aliens described in section 101(a)(15)(U)(i), and not to spouses, children, or, in the case of alien children, the alien parents of such children.*

*''(3) DUTIES OF THE ATTORNEY GENERAL WITH RESPECT TO 'U' VISA NONIMMIGRANTS.—With respect to nonimmigrant aliens described in subsection (a)(15)(U)—*

*''(A) the Attorney General and other government officials, where appropriate, shall provide those aliens with referrals to nongovernmental organizations to advise the aliens regarding their options while in the United States and the resources available to them; and*

*''(B) the Attorney General shall, during the period those aliens are in lawful temporary resident status under that subsection, provide the aliens with employment authorization.*

*''(4) CREDIBLE EVIDENCE CONSIDERED.—In acting on any petition filed under this subsection, the consular officer or the Attorney General, as appropriate, shall consider any credible evidence relevant to the petition.*

*''(5) NONEXCLUSIVE RELIEF.—Nothing in this subsection limits the ability of aliens who qualify for status under section 101(a)(15)(U) to seek any other immigration benefit or status for which the alien may be eligible.''.*

*(d) PROHIBITION ON ADVERSE DETERMINATIONS OF ADMISSIBILITY OR DEPORTABILITY.—Section 384(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended—*

*(1) by striking ''or'' at the end of paragraph (1)(C);*

*(2) by striking the comma at the end of paragraph (1)(D) and inserting '', or''; and*

*(3) by inserting after paragraph (1)(D) the following new subparagraph:*

*''(E) in the case of an alien applying for status under section 101(a)(15)(U) of the Immigration and Nationality Act, the perpetrator of the substantial physical or mental abuse and the criminal activity,''; and*

*(4) in paragraph (2), by inserting ''section 101(a)(15)(U),'' after ''section 216(c)(4)(C),''.*

*(e) WAIVER OF GROUNDS OF INELIGIBILITY FOR ADMISSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by adding at the end the following new paragraph:*

*''(13) The Attorney General shall determine whether a ground of inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(U). The Attorney General, in the Attorney General's discretion, may waive the application of subsection (a) (other than paragraph (3)(E)) in the case of a nonimmigrant described in section 101(a)(15)(U), if the Attorney General considers it to be in the public or national interest to do so.''.*

*(f) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—Section 245 of such Act (8 U.S.C. 1255) is amended by adding at the end the following new subsection:*

*''(l)(1) The Attorney General may adjust the status of an alien admitted into the United States (or otherwise provided nonimmigrant status) under section 101(a)(15)(U) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E), unless the Attorney General determines based on affirmative evidence that the alien unreasonably refused to provide assistance in a criminal investigation or prosecution, if—*

*''(A) the alien has been physically present in the United States for a continuous period of at least 3 years since the date of admission as a nonimmigrant under clause (i) or (ii) of section 101(a)(15)(U); and*

*''(B) in the opinion of the Attorney General, the alien's continued presence in the United States is justified on humanitarian grounds, to ensure family unity, or is otherwise in the public interest.*

*''(2) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days unless the absence is in order to assist in the investigation or prosecution or unless an official involved in the investigation or prosecution certifies that the absence was otherwise justified.*

*''(3) Upon approval of adjustment of status under paragraph (1) of an alien described in section 101(a)(15)(U)(i) the Attorney General may adjust the status of or issue an immigrant visa to a spouse, a child, or, in the case of an alien child, a parent who did not receive a nonimmigrant visa under section 101(a)(15)(U)(ii) if the Attorney General considers the grant of such status or visa necessary to avoid extreme hardship.*

*''(4) Upon the approval of adjustment of status under paragraph (1) or (3), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval.''.*

## *TITLE VI—MISCELLANEOUS*

### *SEC. 1601. NOTICE REQUIREMENTS FOR SEXUALLY VIOLENT OFFENDERS.*

*(a) SHORT TITLE.—This section may be cited as the ''Campus Sex Crimes Prevention Act''.*

*(b) NOTICE WITH RESPECT TO INSTITUTIONS OF HIGHER EDUCATION.—*

*(1) IN GENERAL.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by adding at the end the following:*

*''(j) NOTICE OF ENROLLMENT AT OR EMPLOYMENT BY INSTITUTIONS OF HIGHER EDUCATION.—*

*''(1) NOTICE BY OFFENDERS.—*

*''(A) IN GENERAL.—In addition to any other requirements of this section, any person who is required to register in a State shall provide notice as required under State law—*

*''(i) of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student; and*

*''(ii) of each change in enrollment or employment status of such person at an institution of higher education in that State.*

*''(B) CHANGE IN STATUS.—A change in status under subparagraph (A)(ii) shall be reported by the person in the manner provided by State law. State procedures shall ensure that the updated information is promptly made available to a law enforcement agency having jurisdiction where such institution is located and entered into the appropriate State records or data system.*

*''(2) STATE REPORTING.—State procedures shall ensure that the registration information collected under paragraph (1)—*

*''(A) is promptly made available to a law enforcement agency having jurisdiction where such institution is located; and*

*''(B) entered into the appropriate State records or data system.*

*''(3) REQUEST.—Nothing in this subsection shall require an educational institution to request such information from any State.''.*

*(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 2 years after the date of enactment of this Act.*

*(c) DISCLOSURES BY INSTITUTIONS OF HIGHER EDUCATION.—*

*(1) IN GENERAL.—Section 485(f)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(1)) is amended by adding at the end the following:*

*''(I) A statement advising the campus community where law enforcement agency information provided by a State under section 170101(j) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(j)), concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.''.*

*(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 2 years after the date of enactment of this Act.*

*(d) AMENDMENT TO FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974.—Section 444(b) of the General Education Provisions Act (20 U.S.C. 1232g(b)), also known as the Family Educational Rights and Privacy Act of 1974, is amended by adding at the end the following:*

*''(7)(A) Nothing in this section may be construed to prohibit an educational institution from disclosing information provided to the institution under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) concerning registered sex offenders who are required to register under such section.*

*''(B) The Secretary shall take appropriate steps to notify educational institutions that disclosure of information described in subparagraph (A) is permitted.''.*

### *SEC. 1602. TEEN SUICIDE PREVENTION STUDY.*

*(a) SHORT TITLE.—This section may be cited as the ''Teen Suicide Prevention Act of 2000''.*

*(b) FINDINGS.—Congress finds that—*

*(1) measures that increase public awareness of suicide as a preventable public health problem, and target parents and youth so that suicide risks and warning signs can be recognized, will help to eliminate the ignorance and stigma of suicide as barriers to youth and families seeking preventive care;*

*(2) suicide prevention efforts in the year 2000 should—*

*(A) target at-risk youth, particularly youth with mental health problems, substance abuse problems, or contact with the juvenile justice system;*

*(B) involve—*

*(i) the identification of the characteristics of the at-risk youth and other youth who are contemplating suicide, and barriers to treatment of the youth; and*

*(ii) the development of model treatment programs for the youth;*

*(C) include a pilot study of the outcomes of treatment for juvenile delinquents with mental health or substance abuse problems;*

*(D) include a public education approach to combat the negative effects of the stigma of, and discrimination against individuals with, mental health and substance abuse problems; and*

*(E) include a nationwide effort to develop, implement, and evaluate a mental health awareness program for schools, communities, and families;*

*(3) although numerous symptoms, diagnoses, traits, characteristics, and psychosocial stressors of suicide have been investigated, no single factor or set of factors has ever come close to predicting suicide with accuracy;*

*(4) research of United States youth, such as a 1994 study by Lewinsohn, Rohde, and Seeley, has shown predictors of suicide, such as a history of suicide attempts, current suicidal ideation and depression, a recent attempt or completed suicide by a friend, and low self-esteem; and*

*(5) epidemiological data illustrate—*

*(A) the trend of suicide at younger ages as well as increases in suicidal ideation among youth in the United States; and*

*(B) distinct differences in approaches to suicide by gender, with—*

*(i) 3 to 5 times as many females as males attempting suicide; and*

*(ii) 3 to 5 times as many males as females completing suicide.*

*(c) PURPOSE.—The purpose of this section is to provide for a study of predictors of suicide among at-risk and other youth, and barriers that prevent the youth from receiving treatment, to facilitate the development of model treatment programs and public education and awareness efforts.*

*(d) STUDY.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall carry out, directly or by grant or contract, a study that is designed to identify—*

*(1) the characteristics of at-risk and other youth age 13 through 21 who are contemplating suicide;*

*(2) the characteristics of at-risk and other youth who are younger than age 13 and are contemplating suicide; and*

*(3) the barriers that prevent youth described in paragraphs (1) and (2) from receiving treatment.*

*(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.*

***SEC. 1603. DECADE OF PAIN CONTROL AND RESEARCH.***

*The calendar decade beginning January 1, 2001, is designated as the ''Decade of Pain Control and Research''.*

## *DIVISION C—MISCELLANEOUS PROVISIONS*

***SEC. 2001. AIMEE'S LAW***

*(a) SHORT TITLE.—This section may be cited as ''Aimee's Law''.*

*(b) DEFINITIONS.—In this section:*

*(1) DANGEROUS SEXUAL OFFENSE.—The term ''dangerous sexual offense'' means any offense under State law for conduct that would constitute an offense under chapter 109A of title 18, United States Code, had the conduct occurred in the special maritime and territorial jurisdiction of the United States or in a Federal prison.*

*(2) MURDER.—The term ''murder'' has the meaning given the term in part I of the Uniform Crime Reports of the Federal Bureau of Investigation.*

*(3) RAPE.—The term ''rape'' has the meaning given the term in part I of the Uniform Crime Reports of the Federal Bureau of Investigation.*

*(c) PENALTY.—*

*(1) SINGLE STATE.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any one of those offenses in a State described in paragraph (3), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted the individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.*

*(2) MULTIPLE STATES.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any one or more of those offenses in more than one other State described in paragraph (3), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.*

*(3) STATE DESCRIBED.—A State is described in this paragraph if—*

*(A) the average term of imprisonment imposed by the State on individuals convicted of the offense for which the individual described in paragraph (1) or (2), as applicable, was convicted by the State is less than the average term of imprisonment imposed for that offense in all States; or*

*(B) with respect to the individual described in paragraph (1) or (2), as applicable, the individual had served less than 85 percent of the term of imprisonment to which that individual was sentenced for the prior offense.*

*For purposes of subparagraph (B), in a State that has indeterminate sentencing, the term of imprisonment to which that individual was sentenced for the prior offense shall be based on the lower of the range of sentences.*

*(d) STATE APPLICATIONS.—In order to receive an amount transferred under subsection (c), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for one of those offenses in another State.*

*(e) SOURCE OF FUNDS.—*

*(1) IN GENERAL.—Any amount transferred under subsection (c) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the State. The Attorney General shall provide the State with an opportunity to select the specific Federal law enforcement assistance funds to be so reduced (other than Federal crime victim assistance funds).*

*(2) PAYMENT SCHEDULE.—The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.*

*(f) CONSTRUCTION.—Nothing in this section may be construed to diminish or otherwise affect any court ordered restitution.*

*(g) EXCEPTION.—This section does not apply if the individual convicted of murder, rape, or a dangerous sexual offense has been released from prison upon the reversal of a conviction for an offense described in subsection (c) and subsequently been convicted for an offense described in subsection (c).*

*(h) REPORT.—The Attorney General shall—*

*(1) conduct a study evaluating the implementation of this section; and*

*(2) not later than October 1, 2006, submit to Congress a report on the results of that study.*

*(i) COLLECTION OF RECIDIVISM DATA.—*

*(1) IN GENERAL.—Beginning with calendar year 2002, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State—*

*(A) the number of convictions during that calendar year for—*

*(i) any dangerous sexual offense;*

*(ii) rape; and*

*(iii) murder; and*

*(B) the number of convictions described in subparagraph (A) that constitute second or subsequent convictions of the defendant of an offense described in that subparagraph.*

*(2) REPORT.—Not later than March 1, 2003, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include—*

*(A) the information collected under paragraph (1) with respect to each State during the preceding calendar year; and*

*(B) the percentage of cases in each State in which an individual convicted of an offense described in paragraph (1)(A) was previously convicted of another such offense in another State during the preceding calendar year.*

*(j) EFFECTIVE DATE.—This section shall take effect on January 1, 2002.*

***SEC. 2002. PAYMENT OF CERTAIN ANTI-TERRORISM JUDGMENTS.***

*(a) PAYMENTS.—*

*(1) IN GENERAL.—Subject to subsections (b) and (c), the Secretary of the Treasury shall pay each person described in paragraph (2), at the person's election—*

*(A) 110 percent of compensatory damages awarded by judgment of a court on a claim or claims brought by the person under section 1605(a)(7) of title 28, United States Code, plus amounts necessary to pay post-judgment interest under section 1961 of such title, and, in the case of a claim or claims against Cuba, amounts awarded as sanctions by judicial order on April 18, 2000 (as corrected on June 2, 2000), subject to final appellate review of that order; or*

*(B) 100 percent of the compensatory damages awarded by judgment of a court on a claim or claims brought by the person under section 1605(a)(7) of title 28, United States Code, plus amounts necessary to pay post-judgment interest, as provided in section 1961 of such title, and, in the case of a claim or claims against Cuba, amounts awarded as sanctions by judicial order on April 18, 2000 (as corrected June 2, 2000), subject to final appellate review of that order.*

*Payments under this subsection shall be made promptly upon request.*

*(2) PERSONS COVERED.—A person described in this paragraph is a person who—*

*(A)(i) as of July 20, 2000, held a final judgment for a claim or claims brought under section 1605(a)(7) of title 28, United States Code, against Iran or Cuba, or the right to payment of an amount awarded as a judicial sanction with respect to such claim or claims; or*

*(ii) filed a suit under such section 1605(a)(7) on February 17, 1999, June 7, 1999, January 28, 2000, March 15, 2000, or July 27, 2000;*

*(B) relinquishes all claims and rights to compensatory damages and amounts awarded as judicial sanctions under such judgments;*

*(C) in the case of payment under paragraph (1)(A), relinquishes all rights and claims to punitive damages awarded in connection with such claim or claims; and*

*(D) in the case of payment under paragraph (1)(B), relinquishes all rights to execute against or attach property that is at issue in claims against the United States before an international tribunal, that is the subject of awards rendered by such tribunal, or that is subject to section 1610(f)(1)(A) of title 28, United States Code.*

*(b) FUNDING OF AMOUNTS.—*

*(1) JUDGMENTS AGAINST CUBA.—For purposes of funding the payments under subsection (a) in*

*the case of judgments and sanctions entered against the Government of Cuba or Cuban entities, the President shall vest and liquidate up to and not exceeding the amount of property of the Government of Cuba and sanctioned entities in the United States or any commonwealth, territory, or possession thereof that has been blocked pursuant to section 5(b) of the Trading with the Enemy Act (50 U.S.C. App. 5(b)), sections 202 and 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701–1702), or any other proclamation, order, or regulation issued thereunder. For the purposes of paying amounts for judicial sanctions, payment shall be made from funds or accounts subject to sanctions as of April 18, 2000, or from blocked assets of the Government of Cuba.*

*(2) JUDGMENTS AGAINST IRAN.—For purposes of funding payments under subsection (a) in the case of judgments against Iran, the Secretary of the Treasury shall make such payments from amounts paid and liquidated from—*

*(A) rental proceeds accrued on the date of enactment of this Act from Iranian diplomatic and consular property located in the United States; and*

*(B) funds not otherwise made available in an amount not to exceed the total of the amount in the Iran Foreign Military Sales Program account within the Foreign Military Sales Fund on the date of enactment of this Act.*

*(c) SUBROGATION.—Upon payment under subsection (a) with respect to payments in connection with a Foreign Military Sales Program account, the United States shall be fully subrogated, to the extent of the payments, to all rights of the person paid under that subsection against the debtor foreign state. The President shall pursue these subrogated rights as claims or offsets of the United States in appropriate ways, including any negotiation process which precedes the normalization of relations between the foreign state designated as a state sponsor of terrorism and the United States, except that no funds shall be paid to Iran, or released to Iran, from property blocked under the International Emergency Economic Powers Act or from the Foreign Military Sales Fund, until such subrogated claims have been dealt with to the satisfaction of the United States.*

*(d) SENSE OF CONGRESS.—It is the sense of Congress that the President should not normalize relations between the United States and Iran until the claims subrogated have been dealt with to the satisfaction of the United States.*

*(e) REAFFIRMATION OF AUTHORITY.—Congress reaffirms the President's statutory authority to manage and, where appropriate and consistent with the national interest, vest foreign assets located in the United States for the purposes, among other things, of assisting and, where appropriate, making payments to victims of terrorism.*

*(f) AMENDMENTS.—(1) Section 1610(f) of title 28, United States Code, is amended—*

*(A) in paragraphs (2)(A) and (2)(B)(ii), by striking ''shall'' each place it appears and inserting ''should make every effort to''; and*

*(B) by adding at the end the following new paragraph:*

*''(3) WAIVER.—The President may waive any provision of paragraph (1) in the interest of national security.''.*

*(2) Subsections (b) and (d) of section 117 of the Treasury Department Appropriations Act, 1999 (as contained in section 101(h) of Public Law 105–277) are repealed.*

***SEC. 2003. AID FOR VICTIMS OF TERRORISM.***

*(a) MEETING THE NEEDS OF VICTIMS OF TERRORISM OUTSIDE THE UNITED STATES.—*

*(1) IN GENERAL.—Section 1404B(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(a)) is amended as follows:*

*''(a) VICTIMS OF ACTS OF TERRORISM OUTSIDE UNITED STATES.—*

*''(1) IN GENERAL.—The Director may make supplemental grants as provided in 1402(d)(5) to States, victim service organizations, and public agencies (including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring outside the United States who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.*

*''(2) VICTIM DEFINED.—In this subsection, the term 'victim'—*

*''(A) means a person who is a national of the United States or an officer or employee of the United States Government who is injured or killed as a result of a terrorist act or mass violence occurring outside the United States; and*

*''(B) in the case of a person described in subparagraph (A) who is less than 18 years of age, incompetent, incapacitated, or deceased, includes a family member or legal guardian of that person.*

*''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to allow the Director to make grants to any foreign power (as defined by section 101(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)) or to any domestic or foreign organization operated for the purpose of engaging in any significant political or lobbying activities.''.*

*(2) APPLICABILITY.—The amendment made by this subsection shall apply to any terrorist act or mass violence occurring on or after December 21, 1988, with respect to which an investigation or prosecution was ongoing after April 24, 1996.*

*(3) ADMINISTRATIVE PROVISION.—Not later than 90 days after the date of enactment of this Act, the Director shall establish guidelines under section 1407(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10604(a)) to specify the categories of organizations and agencies to which the Director may make grants under this subsection.*

*(4) TECHNICAL AMENDMENT.—Section 1404B(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(b)) is amended by striking ''1404(d)(4)(B)'' and inserting ''1402(d)(5)''.*

*(b) AMENDMENTS TO EMERGENCY RESERVE FUND.—*

*(1) CAP INCREASE.—Section 1402(d)(5)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(A)) is amended by striking ''$50,000,000'' and inserting ''$100,000,000''.*

*(2) TRANSFER.—Section 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C 10601(e)) is amended by striking ''in excess of $500,000'' and all that follows through ''than $500,000'' and inserting ''shall be available for deposit into the emergency reserve fund referred to in subsection (d)(5) at the discretion of the Director. Any remaining unobligated sums''.*

*(c) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—*

*(1) IN GENERAL.—The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404B the following:*

***''SEC. 1404C. COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.***

*''(a) DEFINITIONS.—In this section:*

*''(1) INTERNATIONAL TERRORISM.—The term 'international terrorism' has the meaning given the term in section 2331 of title 18, United States Code.*

*''(2) NATIONAL OF THE UNITED STATES.—The term 'national of the United States' has the meaning given the term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).*

*''(3) VICTIM.—*

*''(A) IN GENERAL.—The term 'victim' means a person who—*

*''(i) suffered direct physical or emotional injury or death as a result of international terrorism occurring on or after December 21, 1988 with respect to which an investigation or prosecution was ongoing after April 24, 1996; and*

*''(ii) as of the date on which the international terrorism occurred, was a national of the United States or an officer or employee of the United States Government.*

*''(B) INCOMPETENT, INCAPACITATED, OR DECEASED VICTIMS.—In the case of a victim who is less than 18 years of age, incompetent, incapacitated, or deceased, a family member or legal guardian of the victim may receive the compensation under this section on behalf of the victim.*

*''(C) EXCEPTION.—Notwithstanding any other provision of this section, in no event shall an individual who is criminally culpable for the terrorist act or mass violence receive any compensation under this section, either directly or on behalf of a victim.*

*''(b) AWARD OF COMPENSATION.—The Director may use the emergency reserve referred to in section 1402(d)(5)(A) to carry out a program to compensate victims of acts of international terrorism that occur outside the United States for expenses associated with that victimization.*

*''(c) ANNUAL REPORT.—The Director shall annually submit to Congress a report on the status and activities of the program under this section, which report shall include—*

*''(1) an explanation of the procedures for filing and processing of applications for compensation;*

*''(2) a description of the procedures and policies instituted to promote public awareness about the program;*

*''(3) a complete statistical analysis of the victims assisted under the program, including—*

*''(A) the number of applications for compensation submitted;*

*''(B) the number of applications approved and the amount of each award;*

*''(C) the number of applications denied and the reasons for the denial;*

*''(D) the average length of time to process an application for compensation; and*

*''(E) the number of applications for compensation pending and the estimated future liability of the program; and*

*''(4) an analysis of future program needs and suggested program improvements.''.*

*(2) CONFORMING AMENDMENT.—Section 1402(d)(5)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(B)) is amended by inserting '', to provide compensation to victims of international terrorism under the program under section 1404C,'' after ''section 1404B''.*

*(d) AMENDMENTS TO VICTIMS OF CRIME FUND.—Section 1402(c) of the Victims of Crime Act 1984 (42 U.S.C. 10601(c)) is amended by adding at the end the following: ''Notwithstanding section 1402(d)(5), all sums deposited in the Fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the Fund for obligation in future fiscal years, without fiscal year limitation.''.*

***SEC. 2004. TWENTY-FIRST AMENDMENT ENFORCEMENT.***

*(a) SHIPMENT OF INTOXICATING LIQUOR IN VIOLATION OF STATE LAW.—The Act entitled ''An Act divesting intoxicating liquors of their interstate character in certain cases'', approved March 1, 1913 (commonly known as the ''Webb-Kenyon Act'') (27 U.S.C. 122) is amended by adding at the end the following:*

***''SEC. 2. INJUNCTIVE RELIEF IN FEDERAL DISTRICT COURT.***

*''(a) DEFINITIONS.—In this section—*

*''(1) the term 'attorney general' means the attorney general or other chief law enforcement officer of a State or the designee thereof;*

*''(2) the term 'intoxicating liquor' means any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind;*

*''(3) the term 'person' means any individual and any partnership, corporation, company, firm, society, association, joint stock company, trust, or other entity capable of holding a legal or beneficial interest in property, but does not include a State or agency thereof; and*

*''(4) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.*

*''(b) ACTION BY STATE ATTORNEY GENERAL.—If the attorney general has reasonable cause to believe that a person is engaged in, or has engaged in, any act that would constitute a violation of a State law regulating the importation or transportation of any intoxicating liquor, the attorney general may bring a civil action in accordance with this section for injunctive relief (including a preliminary or permanent injunction) against the person, as the attorney general determines to be necessary to—*

*''(1) restrain the person from engaging, or continuing to engage, in the violation; and*

*''(2) enforce compliance with the State law.*

*''(c) FEDERAL JURISDICTION.—*

*''(1) IN GENERAL.—The district courts of the United States shall have jurisdiction over any action brought under this section by an attorney general against any person, except one licensed or otherwise authorized to produce, sell, or store intoxicating liquor in such State.*

*''(2) VENUE.—An action under this section may be brought only in accordance with section 1391 of title 28, United States Code, or in the district in which the recipient of the intoxicating liquor resides or is found.*

*''(3) FORM OF RELIEF.—An action under this section is limited to actions seeking injunctive relief (a preliminary and/or permanent injunction).*

*''(4) NO RIGHT TO JURY TRIAL.—An action under this section shall be tried before the court.*

*''(d) REQUIREMENTS FOR INJUNCTIONS AND ORDERS.—*

*''(1) IN GENERAL.—In any action brought under this section, upon a proper showing by the attorney general of the State, the court may issue a preliminary or permanent injunction to restrain a violation of this section. A proper showing under this paragraph shall require that a State prove by a preponderance of the evidence that a violation of State law as described in subsection (b) has taken place or is taking place.*

*''(2) ADDITIONAL SHOWING FOR PRELIMINARY INJUNCTION.—No preliminary injunction may be granted except upon—*

*''(A) evidence demonstrating the probability of irreparable injury if injunctive relief is not granted; and*

*''(B) evidence supporting the probability of success on the merits.*

*''(3) NOTICE.—No preliminary or permanent injunction may be issued under paragraph (1) without notice to the adverse party and an opportunity for a hearing.*

*''(4) FORM AND SCOPE OF ORDER.—Any preliminary or permanent injunction entered in an action brought under this section shall—*

*''(A) set forth the reasons for the issuance of the order;*

*''(B) be specific in terms;*

*''(C) describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained; and*

*''(D) be binding upon—*

*''(i) the parties to the action and the officers, agents, employees, and attorneys of those parties; and*

*''(ii) persons in active concert or participation with the parties to the action who receive actual notice of the order by personal service or otherwise.*

*''(5) ADMISSIBILITY OF EVIDENCE.—In a hearing on an application for a permanent injunction, any evidence previously received on an application for a preliminary injunction in connection with the same civil action and that would otherwise be admissible, may be made a part of the record of the hearing on the permanent injunction.*

*''(e) RULES OF CONSTRUCTION.—This section shall be construed only to extend the jurisdiction of Federal courts in connection with State law that is a valid exercise of power vested in the States—*

*''(1) under the twenty-first article of amendment to the Constitution of the United States as such article of amendment is interpreted by the Supreme Court of the United States including interpretations in conjunction with other provisions of the Constitution of the United States; and*

*''(2) under the first section herein as such section is interpreted by the Supreme Court of the United States; but shall not be construed to grant to States any additional power.*

*''(f) ADDITIONAL REMEDIES.—*

*''(1) IN GENERAL.—A remedy under this section is in addition to any other remedies provided by law.*

*''(2) STATE COURT PROCEEDINGS.—Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any State law.*

***''SEC. 3. GENERAL PROVISIONS.***

*''(a) EFFECT ON INTERNET TAX FREEDOM ACT.—Nothing in this section may be construed to modify or supersede the operation of the Internet Tax Freedom Act (47 U.S.C. 151 note).*

*''(b) INAPPLICABILITY TO SERVICE PROVIDERS.—Nothing in this section may be construed to—*

*''(1) authorize any injunction against an interactive computer service (as defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)) used by another person to engage in any activity that is subject to this Act;*

*''(2) authorize any injunction against an electronic communication service (as defined in section 2510(15) of title 18, United States Code) used by another person to engage in any activity that is subject to this Act; or*

*''(3) authorize an injunction prohibiting the advertising or marketing of any intoxicating liquor by any person in any case in which such advertising or marketing is lawful in the jurisdiction from which the importation, transportation or other conduct to which this Act applies originates.''.*

*(b) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective 90 days after the date of this enactment of this Act.*

*(c) STUDY.—The Attorney General shall carry out the study to determine the impact of this section and shall submit the results of such study not later than 180 days after the enactment of this Act.*

Amend the title so as to read: ''An Act to combat trafficking in persons, especially into the sex trade, slavery, and involuntary servitude, to reauthorize certain Federal programs to prevent violence against women, and for other purposes.''.

And the Senate agree to the same.

BENJAMIN GILMAN,
BILL GOODLING,
CHRIS SMITH,
HENRY J. HYDE,
NANCY L. JOHNSON,
SAM GEJDENSON,
TOM LANTOS,
BEN CARDIN,
*Managers on the Part of the House.*

From the Committee on the Judiciary:

ORRIN HATCH,
STROM THURMOND,

From the Committee on Foreign Relations:

JESSE HELMS,
SAM BROWNBACK,
JOE BIDEN,
PAUL WELLSTONE,
*Managers on the Part of the Senate.*

## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3244) an Act to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Division A of the conference agreement is the Trafficking Victims Protection Act of 2000, an act to combat trafficking in persons, especially into the sex trade, slavery, and involuntary servitude, in the United States and foreign countries. Division B is the Violence Against Women Act of 2000, an act to reauthorize federal programs that combat violence against women, to strengthen law enforcement to reduce violence against women, to strengthen services to victims of violence, to limit the effects of violence on children, to strengthen education and training to combat violence against women, to enact new procedures for the protection of battered immigrant women, and to extend the Violent Crime Reduction Trust Fund. Division C consists of anti-crime measures including provisions to encourage States to incarcerate individuals convicted of murder, rape, or child molestation, to facilitate recovery by victims of terrorism against the assets of foreign entities that have been held responsible for such terrorism; and to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

### CONCERNING DIVISION A

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3244), an Act to combat trafficking of persons, especially into the sex trade, slavery, and involuntary servitude, in the United States and foreign countries, through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

### SEC. 1. SHORT TITLE; TABLE OF CONTENTS

Section 1 of the House bill states that this Act may be cited as the Trafficking Victims Protection Act of 2000 and lists its contents. Section 1 of the Senate amendment is substantially identical to the House provision. The conference agreement provides that this Act may be cited as the Trafficking Victims Protection Act of 2000 and includes a table of contents.

### SEC. 2. PURPOSES AND FINDINGS

Section 2 of the House bill states that the purposes of this Act are to combat trafficking in persons, to ensure just punishment of traffickers, and to protect their victims. Section 2 of the House bill also includes findings to the effect that every year millions of people, predominantly women and children, are trafficked within or across international borders; that many victims are trafficked into the international sex industry, often through force, fraud, or coercion; that trafficking in persons is not limited to sex trafficking, but often involves forced labor and other violations of human rights; that trafficking is a growing transnational problem that is increasingly perpetrated by organized criminal enterprises; that existing legislation and law enforcement in the United

States and abroad are inadequate to deter trafficking, bring traffickers to justice, and meet the safe reintegration needs of trafficking victims; that in some countries, anti-trafficking efforts are hindered by official indifference, corruption, and sometimes even official participation in trafficking; that trafficking in persons is a matter of pressing international concern, and that the United States must work bilaterally and multilaterally to abolish trafficking and protect trafficking victims. The House findings also include references to the Declaration of Independence, the Universal Declaration of Human Rights, and numerous treaties and other international instruments.

Section 2 of the Senate amendment contains identical purposes and similar findings, with a more succinct set of references to international agreements. Section 2 of the Senate amendment also contains findings to the effect that victims of severe forms of trafficking in persons should not be inappropriately incarcerated, fined, or otherwise penalized, and that existing United States statutes on involuntary servitude have been narrowly construed, in the absence of a definition by Congress, to exclude certain cases in which persons are held in a condition of servitude by nonviolent coercion.

Section 2 of the conference agreement is substantially identical to section 2 of the Senate amendment.

SEC. 3. DEFINITIONS

Section 3 of the House bill defines certain terms used in this Act. ''Sex trafficking'' is defined as the purchase, sale, recruitment, harboring, transportation, transfer, or receipt of a person for the purpose of a commercial sex act. ''Severe forms of trafficking in persons'' is defined as sex trafficking induced by force, coercion, fraud, or deception, or involving a person under the age of 18, as well as trafficking for the purpose of subjecting the trafficked person to involuntary servitude, slavery, or slavery-like practices by force, coercion, fraud, or deception. ''Slavery-life practices'' means inducement of a person to perform labor or other services by force, coercion, or by any scheme, plan, or pattern to cause the person to believe that failure to perform the work will result in the infliction of serious harm, debt bondage amounting to involuntary servitude, or subjection to conditions so harsh or degrading as to provide a clear indication that the person has been subjected to them by force, or coercion. In the context of this bill, ''serious harm'' could include physical restraint that severely limits freedom of movement. ''Coercion,'' as defined, includes the use of force, violence, and physical restraint, as well as acts calculated to have the same effect (such as the credible threat of serious harm). The House provision also defines ''nonhumanitarian foreign assistance'' to include certain assistance under the Foreign Assistance Act of 1961 and the Export-Import Bank Act of 1945.

Section 3 of the Senate amendment contains definitions similar to those in the House bill, with several exceptions. The Senate provision defines ''debt bondage'' as a condition in which personal services are pledged as security for a debt but in which either reasonable value of such services is not in fact applied to the debt or the length and nature of such services are unlimited or undefined. The Senate definitions do not use the term ''deception'' in the definition of severe forms of trafficking. The Senate provision omits the House definition of ''slavery-like practices'' because this term is not contained elsewhere in the Senate bill. Instead, the Senate provision makes clear that ''involuntary servitude'' includes a condition of servitude induced by means of any act, scheme, plan, or pattern intended to cause a belief that serious harm or physical restraint would otherwise occur, or by the abuse or threatened abuse of the legal process and also includes a definition of ''coercion.'' The Senate provision also includes definitions of ''State'' and ''United States'' which include the District of Columbia and United States territories and possessions. Finally, the Senate omits the definitions of ''act of a severe form of trafficking'' and ''nonhumanitarian foreign assistance'' contained in the House bill.

Section 3 of the conference agreement is similar to the Senate provision, except that it includes a definition of ''nonhumanitarian, nontrade-related foreign assistance'' similar to the definition contained in the House provision, but excluding assistance under the Export-Import Bank Act of 1945 and under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Overseas Private Investment Corporation. The conference agreement also includes a definition of ''coercion'' corresponding to the definition included in 18 U.S.C. sec. 1591, added by section 12 of this Act, which provides for a criminal offense of sex trafficking.

In various sections, the conference agreement uses more general terms such as ''trafficking'' or ''trafficking in persons'' rather than the more limited term ''severe forms of trafficking in persons.'' In such contexts, these terms are intended to be used in a more general sense, giving the President and other officials some degree of discretion to apply the relevant provisions to a broader range of actions or victims beyond those associated with severe forms of trafficking in persons. Such discretion is particularly appropriate in assistance to and protection of victims, because trafficked women and children may have a compelling need for such assistance and protection even though they have not been subjected to severe forms of trafficking. In this connection, the conference agreement includes a definition of ''victims of trafficking'' that would encompass a broader class of victims in certain programs. Where, however, this Act uses the term ''victims of severe forms of trafficking,'' even in provisions related to protection and assistance, the application of such provisions is limited to such victims.

SEC. 4. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES

Section 4 of the House bill requires the Secretary of State to include in the annual Country Reports a list of foreign countries that are countries of origin, transit, or destination for a significant number of victims of severe forms of trafficking, as well as information such as the extent to which government officials in such countries are involved in such trafficking, and an assessment of the steps governments are taking to combat trafficking and to assist victims of trafficking and protect their rights. Section 4 of the Senate amendment is substantially identical to the House provision, except that it does not require a list of countries and would therefore effectively require information about severe forms of trafficking in persons to be provided in the annual Country Report for each foreign country.

Section 4 of the conference agreement is similar to the Senate provision except that it amends sections 116(f) and 502B of the Foreign Assistance Act of 1961, requiring certain information on trafficking in persons to be provided in the Country Reports. The section as amended will limit the required reporting in the Country Reports to severe forms of trafficking in persons, but gives the Secretary of State discretion to include such other information on trafficking as the Secretary deems appropriate. As with other human rights violations, the extent to which trafficking in persons is discussed in the Country Report for a particular country should be commensurate with the extent of the problem in such country.

SEC. 5. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING

Section 5 of the House bill provides that the President shall establish an Inter-Agency Task Force to Monitor and Combat Trafficking and authorizes the establishment an Office in the State Department to provide assistance to the Task Force. Section 5 of the Senate provision is substantially identical to the House provision, except that it requires the Task Force, beginning in 2002, to publish an annual list of countries which do not meet the minimum standards set forth in section 8, and authorizes interim reports with respect to such countries. Section 5 of the conference agreement is substantially identical to the House provision, although the conference agreement does provide in section 10 for annual and interim reports on countries whose governments do not comply with the minimum standards. It also provides that the Task Force will have primary responsibility for advising the Secretary of State on preparation of the reports in section 10.

SEC. 6. PREVENTION OF TRAFFICKING

Section 6 of the House bill charges the President, acting through the Agency for International Development and other agencies and in consultation with appropriate non-governmental organizations, with establishing initiatives to enhance economic opportunity for potential trafficking victims as a means of deterring trafficking, such as microcredit lending programs, training, and education. It also directs the President to establish programs to increase public awareness of the dangers of trafficking and the protections available to victims. Section 6 of the of the Senate amendment is substantially identical to section 6 of the House bill. Section 6 of the conference agreement is identical to the Senate provision.

SEC. 7. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING

Subsection 7(a) of the House bill charges the State Department and the Agency for International Development (AID) with establishing programs and initiatives in foreign countries to assist victims of trafficking. Subsection 7(a) of the Senate amendment is substantially identical to the House provision. Subsection 7(a) of the conference agreement is identical to the Senate provision, except that all authorities are vested in the President.

Subsection 7(b) of the House bill directs the Attorney General, the Secretaries of Labor and of Health and Human Services, and the Board of Directors of the Legal Services Corporation to expand assistance to victims of severe forms of tafficking in the United States. The provision makes clear that for the purpose of receiving benefits, a ''victim of a severe form of trafficking'' means only a person who has been subjected to such trafficking and who either has not obtained the age of 15 years or is the subject of a certification that he or she (1) is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons, and (2) either has made a bona fide application for a visa under the provisions of immigration law added by section 7(f), or is a person whose presence in the United States the Attorney General is ensuring in order to effectuate prosecution of traffickers. In addition, the section makes victims of severe forms of trafficking in the United States eligible for benefits under the Crime Victims Fund without regard to their

immigration status, and allows the Attorney General to make grants to local governments and nonprofit organizations to expand services for victims of trafficking. It also provides trafficking victims a civil right of action against traffickers for violations of 18 U.S.C. 1589 (trafficking into slavery-like conditions) or 1589A (sex trafficking of children or by force, fraud, or coercion).

Subsection 7(b) of the Senate amendment is similar to the House provision except that it does not contain the certification requirement as a condition on eligibility for benefits. It also contains no reference to the Crime Victims Fund and does not provide a civil right of action.

Subsection 7(b) of the conference agreement contains the certification requirement for benefit eligibility. The conference agreement, however, requires a certification only for victims who have attained the age of 18 years. This subsection of the conference agreement is similar to the Senate provision in that it provides no civil right of action. The conferees emphasize that nothing in this Act will preclude trafficking victims from availing themselves of applicable State, local or other Federal laws in seeking compensatory or other damages and relief in any civil proceeding. The House provision making victims eligible for benefits under the Crime Victims Fund has been deleted as unnecessary, because current law does not bar such victims from receiving such benefits on account of their immigration status. The conferees expect that the Office of Victims of Crimes will provide assistance to these victims, even though this provision was deleted. In addition, the conferees believe that in making grants under this section, the Attorney General and other federal officials should consider whether the prospective grantee denies services to a trafficking victim solely on account of conduct incident to that person's status as a victim.

Subsection 7(c) of the House bill requires the Attorney General and the Secretary of State to promulgate regulations to ensure that: (1) victims of severe forms of trafficking are provided with appropriate shelter and care while in Federal custody; (2) victims are not jailed or fined merely because they were trafficked; (3) victims have access to legal assistance and translation services; (4) victims are assured continuous presence in the United States to assist in the prosecution of traffickers; and (5) State and Justice Department personnel are trained in identifying and protecting victims of severe forms of trafficking.

Subsection 7(c) of the Senate amendment is similar to the House provision, with to principal exceptions. First, it does not require regulations that explicitly prohibit incarceration, fines, or other penalties against victims on account of their having been trafficked. Instead, it requires regulations that prohibit the detention of victims in facilities inappropriate to their status as crime victims. Second, it requires regulations under which the Attorney General ''may'' ensure the continued presence of a person in the United States in order to effectuate prosecution of traffickers if the person is both a victim and a potential witness.

Subsection 7(c) of the Senate conference agreement is substantially identical to the Senate provision. The conferees believe that the House provision with respect to jailing, fining, or otherwise penalizing victims of serious crimes on account of their status as crime victims or on account of conduct committed under duress incident to such status restates existing criminal law and is therefore unnecessary. The conferees also believe that training provided to State Department of Justice Department personnel should include methods for achieving antitrafficking objectives through nondiscriminatory application of immigration laws and others laws.

Subsection 7(d) of the House bill makes clear that nothing in subsection (c) creates a private cause of action against the United States or its employees. Subsection 7(d) of the Senate amendment is identical to the House provision. Subsection 7(d) of the conference agreement is identical to both provisions.

Subsection 7(e) of the House bill makes funds derived from the sale of assets seized from and forfeited by traffickers (pursuant to section 12(e) of the House bill) available for the victim assistance under subsections (a) and (b). The Senate amendment contains no corresponding provision. The conference agreement is identical to the Senate amendment.

Section 7(f) of the House bill creates a new nonimmigrant. ''T'' visa for certain victims of severe forms of trafficking. Eligibility would be limited to persons who: (1) are victims of a severe form of trafficking in persons, as defined in section 3 of the act; (2) are in the United States or at a United States port of entry by reasons of having been trafficked here; (3) are no older than 14 years of age or were induced to participate in the sex trade or slavery-like practices by force, coercion, fraud, or deception, did not voluntary agree to any arrangement including such participation, and have complied with any reasonable request for assistance in the investigation or prosecution of trafficking acts; and (4) have a well-founded fear of retribution involving the infliction of severe harm upon removal from the United States or would suffer extreme hardship in connection with the trafficking upon removal from the United States. It also permits the Attorney General to grant a ''T'' visa if necessary to avoid extreme hardship to the victim's spouse, sons and daughters (who are not children), and the parents if the victim is under 21 years old. A victim's children who are unmarried and under 21 years old need not establish extreme hardship to receive a ''T'' visa. It precludes anyone in this section from receiving a ''T'' visa if there is substantial reason to believe that the person has committed an act of a severe form of trafficking in persons. The House provision permits the Attorney General to waive grounds of inadmissibility, including health-related grounds, public charge, and, with the exception of security, international child abduction, and former citizens who renounced citizenship to avoid taxation, any other provision of section 212(a) of the INA if the activities rendering the alien inadmissible were caused by the trafficking. It states that the INS is not prohibited from instituting removal proceedings against an alien admitted with a ''T'' visa for conduct committed after the alien's admission into the United States, or for conduct or a condition that was not disclosed to the Attorney General prior to the alien's admission. The House provision also places an annual cap of 5,000 on ''T'' visas for trafficking victims. Finally, the House provision permits the Attorney General to adjust the status of a ''T'' visa holder to that of a permanent resident if the alien: (1) has been physically present in the United States for a continuous period of at least 3 years since the date of admission; (2) has throughout such period been a person of good moral character; (3) has during such period complied with any reasonable request for assistance in the investigation or prosecution of trafficking acts; and (4) has a well-founded fear of retribution involving the infliction of severe harm upon removal from the United States, or would suffer extreme hardship in connection with the trafficking upon removal from the United States. It also permits the Attorney General to adjust the status of the victim's spouse, parents, and married and unmarried sons and daughters, if admitted with a ''T'' visa, to that of an alien lawfully admitted for permanent residence. An annual cap of 5,000 is placed on adjustments of status for victims. The provision also permits the Attorney General to waive grounds of inadmissibility, including health-related grounds, public charge, and, with the exception of security, international child abduction, and former citizens who renounced citizenship to avoid taxation, any other provision of section 212(a) of the INA if the activities rendering the alien inadmissible caused by the trafficking.

Subsection 7(e) and (f) of the Senate amendment are similar to section 7(f) of the House bill. The Senate provision allows victims who meet all other eligibility requirements for the ''T'' visa to make a showing of ''extreme hardship'' whether or not such hardship is ''in connection with the victimization.'' The Senate provision also makes a victim's spouse and minor children eligible for visas only on a showing that their presence in the United States would be ''necessary to avoid extreme hardship.'' The Senate provision makes a victim's parents eligible for visas only if the victim is under the age 21, and provides no eligibility for a victim's sons and daughters who are not minor children. The Senate provision contained no annual limitation on the number of nonimmigrant visas or on the number of persons eligible to adjust status to permanent residence. The Senate provision allowing to waive grounds of inadmissibility was broader than the House provision, allowing waivers of all grounds except participation in Nazi persecution, genocide, and related grounds.

Subsection 7(e) and (f) of the conference agreement are similar to the House bill but incorporate elements of the Senate amendment. The conferees believe that an applicant who voluntarily agrees to be smuggled into the United States in exchange for working to pay off the smuggling fee is not eligible for the ''T'' visa, unless the applicant becomes a victim of a severe form of trafficking in persons as defined by the Act. The conference provision requires that a victim would face ''extreme hardship involving unusual and severe harm'' upon removal as an element in establishing eligibility for a visa. The conferees expect that the Immigration and Naturalization Service and the Executive Office for Immigration Review will interpret the ''extreme hardship involving unusual and severe harm'' to be a higher standard than just ''extreme hardship.'' The standard shall cover those cases where a victim likely would face genuine and serious hardship if removed from the United States, whether or not the severe harm is physical harm or on account of having been trafficked. The extreme hardship shall involve more than the normal economic and social disruptions involved in deportation. The conference provision is also similar to the Senate provision in requiring a showing of extreme hardship for the admission of a victim's spouse and minor children and in containing no provision for admission of adult sons and daughters. The conference provision is identical to the House provision with respect to waivers of grounds of inadmissibility.

The conference agreement limits the number of nonimmigrant visas to 5000 per year and also contains an annual limit of 5000 on the number of ''T'' visa holders who are eligible to adjust their status to lawful permanent residence. The conference provision also adds a new subsection (g), directing the Immigration and Naturalization Service to report annually on whether any otherwise eligible applicant has been denied a visa or adjustment of status solely on account of the

annual limitation. The conferees expect that this report will list the number of visa and adjustment applications filed, the number of denials for any reason, and the number denied on account of the annual limitation. The conferees believe that the annual limitation of 5000 is sufficient to include all bona fide victims of severe forms of trafficking in persons who meet all other eligibility requirements. If experience should indicate that the number is insufficient to include all such bona fide eligible victims, it would be appropriate for Congress to consider enacting legislation to increase the annual limitation.

SEC. 8 MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING

Section 8 of the House bill establishes minimums standards applicable to governments of countries that are countries of origin, transit, or destination for a significant number of victims of severe forms of trafficking in persons. The section provides that such governments should enact laws that prohibit and severely punish such trafficking and should make serious and sustained efforts to eliminate such trafficking. The section sets forth a number of indicia of such serious and sustained efforts, including vigorous prosecution of offenders, protection of victims, education of the public and of potential victims, and cooperation with international efforts to stop trafficking. Section 8 of the Senate amendment is substantially similar to the House provision. Section 8 of the conference agreement is substantially similar to the House and Senate provisions. The conferees do not expect that a government would be required to fulfill all the criteria in subsection 8(b) in order to be making ''serious and sustained efforts'' to eliminate severe forms of trafficking in persons. Rather, the subsection requires only that the Secretary consider these factors in determining whether the government is making such efforts.

SEC. 9 ASSISTANCE TO FOREIGN COUNTRIES TO MEETING MINIMUM STANDARDS

Section 9 of the House bill authorizes the Agency for International Development to fund activities designed to help foreign countries meet the minimum standards outlined in section 8(a) of this Act. Such activities include, but are not limited to, assistance in drafting anti-trafficking legislation, training law enforcement and judicial system officials in the investigation and prosecution of trafficking cases, and efforts by foreign governments to assist victims. Section 9 of the Senate amendment is similar to the House provision but makes clear that such activities may be conducted through nongovernmental or multilateral organizations and may include the expansion of exchange programs and international visitor programs. Section 9 of the conference agreement is substantially identical to the Senate provision.

SEC. 10. ACTIONS AGAINST GOVERNMENTS FAILING TO MEET MINIMUM STANDARDS

Section 10 of the House bill requires the Secretary of State to submit to Congress an annual report on the status of severe forms of trafficking, consisting of a list of countries that do not meet the minimum standards set forth in section 8 of the Act, together with such other information as the Secretary may wish to provide. The section provides that the Secretary may also file interim reports. Beginning in FY 2002, the section requires that for each government that fails to meet the minimum standards, the President ''shall'' either (a) withhold nonhumanitarian U.S. foreign assistance to that government and direct that the U.S. executive directors of multilateral lending instutions vote against nonhumanitarian assistance to that government during the following fiscal year; or (b) waive these requirements if the President finds that the provision of nonhumanitarian assistance to that country is in the national interest of the United States.

Section 10 of the Senate amendment provides that, with respect to each country that does not meet the minimum standards set forth in section 8, the President ''may'' take any of a number of actions, including withholding foreign assistance, instructing the U.S. executive directors of multilateral lending institutions to vote against loans or assistance to such countries, prohibiting arms sales, and restricting exports to such countries.

Section 10 of the conference agreement is similar to the Senate provision with respect to countries whose governments do not comply with the minimum standards but are making significant efforts to bring themselves into compliance, in that is contains no provision for actions against such countries, thereby leaving the President free to take no action or to take any action that is within the President's discretion under current law. This section of the conference agreement is similar to the House provision only with respect to countries whose governments not only fail to comply with the minimum standards, but also fail to make significant efforts to comply with such standards. With respect to this small number of truly egregious offenders, the conference agreement contains a provision similar to the House bill, but with the following additional limitations: (1) The requirement that the President either withhold assistance to the foreign government or waive the withholding requirement is limited to assistance which is ''nonhumanitarian'' and also ''nontrade-related.'' (2) Similarly, the provision with respect to international financial institutions is limited to non-humanitarian, nontrade-related loans and other utilizations of funds. For the purposes of this provision, the conferees consider humanitarian assistance to include debt relief extended by international financial institutions to governments in order to allow such governments to meet the basic needs of the people of their countries. (3) The President may waive these requirements if a waiver would promote the purposes of this Act, such as in a case in which the President believes providing assistance will cause the offending government to attempt to comply with the minimums standards. (4) The President may also waive the requirements if for any other reason he believes a waiver to be in the national interest. (5) The President may use the waiver authority with respect to all assistance and extensions of credit to a government or with respect to any subset of such assistance or extensions of credit. (6) The President must use the waiver authority as necessary to avoid substantial adverse impact on vulnerable populations including women and children. (7) In lieu of notifying Congress that aid will be withdrawn or that one of the waiver authorities granted by this section will be used, the President may notify Congress that the government of a country is already subject to broad-based reductions in assistance due to human rights violations and that no additional measures are deemed appropriate. Finally, (8) the requirement will not go into effect until 2003. The three-year delay in implementation of this provision is intended to give foreign governments time to begin making efforts to comply with the minimum standards. The conferees emphasize that the provisions of this Act clearly require that in assessing the records of foreign governments with respect to the minimum standards for the elimination of trafficking, the President and other executive branch officials must not limit their scrutiny to the governments of countries of origin for victims of severe forms of trafficking in persons, but must apply equally close scrutiny to the governments of transit countries and countries of destination for such victims.

SEC. 11. ACTIONS AGAINST SIGNIFICANT TRAFFICKERS IN PERSONS

Section 11 of the House bill authorizes the Secretary of State to compile and publish a list of foreign persons who have a significant role in a severe form of trafficking in persons, directly or indirectly in the United States, who materially support such persons, or who are owned or controlled by such persons. It allows the President to impose International Emergency Economic Power Acts (IEEPA) sanctions, including the freezing of assets located in the United States, without regard to section 202 of such Act against any foreign person on that list, and requires that the President report to Congress on any such sanctions. It also allows for the non-disclosure of persons on the list for intelligence and law enforcement reasons, and requires that Congress be notified of such exclusions on an annual basis. Subsection 11(e) excludes significant traffickers, persons who knowingly assist them, and their spouses, sons, and daughters who knowingly benefit from the proceeds of their trafficking activities, from entry into the United States. This approach is similar to that adopted by the Foreign Narcotics Kingpin Designation Act, enacted in Title VIII of the Intelligence Authorization Act of 2000, P.L. 106–120.

Section 11 of the Senate amendment is similar to the House provision in that it provides authority to the President to block assets and transactions of foreign persons who were traffickers in persons and foreign persons who materially assist or are owned, controlled or directed by such persons. The House bill and the Senate amendment also include similar provisions for compiling lists of such persons and for reporting on what persons were subject to the authority to block assets and transactions. Finally, the Senate section also includes a provision similar to the House amendment to the Immigration and Nationality Act making inadmissible persons subject to blocking under section 11 as well as spouses, sons and daughters who had obtained financial benefit from such persons and who knew or should have known that the financial benefit was the product of trafficking in persons.

Section 11 of the conference agreement is similar in substance to the House and Senate provisions. The conferees determined that in light of the discretionary character of both proposals, a streamlined provision for designating and reporting on persons subject to the section was warranted, with all authority vested in the President rather than in other executive branch officials. A provision was added explicitly providing the President authority to delegate any responsibility. While the provision explicitly refers to the authority to make derivative designations, the conferees intend that any authority or responsibility in this section may be delegated. The conferees expect that a substantial part of this authority will be delegated to the Secretary of the Treasury, since the Office of Foreign Assets Control within the Department of the Treasury is responsible for administering other blocking programs. However, the conferees also expect that the delegation of authority under section 11 or regulations promulgated to implement this section will ensure that appropriate agencies such as the Departments of State and Justice are involved in the designation process contemplated under this section.

The conferees remain concerned regarding administrative actions that may seriously

affect the livelihood of persons subject to such actions but that are not subject to a hearing prior to their application. The conferees have been assured that blocking authority of this type is generally exercised only on persons who have most of their assets abroad, and the chief effect of blocking orders is to prohibit U.S. persons from engaging in transactions with such persons. While this assurance decreases the concern of the conferees that the provisions may inadvertently be used against an innocent person who would then be unable to use any of his or her assets to live during a challenge to a determination, the conferees included a provision requiring the agency administering this section to provide an expedited process for hearing from any person subject to this section, including any designation made directly by the President. It also provides that nothing in this section precludes judicial review of determinations under this section. The conferees recognize, however, that courts will give significant deference to a foreign policy determination of the President, which would be basis for making determinations under this section.

Finally, several of the conferees raised concerns regarding the provision making certain spouses and children of traffickers inadmissible. In order to address these concerns, the conference agreement contains an exception for sons and daughters who were minor children at the time they received a benefit from trafficking enterprises.

SEC. 12. STRENGTHENING PROSECUTION AND PUNISHMENT OF TRAFFICKERS

Section 12 of the House bill amends chapter 77 of title 18 of the United States Code to increase penalties for involuntary servitude and other existing crimes, adds several new criminal violations in the areas of trafficking in persons, and amends the sentencing guidelines related to these crimes. Subsection (a) increases the penalties for involuntary servitude, peonage and other existing crimes from 10 years to 20 years and provides for life imprisonment if the violation includes kidnaping, aggravated sexual abuse or an attempt to kill. Subsection (a) also adds several new crimes to title 18. Section 1589 creates a new crime of forced labor for persons who knowingly provide or obtain the labor or services of a person by threats of serious harm to, or physical restraint against that person or another; by use of fraud, deceit or misrepresentation if the person is a minor, mentally disabled, or otherwise particularly susceptible to undue influence; by the means of any scheme, plan or pattern intended to cause the person to believe that if the person did not perform such labor or services, serious harm or physical restraint would be inflicted on that person or another; or by means of the abuse or threatened abuse of law or the legal process. New section 1590 would criminalize trafficking of any person in violation of Chapter 77 of title 18, including by those who benefit financially or otherwise by such trafficking. New Section 1591 creates a crime for trafficking persons into a criminal sex act by coercion, fraud, deceit, misrepresentation or other abusive practices, as defined in this section. Subsection (a) also establishes a crime for unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude or forced labor, and provides for mandatory restitution to victims of offenses under chapter 77 of title 18. A new subsection 1594 provides general provisions ensuring that attempts and conspiracy of certain crimes in chapter 77 are treated in the same manner as a completed violation and provides for asset forfeiture and witness protection. Finally, section 12(b) provides amendments to U.S. sentencing guidelines regarding crimes contained in the amended chapter 77 of title 18.

Section 12 of the Senate amendment is similar to the House bill, but with certain important differences. Rather than add a new section 1589, the Senate amendment provides a definition of involuntary servitude in section 1584 to include a condition of servitude induced by means of any act, scheme, plan, or pattern intended to cause a person to believe that the person or another person would suffer serious harm or physical restraint or the abuse or threatened abuse of the legal process. The Senate amendment also provides for new crimes for trafficking with respect to peonage, slavery or involuntary servitude, but does not extend the criminal misconduct to persons who benefit financially or otherwise from trafficking. The Senate amendment provides for a new section of title 18 of the United States Code for sex trafficking, but limits it to cases of force, fraud, or coercion, as defined in that section. The Senate amendment also includes new sections relating to unlawful conduct with respect to documents in furtherance of trafficking and other crimes, and likewise has provisions identical to the House bill on mandatory restitution. Finally, the Senate amendment provides general provisions regarding asset forfeiture, witness protection and amendments to U.S. sentencing guidelines.

Section 12 of the conference agreement is substantially similar to the House provision, but incorporates a number of provisions contained in the Senate amendment. In order to address issues raised by the decision of the United States Supreme Court in United States v. Kozminski, 487 U.S. 931 (1988), the agreement creates a new section 1589 on forced labor in form similar to the House bill. The agreement does not contain a provision included in the House bill addressing fraud or deception to obtain labor or services of minors, mentally incompetent persons, or persons otherwise particularly susceptible. In deleting these provisions, the conferees addressed the concerns of some members of the conference that the similar House bill provision might have criminalized conduct that is currently regulated by labor law. However, the conferees are aware that the Department of Justice may seek additional statutory changes in future years to further address the issues raised in Kozminski, as courts and prosecutors develop experience with the new crimes created by this Act.

Section 1589 is intended to address the increasingly subtle methods of traffickers who place their victims in modern-day slavery, such as where traffickers threaten harm to third persons, restrain their victims without physical violence or injury, or threaten dire consequences by means other than overt violence. Section 1589 will provide federal prosecutors with the tools to combat severe forms of worker exploitation that do not rise to the level of involuntary servitude as defined in Kozminski. Because provisions within section 1589 only require a showing of a threat of ''serious harm,'' or of a scheme, plan, or pattern intended to cause a person to believe that such harm would occur, federal prosecutors will not have to demonstrate physical harm or threats of force against victims. The term ''serious harm'' as used in this Act refers to a broad array of harms, including both physical and nonphysical, and section 1589's terms and provisions are intended to be construed with respect to the individual circumstances of victims that are relevant in determining whether a particular type or certain degree of harm or coercion is sufficient to maintain or obtain a victim's labor or services, including the age and background of the victims.

For example, it is intended that prosecutors will be able to bring more cases in which individuals have been trafficked into domestic service, an increasingly common occurrence, not only where such victims are kept in service through overt beatings, but also where the traffickers use more subtle means designed to cause their victims to believe that serious harm will result to themselves or others if they leave, as when a nanny is led to believe that children in her care will be harmed if she leaves the home. In other cases, a scheme, plan, or pattern intended to cause a belief of serious harm may refer to intentionally causing the victim to believe that her family will face harms such as banishment, starvation, or bankruptcy in their home country. Section 1589 will in certain instances permit prosecutions where children are brought to the United States and face extreme nonviolent and psychological coercion (e.g. isolation, denial of sleep, and other punishments). A claim by an adult of a false legal relationship with a child in order to put the child in a condition of servitude may constitute a scheme, plan or pattern that violates the statute, if there is a showing that such a scheme was intended to create the belief that the victim or some other person would suffer serious harm.

The conference agreement also includes new section 1590 for the crime of trafficking with respect to peonage, slavery, involuntary servitude, or forced labor. The conferees adopted the approach of the Senate bill with respect to this new crime and agreed not to extend it to persons who benefit financially or otherwise from the trafficking out of a concern that such a provision might include within its scope persons, such as stockholders in large companies, who have an attenuated financial interest in a legitimate business where a few employees might act in violation of the new statute. The conference agreement also creates new section 1591 punishing sex trafficking, which is similar to comparable provisions in both the House bill and the Senate amendment. Also, the conference agreement creates new section 1592, which punishes wrongful conduct with respect to immigration and identification documents in the course of a violation of one of several provisions of chapter 77 of title 18, when such conduct is engaged in with the intent to violate one of the sections, or when such conduct is for the purpose of preventing or restricting, without lawful authority, a person's liberty to move or travel in interstate or foreign commerce, or to maintain the labor or services of another, knowing that such person is a victim of severe forms of trafficking, as defined by section 3 of this Act. This revision is intended to address, in part, cases where one of the other crimes of chapter 77 is not completed, but where there is evidence that a trafficker intended to commit such a crime and withheld or destroyed immigration or identification documents for the purpose of preventing the trafficking victim from escaping. Finally, the conference agreement contains provisions similar to the Senate bill regarding mandatory restitution, general provisions, and sentencing guidelines.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS

Section 13 of the House bill authorizes a total of $94.5 million ($31.5 million for FY2000, $63 million for FY01) in the following categories: (a) Interagency Task Force: $1.5 million for fiscal year 2000, $3 million for fiscal year 2001; (b) Health and Human Services for victim assistance in the United States: $5 million for fiscal year 2000, $10 million for fiscal year 2001; (c) Department of State for foreign victim assistance: $5 million for fiscal year 2000, $10 million for fiscal year 2001; (d) The Attorney General for victim assistance in the United States: $5 million for fiscal year 2000, $10 million for fiscal year 2001;

(e) The President for (1) foreign victim assistance: $5 million for fiscal year 2000, $10 million for fiscal year 2001, and (2) assistance to help countries meet minimum trafficking standards: $5 million for fiscal year 2000, $10 million for fiscal year 2001; and (f) Department of Labor for victim assistance in the United States: $5 million for fiscal year 2000, $10 million for fiscal year 2001.

Section 13 of the Senate bill is similar to the House provision, except that it authorizes funding for fiscal years 2001 and 2002. It also authorizes $300,000 in fiscal year 2001 for a voluntary contribution to the Organization for Security and Co-operation in Europe and such sums as may be necessary to include the additional information required by section 4 in the annual Country Reports on Human Rights Practices.

Section 13 of the conference agreement is substantially identical to the Senate provision.

CONCERNING DIVISION B, THE VIOLENCE AGAINST WOMEN ACT OF 2000

The Violence Against Women Act of 2000 accomplishes two basic things:

First, the bill reauthorizes through Fiscal Year 2005 the key programs included in the original Violence Against Women Act, such as the STOP, Pro-Arrest, Rural Domestic Violence and Child Abuse Enforcement, and campus grants; battered women's shelters; the National Domestic Violence Hotline; rape prevention and education grant programs; and three victims of child abuse programs, including the court-appointed special advocate program (CASA).

Second, the Violence Against Women Act of 2000 makes some targeted improvements that our experience with the original Act has shown to be necessary, such as—

(1) Authorizing grants for legal assistance for victims of domestic violence, stalking, and sexual assault;

(2) Providing funding for transitional housing assistance;

(3) Improving full faith and credit enforcement and computerized tracking of protection orders;

(4) Strengthening and refining the protections for battered immigrant women;

(5) Authorizing grants for supervised visitation and safe visitation exchange of children between parents in situations involving domestic violence, child abuse, sexual assault, or stalking; and

(6) Expanding several of the key grant programs to cover violence that arises in dating relationships.

We append to this joint statement a section by section analysis of the bill and a more detailed section by section analysis of the provisions contained in Title V, which addresses the plight of battered immigrant women.

DIVISION B—THE VIOLENCE AGAINST WOMEN ACT OF 2000

SECTION-BY-SECTION SUMMARY

*Sec. 1001. Short Title*

Names this division the Violence Against Women Act of 2000.

*Sec. 1002. Definitions*

Restates the definitions ''domestic violence'' and ''sexual assault'' as currently defined in the STOP grant program.

*Sec. 1003. Accountability and Oversight*

Requires the Attorney General or Secretary of Health and Human Services, as applicable, to require grantees under any program authorized or reauthorized by this division to report on the effectiveness of the activities carried out. Requires the Attorney General or Secretary, as applicable, to report biennially to the Senate and House Judiciary Committees on these grant programs.

Title I—Strengthening Law Enforcement To Reduce Violence Against Women

*Sec. 1101. Improving Full Faith and Credit Enforcement of Protection Orders*

Helps states and tribal courts improve interstate enforcement of protection orders as required by the original Violence Against Women Act of 1994. Renames Pro-Arrest Grants to expressly include enforcement of protection orders as a focus for grant program funds, adds as a grant purpose technical assistance and use of computer and other equipment for enforcing orders; instructs the Department of Justice to identify and make available information on promising order enforcement practices; adds as a funding priority the development and enhancement of data collection and sharing systems to promote enforcement of protection orders.

Amends the full faith and credit provision in the original Act to prohibit requiring registration as a prerequisite to enforcement of out-of-state orders and to prohibit notification of a batterer without the victim's consent when an out-of-state order is registered in a new jurisdiction. Requires recipients of STOP and Pro-Arrest grant funds, as a condition of funding, to facilitate filing and service of protection orders without cost to the victim in both civil and criminal cases.

Clarifies that tribal courts have full civil jurisdiction to enforce protection orders in matters arising within the authority of the tribe.

*Sec. 1102. Enhancing the Role of Courts in Combating Violence Against Women*

Engages state courts in fighting violence against women by targeting funds to be used by the courts for the training and education of court personnel, technical assistance, and technological improvements. Amends STOP and Pro-Arrest grants to make state and local courts expressly eligible for funding and dedicates 5 percent of states' STOP grants for courts.

*Sec. 1103. STOP Grants Reauthorization*

Reauthorizes through 2005 this vital state formula grant program that has succeeded in bringing police and prosecutors in close collaboration with victim services providers into the fight to end violence against women. (''STOP'' means ''Services and Training for Officers and Prosecutors.'') Preserves the original Act's allocations of states' STOP grant funds of 25 percent to police and 25 percent to prosecutors, but increases grants to victim services to 30 percent (from 25 percent), in addition to the 5 percent allocated to state, tribal, and local courts.

Sets aside five percent of total funds available for State and tribal domestic violence and sexual assault coalitions and increases the allocation for Indian tribes to 5 percent (up from 4 percent in the original Act).

Amends the definition of ''underserved populations'' and adds additional purpose areas for which grants may be used.

Authorization level is $185 million/year (FY 2000 appropriation was $206.75 million (including a $28 million earmark for civil legal assistance)).

*Sec. 1104. Pro-Arrest Grants Reauthorization*

Extends this discretionary grant program through 2005 to develop and strengthen programs and policies that mandate and encourage police officers to arrest abusers who commit acts of violence or violate protection orders.

Sets aside 5 percent of total amounts available for grants to Indian tribal governments.

Authorization level is $65 million/year (FY 2000 appropriation was $34 million).

*Sec. 1105. Rural Domestic Violence and Child Abuse Enforcement Grants Reauthorization*

Extends through 2005 these direct grant programs that help states and local governments focus on problems particular to rural areas.

Sets aside 5 percent of total amounts available for grants to Indian tribal governments.

Authorization level is $40 million/year (FY 2000 appropriation was $25 million.

*Sec. 1106. National Stalker and Domestic Violence Reduction Grants Reauthorization*

Extends through 2005 this grant program to assist states and local governments in improving databases for stalking and domestic violence.

Authorization level is $3 million/year (FY 1998 appropriation was $2.75 million).

*Sec. 1107. Clarify Enforcement to End Interstate Battery/Stalking*

Clarifies federal jurisdiction to ensure reach to persons crossing United States borders as well as crossing state lines by use of ''interstate or foreign commerce language.'' Clarifies federal jurisdiction to ensure reach to battery or violation of specified portions of a protection order before travel to facilitate the interstate movement of the victim. Makes the nature of the ''harm'' required for domestic violence, stalking, and interstate travel offenses consistent by removing the requirement that the victim suffer actual physical harm from those offenses that previously had required such injury.

Resolves several inconsistencies between the protection order offense involving interstate travel of the offender, and the protection order offense involving interstate travel of the victim.

Revises the definition of ''protection order'' to clarify that support or child custody orders are entitled to full faith and credit to the extent provided under other Federal law—namely, the Parental Kidnaping Prevention Act of 1980, as amended.

Extends the interstate stalking prohibition to cover interstate ''cyber-stalking'' that occurs by use of the mail or any facility of interstate or foreign commerce, such as by telephone or by computer connected to the Internet.

*Sec. 1108. School and Campus Security*

Extends the authorization through 2005 for the grant program established in the Higher Education Amendments of 1998 and administered by the Justice Department for grants for on-campus security, education, training, and victim services to combat violence against women on college campuses. Incorporates ''dating violence'' into purpose areas for which grants may be used. Amends the definition of ''victim services'' to include public, nonprofit organizations acting in a nongovernmental capacity, such as victim services organizations at public universities.

Authorization level is $10 million/year (FY 2000 STOP grant appropriation included a $10 million earmark for this use).

Authorizes the Attorney General to make grants through 2003 to states, units of local government, and Indian tribes to provide improved security, including the placement and use of metal detectors and other deterrent measures, at schools and on school grounds.

Authorization level is $30 million/year.

*Sec. 1109. Dating Violence*

Incorporates ''dating violence'' into certain purpose areas for which grants may be used under the STOP, Pro-Arrest, and Rural Domestic Violence and Child Abuse Enforcement grant programs. Defines ''dating violence'' as violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

Title II—Strengthening Services to Victims of Violence

*Sec. 1201. Legal Assistance to Victims of Domestic Violence and Sexual Assault*

Building on set-asides in past STOP grant appropriations since fiscal year 1998 for civil legal assistance, this section authorizes a separate grant program for those purposes through 2005. Helps victims of domestic violence, stalking, and sexual assault who need legal assistance as a consequence of that violence to obtain access to trained attorneys and lay advocacy services, particularly pro bono legal services. Grants support training, technical assistance, data collection, and support for cooperative efforts between victim advocacy groups and legal assistance providers.

Defines the term ''legal assistance'' to include assistance to victims of domestic violence, stalking, and sexual assault in family, immigration, administrative agency, or housing matters, protection or stay away order proceedings, and other similar matters. For purposes of this section, ''administrative agency'' refers to a federal, state, or local governmental agency that provides financial benefits.

Sets aside 5 percent of the amounts made available for programs assisting victims of domestic violence, stalking, and sexual assault in Indian country; sets aside 25 percent of the funds used for direct services, training, and technical assistance for the use of victims of sexual assault.

Appropriation is $40 million/year (FY 2000 STOP grant appropriation included a $28 million earmark for this use).

*Sec. 1202. Expanded Shelter for Battered Women and Their Children*

Reauthorizes through 2005 current programs administered by the Department of Health and Human Services to help communities provide shelter to battered women and their children, with increased funding to provide more shelter space to assist the tens of thousands who are now being turned away.

Authorization level is $175 million/year (FY 2000 appropriation was $101.5 million).

*Sec. 1203. Transitional Housing Assistance for Victims of Domestic Violence*

Authorizes the Department of Health and Human Services to make grants to provide short-term housing assistance and support services to individuals and their dependents who are homeless or in need of transitional housing or other housing assistance as a result of fleeing a situation of domestic violence, and for whom emergency shelter services are unavailable or insufficient.

Authorization level is $25 million for FY 2001.

*Sec. 1204. National Domestic Violence Hotline*

Extends through 2005 this grant to meet the growing demands on the National Domestic Violence Hotline established under the original Violence Against Women Act due to increased call volume since its inception. Requires annual reports on the Hotline's operation.

Authorization level is $2 million/year (FY 2000 appropriation was $2 million).

*Sec. 1205. Federal Victims Counselors Grants Reauthorization*

Extends through 2005 this program under which U.S. Attorney offices can hire counselors to assist victims and witnesses in prosecution of sex crimes and domestic violence crimes.

Authorization level is $1 million/year (FY 1998 appropriation was $1 million).

*Sec. 1206. Study of State Laws Regarding Insurance Discrimination Against Victims of Violence Against Women*

Requires the Attorney General to conduct a national study to identify state laws that address insurance discrimination against victims of domestic violence and submit recommendations based on that study to Congress.

*Sec. 1207. Study of Workplace Effects from Violence Against Women*

Requires the Attorney General to conduct a national survey of programs to assist employers on appropriate responses in the workplace to victims of domestic violence or sexual assault and submit recommendations based on that study to Congress.

*Sec. 1208. Study of Unemployment Compensation For Victims of Violence Against Women*

Requires the Attorney General to conduct a national study to identify the impact of state unemployment compensation laws on victims of domestic violence when the victim's separation from employment is a direct result of the domestic violence, and to submit recommendations based on that study to Congress.

*Sec. 1209. Enhancing Protections for Older and Disabled Women from Domestic Violence and Sexual Assault*

Adds as new purposes areas to STOP grants and Pro-Arrest grants the development of policies and initiatives that help in identifying and addressing the needs of older and disabled women who are victims of domestic violence or sexual assault.

Authorizes the Attorney General to make grants for training programs through 2005 to assist law enforcement officers, prosecutors, and relevant court officers in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation and violence against individuals with disabilities, including domestic violence and sexual assault, against older or disabled individuals.

Authorization is $5 million/year.

Title III—Limiting the Effects of Violence on Children

*Sec. 1301. Safe Havens for Children Pilot Program*

Establishes through 2002 a pilot Justice Department grant program aimed at reducing the opportunity for domestic violence to occur during the transfer of children for visitation purposes by expanding the availability of supervised visitation and safe visitation exchange for the children of victims of domestic violence, child abuse, sexual assault, or stalking.

Authorization level is $15 million for each year.

*Sec. 1302. Reauthorization of Victims of Child Abuse Act Grants*

Extends through 2005 three grant programs geared to assist children who are victims of abuse. These are the court-appointed special advocate program, child abuse training for judicial personnel and practitioners, and grants for televised testimony of children.

Authorization levels are $12 million/year for the special advocate program, $2.3 million/year for the judicial personnel training program, and $1 million/year for televised testimony (FY 2000 appropriations were $10 million, $2.3 million, and $1 million respectively).

*Sec. 1303. Report on Parental Kidnaping Laws*

Requires the Attorney General to study and submit recommendations on federal and state child custody laws, including custody provisions in protection orders, the Parental Kidnaping Prevention Act of 1980, and the Uniform Child Custody Jurisdiction and Enforcement Act adopted by the National Conference of Commissioners on Uniform State Laws in July 1997, and the effect of those laws on child custody cases in which domestic violence is a factor. Amends emergency jurisdiction to cover domestic violence.

Authorization levels is $200,000.

Title IV—Strengthening Education and Training To Combat Violence Against Women

*Sec. 1401. Rape Prevention and Education Program Reauthorization*

Extends through 2005 this Sexual Assault Education and Prevention Grant program; includes education for college students; provides funding to continue the National Resource Center on Sexual Assault at the Centers for Disease Control and Prevention.

Authorization level is $80 million/year (FY 2000 appropriation was $45 million).

*Sec. 1402. Education and Training to End Violence Against and Abuse of Women with Disabilities*

Establishes a new Justice Department grant program through 2005 to educate and provide technical assistance to providers on effective ways to meet the needs of disabled women who are victims of domestic violence, sexual assault, and stalking.

Authorization level is $7.5 million/year.

*Sec. 1403. Reauthorization of Community Initiatives to Prevent Domestic Violence*

Reauthorizes through 2005 this grant program to fund collaborative community projects targeted for the intervention and prevention of domestic violence.

Authorization level is $6 million/year (FY 2000 appropriation was $6 million).

*Sec. 1404. Development of Research Agenda Identified under the Violence Against Women Act.*

Requires the Attorney General to direct the National Institute of Justice,in consultation with the Bureau of Justice Statistics and the National Academy of Sciences, through its National Research Council, to develop a plan to implement a research agenda based on the recommendations in the National Academy of Science report ''Understanding Violence Against Women,'' which was produced under a grant awarded under the original Violence Against Women Act.

Authorization is for such sums as may be necessary to carry out this section.

*Sec. 1405. Standards, Practice, and Training for Sexual Assault Forensic Examinations*

Requires the Attorney General to evaluate existing standards of training and practice for licensed health care professionals performing sexual assault forensic examinations and develop a national recommended standard for training; to recommend sexual assault forensic examination training for all health care students; and to review existing protocols on sexual assault forensic examinations and, based on this review, develop a recommended national protocol and establish a mechanism for its nationwide dissemination.

Authorization level is $200,000 for FY 2001.

*Sec. 1406. Education and Training for Judges and Court Personnel.*

Amends the Equal Justice for Women in the Courts Act of 1994, authorizing $1,500,000 each year through 2005 for grants for education and training for judges and court personnel in state courts, and $500,000 each year through 2005 for grants for education and training for judges and court personnel in federal courts. Adds three areas of training eligible for grant use.

*Sec. 1407. Domestic Violence Task Force*

Requires the Attorney General to establish a task force to coordinate research on domestic violence and to report to Congress on any overlapping or duplication of efforts among the federal agencies that address domestic violence.

Authorization level is $500,000.

Title V—Battered Immigrant Women

Strengthens and refines the protections for battered immigrant women in the original

Violence Against Women Act. Eliminates a number of ''catch-22'' policies and unintended consequences of subsequent changes in immigration law to ensure that domestic abusers with immigrant victims are brought to justice and that the battered immigrants Congress sought to help in the original Act are able to escape the abuse.

Title VI—Miscellaneous

*Sec. 1601. Notice Requirements for Sexually Violent Offenders*

Amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act to require sex offenders already required to register in a State to provide notice, as required under State law, or each institution of higher education in that State at which the person is employed, carried on a vocation, or is a student. Requires that state procedures ensure that this registration information is promptly made available to law enforcement agencies with jurisdiction where the institutions of higher education are located and that it is entered into appropriate State records or data systems. These changes take effect 2 years after enactment.

Amends the Higher Education Act of 1965 to require institutions of higher education to issue a statement, in addition to other disclosures required under that Act, advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. This change takes effect 2 years after enactment.

Amends the Family Educational Rights and Privacy Act of 1974 to clarify that nothing in that Act may be construed to prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders; requires the Secretary of Education to take appropriate steps to notify educational institutions that disclosure of this information is permitted.

*Sec. 1602. Teen Suicide Prevention Study*

Authorizes a study by the Secretary of Health and Human Services of predictors of suicide among at-risk and other youth, and barriers that prevent the youth from receiving treatment, to facilitate the development of model treatment programs and public education and awareness efforts.

Authorization is for such sums as may be necessary.

*Sec. 1603. Decade of Pain Control and Research*

Designates the calendar decade beginning January 1, 2001, as the ''Decade of Pain Control and Research.''

DIVISION B—THE VIOLENCE AGAINST WOMEN ACT OF 2000

Title V—The Battered Immigrant Women Protection Act of 2000

SECTION-BY-SECTION ANALYSIS

Generally designed to improve on efforts made in VAWA 1994 to prevent immigration law from being used by an abusive citizen or lawful permanent resident spouse as a tool to prevent an abused immigrant spouse from reporting abuse or leaving the abusive relationship. This could happen because generally speaking, U.S. immigration law gives citizens and lawful permanent residents the right to petition for their spouses to be granted a permanent resident visa, which is the necessary prerequisite for immigrating to the United States. In the vast majority of cases, granting the right to seek the visa to the citizen or lawful permanent resident spouse makes sense, since the purpose of family immigration visas is to allow U.S. citizens or lawful permanent residents to live here with their spouses and children. But in the unusual case of the abusive relationship, an abusive citizen or lawful permanent resident can use control over his or her spouse's visa as a means to blackmail and control the spouse. The abusive spouse would do this by withholding a promised visa petition and then threatening to turn the abused spouse in to the immigration authorities if the abused spouse sought to leave the abuser or report the abuse.

VAWA 1994 changed this by allowing immigrants who demonstrate that they have been battered or subjected to extreme cruelty by their U.S. citizen or lawful permanent resident spouses to file their own petitions for visas without the cooperation of their abusive spouse. VAWA 1994 also allowed abused spouses placed in removal proceedings to seek ''cancellation of removal,'' a form of discretionary relief from removal available to individuals in unlawful immigration status with strong equities, after three years rather than the seven ordinarily required. Finally, VAWA 1994 granted similar rights to minor children abused by their citizen or lawful permanent resident parent, whose immigration status, like that of the abused spouse, would otherwise be dependent on the abusive parent. VAWA 2000 addresses residual immigration law obstacles standing in the path of battered immigrant spouses and children seeking to free themselves from abusive relationships that either had not come to the attention of the drafters of VAWA 1994 or have arisen since as a result of 1996 changes to immigration law.

*Sec. 1501. Short Title*

Names this tile the Battered Immigrant Women Protection Act of 2000.

*Sec. 1502. Findings and Purposes*

Lays out as the purpose of the title building on VAWA 1994's efforts to enable battered immigrant spouses and children to free themselves of abusive relationships and report abuse without fear of immigration law consequences controlled by their abusive citizen or lawful permanent resident spouse or parent.

*Sec. 1503. Improved Access to Immigration Protections of the Violence Against Women Act of 1994 for Battered Immigrant Women*

Allows abused spouses and children who have already demonstrated to the INS that they have been the victims of battery or extreme cruelty by their spouse or parent to file their own petition for a lawful permanent resident visa without also having to show they will suffer ''extreme hardship'' if forced to leave the U.S., a showing that is not required if their citizen or lawful permanent resident spouse or parent files the visa petition on their behalf. Eliminates U.S. residency as a prerequisite for a spouse or child of a citizen or lawful permanent resident who has been battered in the U.S. or whose spouse is a member of the uniformed services or a U.S. government employee to file for his or her own visa, since there is no U.S. residency prerequisite for non-battered spouses' or children's visas. Retains current law's special requirement that abused spouses and children filing their own petitions (unlike spouses and children for whom their citizen or lawful permanent resident spouse or parent petitions) demonstrate good moral character, but modifies it to give the Attorney General authority to find good moral character despite certain otherwise disqualifying acts if those acts were connected to the abuse.

Allows a victim of battery or extreme cruelty who believed himself or herself to be a citizen's or lawful permanent resident's spouse and went through a marriage ceremony to file a visa petition as a battered spouse if the marriage was not valid solely on account of the citizen's or lawful permanent resident's bigamy. Allows a battered spouse whose citizen spouse died, whose spouse lost citizenship, whose spouse lost lawful permanent residency, or from whom the battered spouse was divorced to file a visa petition as an abused spouse within two years of the death, loss of citizenship or lawful permanent residency, or divorce, provided that the loss of citizenship, status or divorce was connected to the abuse suffered by the spouse. Allows a battered spouse to naturalize after three years residency as other spouses may do, but without requiring the battered spouse to live in marital union with the abusive spouse during that period.

Allows abused children or children of abused spouses whose petitions were filed when they were minors to maintain their petitions after they attain age 21, as their citizen or lawful permanent resident parent would be entitled to do on their behalf had the original petition been filed during the child's minority, treating the petition as filed on the date of the filing of the original petition for purposes of determining its priority date.

*Sec. 1504. Improved Access to Cancellation of Removal and Suspension of Deportation under the Violence Against Women Act of 1994*

Clarifies that with respect to battered immigrants, IIRIRA's rule, enacted in 1996, that provides that with respect to any applicant for cancellation of removal, any absence that exceeds 90 days, or any series of absences that exceed 180 days, interrupts continuous physical presence, does not apply to any absence or portion of an absence connected to the abuse. Makes this change retroactive to date of enactment of IIRIRA. Directs Attorney General to parole children of battered immigrants granted cancellation until their adjustment of status application has been acted on, provided the battered immigrant exercises due diligence in filing such an application.

*Sec. 1505. Offering Equal Access to Immigration Protections of the Violence Against Women Act of 1994 for All Qualified Battered Immigrant Self-Petitioners*

Grants the Attorney General the authority to waive certain bars to admissibility or grounds of deportability with respect to battered spouses and children. New Attorney General waiver authority granted (1) for crimes of domestic violence or stalking where the spouse or child was not the primary perpetrator of violence in the relationship, the crime did not result in serious bodily injury, and there was a connection between the crime and the abuse suffered by the spouse or child; (2) for misrepresentations connected with seeking an immigration benefit in cases of extreme hardship to the alien (paralleling the AG's waiver authority for spouses and children petitioned for by their citizen or lawful permanent resident spouse or parent in cases of extreme hardship to the spouse or parent); (3) for crimes of moral turpitude not constituting aggravated felonies where the crime was connected to the abuse (similarly paralleling the AG's waiver authority for spouses and children petitioned for by their spouse or parent); (4) for health related grounds of inadmissibility (also paralleling the AG's waiver authority for spouses and children petitioned for by their spouse or parent); and (5) for unlawful presence after a prior immigration violation, if there is a connection between the abuse and the alien's removal, departure, reentry, or attempted reentry. Clarifies that a battered immigrant's use of public benefits specifically made available to battered immigrants in PRWORA does not make the immigrant inadmissible on public charge ground.

*Sec. 1506. Restoring Immigration Protections under the Violence Against Women Act of 1994*

Establishes mechanism paralleling mechanism available to spouses and children petitioned for by their spouse or parent to enable VAWA-qualified battered spouse or child to obtain status as lawful permanent resident in the United States rather than having to go abroad to get a visa.

Addresses problem created in 1996 for battered immigrants' access to cancellation of removal by IIRIRA's new stop-time rule. That rule was aimed at individuals gaming the system to gain access to cancellation of removal. To prevent this, IIRIRA stopped the clock on accruing any time toward continuous physical presence at the times INS initiates removal proceedings against an individual. This section eliminates application of this rule to battered immigrant spouses and children, who, if they are sophisticated enough about immigration law and had sufficient freedom of movement to ''game the system'', presumably would have filed self-petitions, and more likely do not even know that INS has initiated proceedings against them because their abusive spouse or parent has withheld their mail. To implement this change, allows a battered immigrant spouse or child to file a motion to reopen removal proceedings within 1 year of the entry of an order of removal (which deadline may be waived in the Attorney General's discretion if the Attorney General finds extraordinary circumstances or extreme hardship to the alien's child) provided the alien files a complete application to be classified as VAWA-eligible at the time the alien files the reopening motion.

*Sec. 1507. Remedying Problems with Implementation of the Immigration Provisions of the Violence Against Women Act of 1994*

Clarifies that negative changes of immigration status of abuser or divorce after abused spouse or child files petition under VAWA have no effect on status of abused spouse or child. Reclassifies abused spouse or child as spouse or child of citizen if abuser becomes citizen notwithstanding divorce or termination of parental rights (so as not to create incentive for abuse victim to delay leaving abusive situation on account of potential future improved immigration status of abuser). Clarifies that remarriage has no effect on pending VAWA immigration petition.

*Sec. 1508. Technical Correction to Qualified Alien Definition for Battered Immigrants*

Makes technical change of description of battered aliens allowed to access certain public benefits so as to use correct pre-IIRIRA name for equitable relief from deportation/removal (''suspension of deportation'' rather than ''cancellation of removal'') for pre-IIRIRA cases.

*Sec. 1509. Access to Cuban Adjustment Act for Battered Immigrant Spouses and Children*

Allows battered spouses and children to access special immigration benefits available under Cuban Adjustment Act to other spouses and children of Cubans on the basis of the same showing of battery or extreme cruelty they would have to make as VAWA self-petitioners; relieves them of Cuban Adjustment Act showing that they are residing with their spouse/parent.

*Sec. 1510. Access to the Nicaraguan Adjustment and Central American Relief Act for Battered Spouses and Children*

Provides access to special immigration benefits under NACARA to battered spouses and children similarly to the way section 509 does with respect to Cuban Adjustment Act.

*Sec. 1511. Access to the Haitian Refugee Fairness Act of 1998 for Battered Spouses and Children*

Provides access to special immigration benefits under HRIFA to battered spouses and children similarly to the way section 509 does with respect to Cuban Adjustment Act.

*Sec. 1512. Access to Services and Legal Representation for Battered Immigrants*

Clarifies that Stop grants, Grants to Encourage Arrest, Rural VAWA grants, Civil Legal Assistance grants, and Campus grants can be used to provide assistance to battered immigrants. Allows local battered women's advocacy organizations, law enforcement or other eligible Stop grant applicants to apply for Stop funding to train INS officers and immigration judges as well as other law enforcement officers on the special needs of battered immigrants.

*Sec. 1513. Protection for Certain Crime Victims Including Victims of Crimes Against Women*

Creates new nonimmigrant visa for victims of certain serious crimes that tend to target vulnerable foreign individuals without immigration status if the victim has suffered substantial physical or mental abuse as a result of the crime, the victim has information about the crime, and a law enforcement official or a judge certifies that the victim has been helpful, is being helpful, or is likely to be helpful in investigating or prosecuting the crime. The crime must involve rape, torture, trafficking, incest, sexual assault, domestic violence, abusive sexual contact, prostitution, sexual exploitation, female genital mutilation, being held hostage, peonage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, perjury, attempt or conspiracy to commit any of the above, or other similar conduct in violation of Federal, State, or local criminal law. Caps visas at 10,000 per fiscal year. Allows Attorney General to adjust these individuals to lawful permanent resident status if the alien has been present for 3 years and the Attorney General determines this is justified on humanitarian grounds, to promote family unity, or is otherwise in the public interest.

AIMEE'S LAW

This bill penalizes States that fail to incarcerate criminals convicted of murder, rape, and dangerous sexual offenses for long prison terms. In cases in which a State convicts a person of murder, rape, or a dangerous sexual offense, and that person has a prior conviction for any one of those offenses in a designated State, the designated State must pay, from federal law enforcement assistance funds, the incarceration and prosecution cost of the latter State. (The Attorney General would transfer the federal law enforcement funds from the prior State to the subsequent State.)

A State is a designated State and is subject to penalty under this section if (1) the average term of imprisonment imposed by the State on persons convicted of the offense for which that person was convicted is less than the average term of imprisonment imposed for that offense in all states; or (2) that person had served less than 85 percent of the prison term to which he was sentenced for the prior offense. (In making this calculation, if the State has an indeterminate sentencing system, the prison term shall be considered the lower range of the sentence. For example, if a person is sentenced 10-to-12 years, then the calculation is whether the person served 85 percent of 10 years.)

*Concerning Sec. 2002 and 2003 of Division C.*

Sections 2002 and 2003, which may be referred to as the Justice for Victims of Terrorism Act, helps American victims of terrorism abroad collect court-awarded compensation and ensures that the responsible state sponsors of terrorism pay a price for their crimes.

In March 1985, Terry Anderson, an American journalist working in Beirut, was kidnapped by agents of the Islamic Republic of Iran. He was held captive by his kidnappers in deplorable conditions until early December 1991.

During the 1980's three other individuals working in Lebanon, David Jacobsen, an administrator of the American University hospital in Beirut, Joseph Ciccippio, a comptroller of the American University school and hospital and Frank Reed, a principal of a private secondary school in Beirut, were also held captive by agents of the Islamic Republic of Iran.

In April 1995, Alisa Flatow, a 20-year-old college student from New Jersey, was on a bus on the Gaza strip going to a Passover holiday celebration. A terrorist from the Iranian backed Islamic Jihad rammed his car loaded with explosives into the bus, killing Ms. Flatow and seven others.

Two Americans studying in Israel, Matthew Eisenfeld and Sara Duker were killed in a suicide bombing of a bus in Jerusalem in February 1996. Those responsible were provided training, money, and resources by Iran.

Also in February 1996, Cuban MiG aircraft shot down two aircraft flown by the ''Brothers to the Rescue'' humanitarian organization in international airspace over the Florida Straits. Three American citizens were killed in the attack by the Cuban government.

Antiterrorism Act of 1996 gave these and other American citizens injured in acts of terrorism their survivors to bring a lawsuit against the terrorist state responsible for that act. Congress and the President deliberately created an exception to the doctrine of foreign sovereign immunity and to the statutory protections of the Foreign Sovereign Immunities Act, limited to victims' cases against countries on the State Department's list of state sponsors of terrorism.

Following enactment of the Antiterrorism Act of 1996, numerous American victims filed suit against terrorist states. Each of the victims described above, or surviving family members, has been awarded judgements by U.S. courts. However, the victims were not able to collect on their judgements. Iran and Cuba have few, if any, assets in the United States not blocked by the Treasury Department under sanctions laws or otherwise held by the U.S. Government. The President did not exercise existing authorities to make those assets available.

After the Brothers to the Rescue incident, at a February 26, 1996, White House press briefing President Clinton stated ''I am asking that Congress pass legislation that will provide immediate compensation to the families, something to which they are entitled under international law, out of Cuba's blocked assets here in the United States. If Congress passes this legislation, we can provide the compensation immediately,'' The President did vest funds from blocked Cuban accounts to make modest payments to the Brothers to the Rescue families as a ''humanitarian gesture.''

Section 117 of the Treasury and General Government Appropriations Act for fiscal year 1999, explicitly made the assets of foreign terrorist states blocked by the Treasury Department under sanctions laws available for attachment by U.S. courts for the very limited purpose of satisfying Antiterrorism Act judgements.

That legislation authorized the President to waive the requirements of that provision

in the interest of national security, but the scope of that waiver authority remains in dispute. Presidential Determination 99–1 asserted broad authority to waive the entirety of the provision. But the District Court of the Southern District of Florida, in *Alejandre* v. *Republic of Cuba,* rejected the Administration's view and held, instead, that the President's authority applied only to section 117's requirement that the Secretaries of State and Treasury assist a judgement creditor in identifying, locating, and executing against non-blocked property of a foreign terrorist state.

Subsection 1(f) of this bill repeals the waiver authority granted in Section 117 of the Treasury and General Government Appropriations Act for fiscal year 1999, replacing it will a clearer but narrower waiver authority in the underlying statute. The Committee hopes clarity in the legislative history and intent of subsection 1(f), in the context of the section as a whole, will ensure appropriate application of the new waiver authority.

This is a key issue for American victims of state-sponsored terrorism who have sued or who will in the future sue the responsible terrorism-list state, as they are entitled to do under the Anti-Terrorism Act of 1996. Victims who already hold U.S. court judgements, and a few whose related cases will soon be decided, will receive their compensatory damages as a result of this legislation.

The Committee intends that this legislation will similarly help other pending and future Antiterrorism Act plaintiffs as and when U.S. courts issue judgements against the foreign state sponsors of specific terrorist acts. The Committee shares the particular interest of the sponsors of this legislation in ensuring that the families of the victims of Pan Am flight 103 should be able to collect damages promptly if they can demonstrate to the satisfaction of a U.S. court that Libya is indeed responsible for that heinous bombing. The Committee is similarly interested in pending suits against Iraq.

In replacing the waiver, the conferees accept that the President should have the authority to waive the court's authority to attach blocked assets. But to understand the view of the committee with respect to the use of the waiver, it must be read within the context of other provisions of the legislation.

A waiver of the attachment provision would seem appropriate for final and pending Anti-Terrorism Act cases identified in subsection (a)(2) of this bill. In these cases, judicial attachment is not necessary because the executive branch will appropriately pay compensatory damages to the victims and use blocked assets to collect the funds from terrorist states.

Of particular significance, this section reaffirms the President's statutory authority, inter alia, to vest blocked foreign government assets and where appropriate make payments to victims of terrorism. The President has the authority to assist victims with pending and future cases.

The Committee's intent is that the President will review each case when the court issues a final judgement to determine whether to use the national security waiver, whether to help the plaintiffs collect from a foreign state's non-blocked assets in the United States whether to allow the courts to attach and execute against blocked assets, or whether to use existing authorities to vest and pay those assets as damages to the victims of terrorism.

When a future President does make a decision whether to invoke the waiver, he should consider seriously whether the national security standard for a waiver has been met. In enacting this legislation, Congress is expressing the view that the attachment and execution of frozen assets to enforce judgements in cases under the Anti-Terrorism Act of 1996 is not by itself contrary to the national security interest. Indeed, in the view of the Committee, it is generally in the national security interest of the United States to make foreign state sponsors of terrorism pay court-awarded damages to American victims, so neither the Foreign Sovereign Immunities Act nor any other law will stand in the way of justice. Thus, in the view of the committee the waiver authority should not be exercised in a routine or blanket manner, but only where U.S. national security interests would be implicated in taking action against particular blocked assets or where alternative recourse—such as vesting and paying those assets—may be preferable to court attachment.

Future Presidents should follow the precedent set by this legislation, and find the best way to help victims of terrorism collect on their judgements and make terrorist states pay for their crimes.

The conference report also includes a section, Section 2003, dealing with support for victims of international terrorism. This section will enable the Office for Victims of Crime (OVC) to provide more immediate and effective assistance to Americans who are victims of terrorism abroad—Americans like those killed or injured in the embassy bombings in Kenya and Tanzania, and in the Pan Am 103 bombing over Lockerbie, Scotland. These victims deserve help, but existing programs are failing to meet their needs.

Section 2003(a) of the conference report will permit OVC to serve these victims better by expanding the types of assistance for which the Victims of Crime Act (VOCA) emergency reserve fund may be used, and the range of organizations to which assistance may be provided. These changes will not require new or appropriated funds: They simply allow OVC greater flexibility in using existing reserve funds to assist victims of terrorism abroad, including the victims of the Lockerbie and embassy bombings.

Section 2003(b) will authorize OVC to raise the cap on the VOCA emergency reserve fund from $50 million to $100 million, so that the fund is large enough to cover the extraordinary costs that would be incurred if a terrorist act caused massive casualties, and to replenish the reserve fund with unobligated funds from its other grant programs.

Section 2003(c) will simplify the presently-authorized system of using VOCA funds to provide victim compensation to American victims of terrorism abroad, by permitting OVC to establish and operate an international crime victim compensation program. This program will, in addition, cover foreign nationals who are employees of any American government institution targeted for terrorist attack. The source of funding is the VOCA emergency reserve fund, which Congress authorized in an amendment to the 1996 Antiterrorism and Effective Death Penalty Act.

Section 2003(d) clarifies that deposits into the Crime Victims Fund remain available for intended uses under VOCA when not expended immediately. This should quell concerns raised regarding the effect of spending caps included in appropriations bills last year and this. The appropriations' actions were meant to defer spending, not to remove deposits from the Fund. This provision makes that explicit.

SUMMARY OF S. 577—TWENTY-FIRST AMENDMENT ENFORCEMENT ACT

The purpose of S. 577 is to provide a mechanism to enable States to effectively enforce their laws against the illegal interstate shipment of alcoholic beverages. While Federal law already prohibits the interstate shipment of alcohol in violation of state law, unfortunately, that general prohibition lacks any enforcement mechanism. S. 577 provides that mechanism by permitting the Attorney General of a State, who has reasonable cause to believe that his or her State laws regulating the importation and transportation of alcohol are being violated, to file an action in federal court for an injunction to stop those illegal shipments.

S. 577 only reaches those that violate the law. It only allows actions for an injunction if a person is ''engaged in'' or ''has engaged in'' an act that would constitute a violation of a State law, but prohibits injunctions to restrain otherwise lawful advertising. Additionally, S. 577 provides that no preliminary injunctions could be obtained without: (1) proving irreparable injury, and (2) a probability of success on the merits. S. 577 also includes a provision on the ''Rules of Construction,'' which states that the power conveyed by this act is limited to the valid exercise of power vested in the states under the 21st Amendment in accordance with Supreme Court precedent and interpretation, and shall not be interpreted to grant to states any additional power.

BENJAMIN GILMAN,
BILL GOODLING,
CHRIS SMITH,
HENRY HYDE,
NANCY L. JOHNSON,
SAM GEJDENSON,
TOM LANTOS,
BEN CARDIN,
*Managers of the Part of the House.*

From the Committee on the Judiciary:
ORRIN HATCH,
STROM THURMOND,

From the Committee on Foreign Relations:
JESSE HELMS,
SAM BROWNBACK,
JOE BIDEN,
PAUL WELLSTONE,
*Managers of the Part of the Senate.*

## MICROENTERPRISE FOR SELF-RELIANCE AND INTERNATIONAL ANTI-CORRUPTION ACT OF 2000

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1143) to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Microenterprise for Self-Reliance and International Anti-Corruption Act of 2000''.*

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

*The table of contents for this Act is as follows:*

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

*TITLE I—MICROENTERPRISE FOR SELF-RELIANCE ACT OF 2000*

*Sec. 101. Short title.*
*Sec. 102. Findings and declarations of policy.*
*Sec. 103. Purposes.*
*Sec. 104. Definitions.*
*Sec. 105. Microenterprise development grant assistance.*

*Sec. 106. Micro- and small enterprise development credits.*
*Sec. 107. United States Microfinance Loan Facility.*
*Sec. 108. Report relating to future development of microenterprise institutions.*
*Sec. 109. United States Agency for International Development as global leader and coordinator of bilateral and multilateral microenterprise assistance activities.*
*Sec. 110. Sense of Congress on consideration of Mexico as a key priority in microenterprise funding allocations.*

*TITLE II—INTERNATIONAL ANTI-CORRUPTION AND GOOD GOVERNANCE ACT OF 2000*

*Sec. 201. Short title.*
*Sec. 202. Findings and purpose.*
*Sec. 203. Development assistance policy.*
*Sec. 204. Department of the Treasury technical assistance program for developing countries.*
*Sec. 205. Authorization of good governance programs.*

*TITLE III—INTERNATIONAL ACADEMIC OPPORTUNITY ACT OF 2000*

*Sec. 301. Short title.*
*Sec. 302. Statement of purpose.*
*Sec. 303. Establishment of grant program for foreign study by American college students of limited financial means.*
*Sec. 304. Report to Congress.*
*Sec. 305. Authorization of appropriations.*
*Sec. 306. Effective date.*

*TITLE IV—MISCELLANEOUS PROVISIONS*

*Sec. 401. Support for Overseas Cooperative Development Act.*
*Sec. 402. Funding of certain environmental assistance activities of USAID.*
*Sec. 403. Processing of applications for transportation of humanitarian assistance abroad by the Department of Defense.*
*Sec. 404. Working capital fund.*
*Sec. 405. Increase in authorized number of employees and representatives of the United States mission to the United Nations provided living quarters in New York.*
*Sec. 406. Availability of VOA and Radio Marti multilingual computer readable text and voice recordings.*
*Sec. 407. Availability of certain materials of the Voice of America.*
*Sec. 408. Paul D. Coverdell Fellows Program Act of 2000.*

## *TITLE I—MICROENTERPRISE FOR SELF-RELIANCE ACT OF 2000*

***SEC. 101. SHORT TITLE.***

*This title may be cited as the ''Microenterprise for Self-Reliance Act of 2000''.*

***SEC. 102. FINDINGS AND DECLARATIONS OF POLICY.***

*Congress makes the following findings and declarations:*

*(1) According to the World Bank, more than 1,200,000,000 people in the developing world, or one-fifth of the world's population, subsist on less than $1 a day.*

*(2) Over 32,000 of their children die each day from largely preventable malnutrition and disease.*

*(3)(A) Women in poverty generally have larger work loads and less access to educational and economic opportunities than their male counterparts.*

*(B) Directly aiding the poorest of the poor, especially women, in the developing world has a positive effect not only on family incomes, but also on child nutrition, health and education, as women in particular reinvest income in their families.*

*(4)(A) The poor in the developing world, particularly women, generally lack stable employment and social safety nets.*

*(B) Many turn to self-employment to generate a substantial portion of their livelihood. In Africa, over 80 percent of employment is generated in the informal sector of the self-employed poor.*

*(C) These poor entrepreneurs are often trapped in poverty because they cannot obtain credit at reasonable rates to build their asset base or expand their otherwise viable self-employment activities.*

*(D) Many of the poor are forced to pay interest rates as high as 10 percent per day to money lenders.*

*(5)(A) The poor are able to expand their incomes and their businesses dramatically when they can access loans at reasonable interest rates.*

*(B) Through the development of self-sustaining microfinance programs, poor people themselves can lead the fight against hunger and poverty.*

*(6)(A) On February 2–4, 1997, a global Microcredit Summit was held in Washington, District of Columbia, to launch a plan to expand access to credit for self-employment and other financial and business services to 100,000,000 of the world's poorest families, especially the women of those families, by 2005. While this scale of outreach may not be achievable in this short timeperiod, the realization of this goal could dramatically alter the face of global poverty.*

*(B) With an average family size of five, achieving this goal will mean that the benefits of microfinance will thereby reach nearly half of the world's more than 1,000,000,000 absolute poor people.*

*(7)(A) Nongovernmental organizations, such as those that comprise the Microenterprise Coalition (such as the Grameen Bank (Bangladesh,) K–REP (Kenya), and networks such as Accion International, the Foundation for International Community Assistance (FINCA), and the credit union movement) are successful in lending directly to the very poor.*

*(B) Microfinance institutions such as BRAC (Bangladesh), BancoSol (Bolivia), SEWA Bank (India), and ACEP (Senegal) are regulated financial institutions that can raise funds directly from the local and international capital markets.*

*(8)(A) Microenterprise institutions not only reduce poverty, but also reduce the dependency on foreign assistance.*

*(B) Interest income on the credit portfolio is used to pay recurring institutional costs, assuring the long-term sustainability of development assistance.*

*(9) Microfinance institutions leverage foreign assistance resources because loans are recycled, generating new benefits to program participants.*

*(10)(A) The development of sustainable microfinance institutions that provide credit and training, and mobilize domestic savings, is a critical component to a global strategy of poverty reduction and broad-based economic development.*

*(B) In the efforts of the United States to lead the development of a new global financial architecture, microenterprise should play a vital role. The recent shocks to international financial markets demonstrate how the financial sector can shape the destiny of nations. Microfinance can serve as a powerful tool for building a more inclusive financial sector which serves the broad majority of the world's population including the very poor and women and thus generate more social stability and prosperity.*

*(C) Over the last two decades, the United States has been a global leader in promoting the global microenterprise sector, primarily through its development assistance programs at the United States Agency for International Development. Additionally, the Department of the Treasury and the Department of State have used their authority to promote microenterprise in the development programs of international financial institutions and the United Nations.*

*(11)(A) In 1994, the United States Agency for International Development launched the ''Microenterprise Initiative'' in partnership with the Congress.*

*(B) The initiative committed to expanding funding for the microenterprise programs of the Agency, and set a goal that, by the end of fiscal year 1996, one-half of all microenterprise resources would support programs and institutions that provide credit to the poorest, with loans under $300.*

*(C) In order to achieve the goal of the microcredit summit, increased investment in microfinance institutions serving the poorest will be critical.*

*(12) Providing the United States share of the global investment needed to achieve the goal of the microcredit summit will require only a small increase in United States funding for international microcredit programs, with an increased focus on institutions serving the poorest.*

*(13)(A) In order to reach tens of millions of the poorest with microcredit, it is crucial to expand and replicate successful microfinance institutions.*

*(B) These institutions need assistance in developing their institutional capacity to expand their services and tap commercial sources of capital.*

*(14) Nongovernmental organizations have demonstrated competence in developing networks of local microfinance institutions and other assistance delivery mechanisms so that they reach large numbers of the very poor, and achieve financial sustainability.*

*(15) Recognizing that the United States Agency for International Development has developed very effective partnerships with nongovernmental organizations, and that the Agency will have fewer missions overseas to carry out its work, the Agency should place priority on investing in those nongovernmental network institutions that meet performance criteria through the central funding mechanisms of the Agency.*

*(16) By expanding and replicating successful microfinance institutions, it should be possible to create a global infrastructure to provide financial services to the world's poorest families.*

*(17)(A) The United States can provide leadership to other bilateral and multilateral development agencies as such agencies expand their support to the microenterprise sector.*

*(B) The United States should seek to improve coordination among G–7 countries in the support of the microenterprise sector in order to leverage the investment of the United States with that of other donor nations.*

*(18) Through increased support for microenterprise, especially credit for the poorest, the United States can continue to play a leadership role in the global effort to expand financial services and opportunity to 100,000,000 of the poorest families on the planet.*

***SEC. 103. PURPOSES.***

*The purposes of this title are—*

*(1) to make microenterprise development an important element of United States foreign economic policy and assistance;*

*(2) to provide for the continuation and expansion of the commitment of the United States Agency for International Development to the development of microenterprise institutions as outlined in its 1994 Microenterprise Initiative;*

*(3) to support and develop the capacity of United States and indigenous nongovernmental organization intermediaries to provide credit, savings, training, technical assistance, and business development services to microentrepreneurs;*

*(4) to emphasize financial services and substantially increase the amount of assistance devoted to both financial services and complementary business development services designed to reach the poorest people in developing countries, particularly women; and*

*(5) to encourage the United States Agency for International Development to coordinate microfinance policy, in consultation with the Department of the Treasury and the Department of*

*State, and to provide global leadership among bilateral and multilateral donors in promoting microenterprise for the poorest of the poor.*

***SEC. 104. DEFINITIONS.***

*In this title:*

*(1) BUSINESS DEVELOPMENT SERVICES.—The term ''business development services'' means support for the growth of microenterprises through training, technical assistance, marketing assistance, improved production technologies, and other services.*

*(2) MICROENTERPRISE INSTITUTION.—The term ''microenterprise institution'' means an institution that provides services, including microfinance, training, or business development services, for microentrepreneurs.*

*(3) MICROFINANCE INSTITUTION.—The term ''microfinance institution'' means an institution that directly provides, or works to expand, the availability of credit, savings, and other financial services to microentrepreneurs.*

*(4) PRACTITIONER INSTITUTION.—The term ''practitioner institution'' means any institution that provides services, including microfinance, training, or business development services, for microentrepreneurs, or provides assistance to microenterprise institutions.*

***SEC. 105. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.***

*Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new section:*

***''SEC. 131. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.***

*''(a) FINDINGS AND POLICY.—Congress finds and declares that—*

*''(1) the development of microenterprise is a vital factor in the stable growth of developing countries and in the development of free, open, and equitable international economic systems;*

*''(2) it is therefore in the best interest of the United States to assist the development of microenterprises in developing countries; and*

*''(3) the support of microenterprise can be served by programs providing credit, savings, training, technical assistance, and business development services.*

*''(b) AUTHORIZATION.—*

*''(1) IN GENERAL.—In carrying out this part, the President is authorized to provide grant assistance for programs to increase the availability of credit and other services to microenterprises lacking full access to capital training, technical assistance, and business development services, through—*

*''(A) grants to microfinance institutions for the purpose of expanding the availability of credit, savings, and other financial services to microentrepreneurs;*

*''(B) grants to microenterprise institutions for the purpose of training, technical assistance, and business development services for microenterprises to enable them to make better use of credit, to better manage their enterprises, and to increase their income and build their assets;*

*''(C) capacity-building for microenterprise institutions in order to enable them to better meet the credit and training needs of microentrepreneurs; and*

*''(D) policy and regulatory programs at the country level that improve the environment for microentrepreneurs and microenterprise institutions that serve the poor and very poor.*

*''(2) IMPLEMENTATION.—Assistance authorized under paragraph (1) (A) and (B) shall be provided through organizations that have a capacity to develop and implement microenterprise programs, including particularly—*

*''(A) United States and indigenous private and voluntary organizations;*

*''(B) United States and indigenous credit unions and cooperative organizations; or*

*''(C) other indigenous governmental and nongovernmental organizations.*

*''(3) TARGETED ASSISTANCE.—In carrying out sustainable poverty-focused programs under paragraph (1), 50 percent of all microenterprise resources shall be targeted to very poor entrepreneurs, defined as those living in the bottom 50 percent below the poverty line as established by the national government of the country. Specifically, such resources shall be used for—*

*''(A) direct support of programs under this subsection through practitioner institutions that—*

*''(i) provide credit and other financial services to entrepreneurs who are very poor, with loans in 1995 United States dollars of—*

*''(I) $1,000 or less in the Europe and Eurasia region;*

*''(II) $400 or less in the Latin America region; and*

*''(III) $300 or less in the rest of the world; and*

*''(ii) can cover their costs in a reasonable time period; or*

*''(B) demand-driven business development programs that achieve reasonable cost recovery that are provided to clients holding poverty loans (as defined by the regional poverty loan limitations in subparagraph (A)(i)), whether they are provided by microfinance institutions or by specialized business development services providers.*

*''(4) SUPPORT FOR CENTRAL MECHANISMS.—The President should continue support for central mechanisms and missions, as appropriate, that—*

*''(A) provide technical support for field missions;*

*''(B) strengthen the institutional development of the intermediary organizations described in paragraph (2);*

*''(C) share information relating to the provision of assistance authorized under paragraph (1) between such field missions and intermediary organizations; and*

*''(D) support the development of nonprofit global microfinance networks, including credit union systems, that—*

*''(i) are able to deliver very small loans through a significant grassroots infrastructure based on market principles; and*

*''(ii) act as wholesale intermediaries providing a range of services to microfinance retail institutions, including financing, technical assistance, capacity-building, and safety and soundness accreditation.*

*''(5) LIMITATION.—Assistance provided under this subsection may only be used to support microenterprise programs and may not be used to support programs not directly related to the purposes described in paragraph (1).*

*''(c) MONITORING SYSTEM.—In order to maximize the sustainable development impact of the assistance authorized under subsection (b)(1), the Administrator of the agency primarily responsible for administering this part shall establish a monitoring system that—*

*''(1) establishes performance goals for such assistance and expresses such goals in an objective and quantifiable form, to the extent feasible;*

*''(2) establishes performance indicators to be used in measuring or assessing the achievement of the goals and objectives of such assistance;*

*''(3) provides a basis for recommendations for adjustments to such assistance to enhance the sustainable development impact of such assistance, particularly the impact of such assistance on the very poor, particularly poor women; and*

*''(4) provides a basis for recommendations for adjustments to measures for reaching the poorest of the poor, including proposed legislation containing amendments to enhance the sustainable development impact of such assistance, as described in paragraph (3).*

*''(d) LEVEL OF ASSISTANCE.—Of the funds made available under this part, the FREEDOM Support Act, and the Support for East European Democracy (SEED) Act of 1989, including local currencies derived from such funds, there are authorized to be available $155,000,000 for each of the fiscal years 2001 and 2002, to carry out this section.*

*''(e) DEFINITIONS.—In this section:*

*''(1) BUSINESS DEVELOPMENT SERVICES.—The term 'business development services' means support for the growth of microenterprises through training, technical assistance, marketing assistance, improved production technologies, and other services.*

*''(2) MICROENTERPRISE INSTITUTION.—The term 'microenterprise institution' means an institution that provides services, including microfinance, training, or business development services, for microentrepreneurs.*

*''(3) MICROFINANCE INSTITUTION.—The term 'microfinance institution' means an institution that directly provides, or works to expand, the availability of credit, savings, and other financial services to microentrepreneurs.*

*''(4) PRACTITIONER INSTITUTION.—The term 'practitioner institution' means any institution that provides services, including microfinance, training, or business development services, for microentrepreneurs, or provides assistance to microenterprise institutions.''.*

***SEC. 106. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.***

*Section 108 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f) is amended to read as follows:*

***''SEC. 108. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.***

*''(a) FINDINGS AND POLICY.—Congress finds and declares that—*

*''(1) the development of micro- and small enterprises is a vital factor in the stable growth of developing countries and in the development and stability of a free, open, and equitable international economic system; and*

*''(2) it is, therefore, in the best interests of the United States to assist the development of the enterprises of the poor in developing countries and to engage the United States private sector in that process.*

*''(b) PROGRAM.—To carry out the policy set forth in subsection (a), the President is authorized to provide assistance to increase the availability of credit to micro- and small enterprises lacking full access to credit, including through—*

*''(1) loans and guarantees to credit institutions for the purpose of expanding the availability of credit to micro- and small enterprises;*

*''(2) training programs for lenders in order to enable them to better meet the credit needs of microentrepreneurs; and*

*''(3) training programs for microentrepreneurs in order to enable them to make better use of credit and to better manage their enterprises.*

*''(c) ELIGIBILITY CRITERIA.—The Administrator of the agency primarily responsible for administering this part shall establish criteria for determining which credit institutions described in subsection (b)(1) are eligible to carry out activities, with respect to micro- and small enterprises, assisted under this section. Such criteria may include the following:*

*''(1) The extent to which the recipients of credit from the entity do not have access to the local formal financial sector.*

*''(2) The extent to which the recipients of credit from the entity are among the poorest people in the country.*

*''(3) The extent to which the entity is oriented toward working directly with poor women.*

*''(4) The extent to which the entity recovers its cost of lending.*

*''(5) The extent to which the entity implements a plan to become financially sustainable.*

*''(d) ADDITIONAL REQUIREMENT.—Assistance provided under this section may only be used to support micro- and small enterprise programs and may not be used to support programs not directly related to the purposes described in subsection (b).*

*''(e) PROCUREMENT PROVISION.—Assistance may be provided under this section without regard to section 604(a).*

*''(f) AVAILABILITY OF FUNDS.—*

*''(1) IN GENERAL.—Of the amounts authorized to be available to carry out section 131, there are authorized to be available $1,500,000 for each of*

*fiscal years 2001 and 2002 to carry out this section.*

*''(2) COVERAGE OF SUBSIDY COSTS.—Amounts authorized to be available under paragraph (1) shall be made available to cover the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, for activities under this section.''.*

***SEC. 107. UNITED STATES MICROFINANCE LOAN FACILITY.***

*(a) IN GENERAL.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), as amended by section 105 of this Act, is further amended by adding at the end the following new section:*

***''SEC. 132. UNITED STATES MICROFINANCE LOAN FACILITY.***

*''(a) ESTABLISHMENT.—The Administrator is authorized to establish a United States Microfinance Loan Facility (in this section referred to as the 'Facility') to pool and manage the risk from natural disasters, war or civil conflict, national financial crisis, or short-term financial movements that threaten the long-term development of United States-supported microfinance institutions.*

*''(b) DISBURSEMENTS.—*

*''(1) IN GENERAL.—The Administrator shall make disbursements from the Facility to United States-supported microfinance institutions to prevent the bankruptcy of such institutions caused by—*

*''(A) natural disasters;*

*''(B) national wars or civil conflict; or*

*''(C) national financial crisis or other short-term financial movements that threaten the long-term development of United States-supported microfinance institutions.*

*''(2) FORM OF ASSISTANCE.—Assistance under this section shall be in the form of loans or loan guarantees for microfinance institutions that demonstrate the capacity to resume self-sustained operations within a reasonable time period.*

*''(3) CONGRESSIONAL NOTIFICATION PROCEDURES.—During each of the fiscal years 2001 and 2002, funds may not be made available from the Facility until 15 days after notification of the proposed availability of the funds has been provided to the congressional committees specified in section 634A in accordance with the procedures applicable to reprogramming notifications under that section.*

*''(c) GENERAL PROVISIONS.—*

*''(1) POLICY PROVISIONS.—In providing the credit assistance authorized by this section, the Administrator should apply, as appropriate, the policy provisions in this part that are applicable to development assistance activities.*

*''(2) DEFAULT AND PROCUREMENT PROVISIONS.—*

*''(A) DEFAULT PROVISION.—The provisions of section 620(q), or any comparable provision of law, shall not be construed to prohibit assistance to a country in the event that a private sector recipient of assistance furnished under this section is in default in its payment to the United States for the period specified in such section.*

*''(B) PROCUREMENT PROVISION.—Assistance may be provided under this section without regard to section 604(a).*

*''(3) TERMS AND CONDITIONS OF CREDIT ASSISTANCE.—*

*''(A) IN GENERAL.—Credit assistance provided under this section shall be offered on such terms and conditions, including fees charged, as the Administrator may determine.*

*''(B) LIMITATION ON PRINCIPAL AMOUNT OF FINANCING.—The principal amount of loans made or guaranteed under this section in any fiscal year, with respect to any single event, may not exceed $30,000,000.*

*''(C) EXCEPTION.—No payment may be made under any guarantee issued under this section for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.*

*''(4) FULL FAITH AND CREDIT.—All guarantees issued under this section shall constitute obligations, in accordance with the terms of such guarantees, of the United States of America, and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations to the extent of the guarantee.*

*''(d) FUNDING.—*

*''(1) ALLOCATION OF FUNDS.—Of the amounts made available to carry out this part for the fiscal year 2001, up to $5,000,000 may be made available for—*

*''(A) the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, to carry out this section; and*

*''(B) the administrative costs to carry out this section.*

*''(2) RELATION TO OTHER FUNDING.—Amounts made available under paragraph (1) are in addition to amounts available under any other provision of law to carry out this section.*

*''(e) DEFINITIONS.—In this section:*

*''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the agency primarily responsible for administering this part.*

*''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.*

*''(3) UNITED STATES-SUPPORTED MICROFINANCE INSTITUTION.—The term 'United States-supported microfinance institution' means a financial intermediary that has received funds made available under part I of this Act for fiscal year 1980 or any subsequent fiscal year.''.*

*(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Administrator of the United States Agency for International Development shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the policies, rules, and regulations of the United States Microfinance Loan Facility established under section 132 of the Foreign Assistance Act of 1961, as added by subsection (a).*

***SEC. 108. REPORT RELATING TO FUTURE DEVELOPMENT OF MICROENTERPRISE INSTITUTIONS.***

*(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the most cost-effective methods and measurements for increasing the access of poor people overseas to credit, other financial services, and related training.*

*(b) CONTENTS.—The report described in subsection (a)—*

*(1) shall include how the President, in consultation with the Administrator of the United States Agency for International Development, the Secretary of State, and the Secretary of the Treasury, will develop a comprehensive strategy for advancing the global microenterprise sector in a way that maintains market principles while ensuring that the very poor overseas, particularly women, obtain access to financial services overseas;*

*(2) shall provide guidelines and recommendations for—*

*(A) instruments to assist microenterprise networks to develop multi-country and regional microlending programs;*

*(B) technical assistance to foreign governments, foreign central banks, and regulatory entities to improve the policy environment for microfinance institutions, and to strengthen the capacity of supervisory bodies to supervise microfinance institutions;*

*(C) the potential for Federal chartering of United States-based international microfinance network institutions, including proposed legislation;*

*(D) instruments to increase investor confidence in microfinance institutions which would strengthen the long-term financial position of the microfinance institutions and attract capital from private sector entities and individuals, such as a rating system for microfinance institutions and local credit bureaus;*

*(E) an agenda for integrating microfinance into United States foreign policy initiatives seeking to develop and strengthen the global finance sector; and*

*(F) innovative instruments to attract funds from the capital markets, such as instruments for leveraging funds from the local commercial banking sector, and the securitization of microloan portfolios; and*

*(3) shall include a section that assesses the need for a microenterprise accelerated growth fund and that includes—*

*(A) a description of the benefits of such a fund;*

*(B) an identification of which microenterprise institutions might become eligible for assistance from such fund;*

*(C) a description of how such a fund could be administered;*

*(D) a recommendation on which agency or agencies of the United States Government should administer the fund and within which such agency the fund should be located; and*

*(E) a recommendation on how soon it might be necessary to establish such a fund in order to provide the support necessary for microenterprise institutions involved in microenterprise development.*

*(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.*

***SEC. 109. UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT AS GLOBAL LEADER AND COORDINATOR OF BILATERAL AND MULTILATERAL MICROENTERPRISE ASSISTANCE ACTIVITIES.***

*(a) FINDINGS AND POLICY.—Congress finds and declares that—*

*(1) the United States can provide leadership to other bilateral and multilateral development agencies as such agencies expand their support to the microenterprise sector; and*

*(2) the United States should seek to improve coordination among G–7 countries in the support of the microenterprise sector in order to leverage the investment of the United States with that of other donor nations.*

*(b) SENSE OF CONGRESS.—It is the sense of Congress that—*

*(1) the Administrator of the United States Agency for International Development and the Secretary of State should seek to support and strengthen the effectiveness of microfinance activities in United Nations agencies, such as the United Nations Development Program (UNDP), which have provided key leadership in developing the microenterprise sector; and*

*(2) the Secretary of the Treasury should instruct each United States Executive Director of the multilateral development banks (MDBs) to advocate the development of a coherent and coordinated strategy to support the microenterprise sector and an increase of multilateral resource flows for the purposes of building microenterprise retail and wholesale intermediaries.*

***SEC. 110. SENSE OF CONGRESS ON CONSIDERATION OF MEXICO AS A KEY PRIORITY IN MICROENTERPRISE FUNDING ALLOCATIONS.***

*(a) FINDINGS.—Congress makes the following findings:*

*(1) An estimated 45,000,000 of Mexico's 100,000,000 population currently lives below the poverty line, accounting for 20 percent of all poor in Latin America.*

*(2) Mexico cannot create enough salaried jobs to absorb new workers entering the labor force.*

*(3) While many poor families depend on microenterprise initiatives to generate a livelihood,*

*the United States Agency for International Development currently has 2 microcredit projects in Mexico, receiving less than one percent of overall microenterprise funding in Latin America and the Caribbean during the last decade.*

*(4) Mexico's microenterprise activity has been constrained because its financial institutions cannot expand financial services to a larger clientele due to a lack of capital, inefficient financial and administrative management, and a lack of institutional support for microfinance institutions' particular needs.*

*(5) Mexican nongovernmental organizations, such as Compartamos, have demonstrated competence in developing local microfinance programs.*

*(6) On July 2, 2000, Vicente Fox Quesada of the Alliance for Change was elected President of the United Mexican States.*

*(7) The President-elect of Mexico has identified entrepreneurship and the start-up of new microcredit institutions as key economic priorities.*

*(8) Microenterprise and entrepreneurial initiatives have proven to be successful components of free market development and economic stability.*

*(b) SENSE OF CONGRESS.—It is the sense of Congress that—*

*(1) providing Mexico's poor with economic opportunity and microfinance services is fundamental to Mexico's economic development;*

*(2) microenterprise can have a positive impact on Mexico's free market development; and*

*(3) the United States Agency for International Development should consider Mexico as a key priority in its microenterprise funding allocations.*

## *TITLE II—INTERNATIONAL ANTI-CORRUPTION AND GOOD GOVERNANCE ACT OF 2000*

### *SEC. 201. SHORT TITLE.*

*This title may be cited as the ''International Anti-Corruption and Good Governance Act of 2000''.*

### *SEC. 202. FINDINGS AND PURPOSE.*

*(a) FINDINGS.—Congress finds the following:*

*(1) Widespread corruption endangers the stability and security of societies, undermines democracy, and jeopardizes the social, political, and economic development of a society.*

*(2) Corruption facilitates criminal activities, such as money laundering, hinders economic development, inflates the costs of doing business, and undermines the legitimacy of the government and public trust.*

*(3) In January 1997 the United Nations General Assembly adopted a resolution urging member states to carefully consider the problems posed by the international aspects of corrupt practices and to study appropriate legislative and regulatory measures to ensure the transparency and integrity of financial systems.*

*(4) The United States was the first country to criminalize international bribery through the enactment of the Foreign Corrupt Practices Act of 1977 and United States leadership was instrumental in the passage of the Organization for Economic Cooperation and Development (OECD) Convention on Combatting Bribery of Foreign Public Officials in International Business Transactions.*

*(5) The Vice President, at the Global Forum on Fighting Corruption in 1999, declared corruption to be a direct threat to the rule of law and the Secretary of State declared corruption to be a matter of profound political and social consequence for our efforts to strengthen democratic governments.*

*(6) The Secretary of State, at the Inter-American Development Bank's annual meeting in March 2000, declared that despite certain economic achievements, democracy is being threatened as citizens grow weary of the corruption and favoritism of their official institutions and that efforts must be made to improve governance if respect for democratic institutions is to be regained.*

*(7) In May 1996 the Organization of American States (OAS) adopted the Inter-American Convention Against Corruption requiring countries to provide various forms of international cooperation and assistance to facilitate the prevention, investigation, and prosecution of acts of corruption.*

*(8) Independent media, committed to fighting corruption and trained in investigative journalism techniques, can both educate the public on the costs of corruption and act as a deterrent against corrupt officials.*

*(9) Competent and independent judiciary, founded on a merit-based selection process and trained to enforce contracts and protect property rights, is critical for creating a predictable and consistent environment for transparency in legal procedures.*

*(10) Independent and accountable legislatures, responsive political parties, and transparent electoral processes, in conjunction with professional, accountable, and transparent financial management and procurement policies and procedures, are essential to the promotion of good governance and to the combat of corruption.*

*(11) Transparent business frameworks, including modern commercial codes and intellectual property rights, are vital to enhancing economic growth and decreasing corruption at all levels of society.*

*(12) The United States should attempt to improve accountability in foreign countries, including by—*

*(A) promoting transparency and accountability through support for independent media, promoting financial disclosure by public officials, political parties, and candidates for public office, open budgeting processes, adequate and effective internal control systems, suitable financial management systems, and financial and compliance reporting;*

*(B) supporting the establishment of audit offices, inspectors general offices, third party monitoring of government procurement processes, and anti-corruption agencies;*

*(C) promoting responsive, transparent, and accountable legislatures that ensure legislative oversight and whistle-blower protection;*

*(D) promoting judicial reforms that criminalize corruption and promoting law enforcement that prosecutes corruption;*

*(E) fostering business practices that promote transparent, ethical, and competitive behavior in the private sector through the development of an effective legal framework for commerce, including anti-bribery laws, commercial codes that incorporate international standards for business practices, and protection of intellectual property rights; and*

*(F) promoting free and fair national, state, and local elections.*

*(b) PURPOSE.—The purpose of this title is to ensure that United States assistance programs promote good governance by assisting other countries to combat corruption throughout society and to improve transparency and accountability at all levels of government and throughout the private sector.*

### *SEC. 203. DEVELOPMENT ASSISTANCE POLICY.*

*(a) GENERAL POLICY.—Section 101(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151(a)) is amended in the fifth sentence—*

*(1) by striking ''four'' and inserting ''five'';*

*(2) by striking ''and'' at the end of paragraph (3);*

*(3) in paragraph (4), by striking the period at the end and inserting ''; and''; and*

*(4) by adding at the end the following:*

*''(5) the promotion of good governance through combating corruption and improving transparency and accountability.''.*

*(b) DEVELOPMENT ASSISTANCE POLICY.—Section 102(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151–1(b)) is amended—*

*(1) in paragraph (4)—*

*(A) by striking ''and'' at the end of subparagraph (E);*

*(B) in subparagraph (F), by striking the period at the end and inserting ''; and''; and*

*(C) by adding at the end the following:*

*''(G) progress in combating corruption and improving transparency and accountability in the public and private sector.''; and*

*(2) by adding at the end the following:*

*''(17) Economic reform and development of effective institutions of democratic governance are mutually reinforcing. The successful transition of a developing country is dependent upon the quality of its economic and governance institutions. Rule of law, mechanisms of accountability and transparency, security of person, property, and investments, are but a few of the critical governance and economic reforms that underpin the sustainability of broad-based economic growth. Programs in support of such reforms strengthen the capacity of people to hold their governments accountable and to create economic opportunity.''.*

### *SEC. 204. DEPARTMENT OF THE TREASURY TECHNICAL ASSISTANCE PROGRAM FOR DEVELOPING COUNTRIES.*

*Section 129(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151aa(b)) is amended by adding at the end the following:*

*''(3) EMPHASIS ON ANTI-CORRUPTION.—Such technical assistance shall include elements designed to combat anti-competitive, unethical, and corrupt activities, including protection against actions that may distort or inhibit transparency in market mechanisms and, to the extent applicable, privatization procedures.''.*

### *SEC. 205. AUTHORIZATION OF GOOD GOVERNANCE PROGRAMS.*

*(a) IN GENERAL.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), as amended by sections 105 and 107, is further amended by adding at the end the following:*

### *''SEC. 133. PROGRAMS TO ENCOURAGE GOOD GOVERNANCE.*

*''(a) ESTABLISHMENT OF PROGRAMS.—*

*''(1) IN GENERAL.—The President is authorized to establish programs that combat corruption, improve transparency and accountability, and promote other forms of good governance in countries described in paragraph (2).*

*''(2) COUNTRIES DESCRIBED.—A country described in this paragraph is a country that is eligible to receive assistance under this part (including chapter 4 of part II of this Act) or the Support for East European Democracy (SEED) Act of 1989.*

*''(3) PRIORITY.—In carrying out paragraph (1), the President shall give priority to establishing programs in countries that received a significant amount of United States foreign assistance for the prior fiscal year, or in which the United States has a significant economic interest, and that continue to have the most persistent problems with public and private corruption. In determining which countries have the most persistent problems with public and private corruption under the preceding sentence, the President shall take into account criteria such as the Transparency International Annual Corruption Perceptions Index, standards and codes set forth by the International Bank for Reconstruction and Development and the International Monetary Fund, and other relevant criteria.*

*''(4) RELATION TO OTHER LAWS.—*

*''(A) IN GENERAL.—Assistance provided for countries under programs established pursuant to paragraph (1) may be made available notwithstanding any other provision of law that restricts assistance to foreign countries. Assistance provided under a program established pursuant to paragraph (1) for a country that would otherwise be restricted from receiving such assistance but for the preceding sentence may not be provided directly to the government of the country.*

*''(B) EXCEPTION.—Subparagraph (A) does not apply with respect to—*

*''(i) section 620A of this Act or any comparable provision of law prohibiting assistance*

*to countries that support international terrorism; or*

*''(ii) section 907 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992.*

*''(b) SPECIFIC PROJECTS AND ACTIVITIES.—The programs established pursuant to subsection (a) shall include, to the extent appropriate, projects and activities that—*

*''(1) support responsible independent media to promote oversight of public and private institutions;*

*''(2) implement financial disclosure among public officials, political parties, and candidates for public office, open budgeting processes, and transparent financial management systems;*

*''(3) support the establishment of audit offices, inspectors general offices, third party monitoring of government procurement processes, and anti-corruption agencies;*

*''(4) promote responsive, transparent, and accountable legislatures and local governments that ensure legislative and local oversight and whistle-blower protection;*

*''(5) promote legal and judicial reforms that criminalize corruption and law enforcement reforms and development that encourage prosecutions of criminal corruption;*

*''(6) assist in the development of a legal framework for commercial transactions that fosters business practices that promote transparent, ethical, and competitive behavior in the economic sector, such as commercial codes that incorporate international standards and protection of intellectual property rights;*

*''(7) promote free and fair national, state, and local elections;*

*''(8) foster public participation in the legislative process and public access to government information; and*

*''(9) engage civil society in the fight against corruption.*

*''(c) CONDUCT OF PROJECTS AND ACTIVITIES.—Projects and activities under the programs established pursuant to subsection (a) may include, among other things, training and technical assistance (including drafting of anti-corruption, privatization, and competitive statutory and administrative codes), drafting of anti-corruption, privatization, and competitive statutory and administrative codes, support for independent media and publications, financing of the program and operating costs of nongovernmental organizations that carry out such projects or activities, and assistance for travel of individuals to the United States and other countries for such projects and activities.*

*''(d) ANNUAL REPORT.—*

*''(1) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Commerce and the Administrator of the United States Agency for International Development, shall prepare and transmit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate an annual report on—*

*''(A) projects and activities carried out under programs established under subsection (a) for the prior year in priority countries identified pursuant to subsection (a)(3); and*

*''(B) projects and activities carried out under programs to combat corruption, improve transparency and accountability, and promote other forms of good governance established under other provisions of law for the prior year in such countries.*

*''(2) REQUIRED CONTENTS.—The report required by paragraph (1) shall contain the following information with respect to each country described in paragraph (1):*

*''(A) A description of all United States Government-funded programs and initiatives to combat corruption and improve transparency and accountability in the country.*

*''(B) A description of United States diplomatic efforts to combat corruption and improve transparency and accountability in the country.*

*''(C) An analysis of major actions taken by the government of the country to combat corruption and improve transparency and accountability in the country.*

*''(e) FUNDING.—Amounts made available to carry out the other provisions of this part (including chapter 4 of part II of this Act) and the Support for East European Democracy (SEED) Act of 1989 shall be made available to carry out this section.''.*

*(b) DEADLINE FOR INITIAL REPORT.—The initial annual report required by section 133(d)(1) of the Foreign Assistance Act of 1961, as added by subsection (a), shall be transmitted not later than 180 days after the date of the enactment of this Act.*

## *TITLE III—INTERNATIONAL ACADEMIC OPPORTUNITY ACT OF 2000*

***SEC. 301. SHORT TITLE.***

*This title may be cited as the ''International Academic Opportunity Act of 2000''.*

***SEC. 302. STATEMENT OF PURPOSE.***

*It is the purpose of this title to establish an undergraduate grant program for students of limited financial means from the United States to enable such students to study abroad. Such foreign study is intended to broaden the outlook and better prepare such students of demonstrated financial need to assume significant roles in the increasingly global economy.*

***SEC. 303. ESTABLISHMENT OF GRANT PROGRAM FOR FOREIGN STUDY BY AMERICAN COLLEGE STUDENTS OF LIMITED FINANCIAL MEANS.***

*(a) ESTABLISHMENT.—Subject to the availability of appropriations and under the authorities of the Mutual Educational and Cultural Exchange Act of 1961, the Secretary of State shall establish and carry out a program in each fiscal year to award grants of up to $5,000, to individuals who meet the requirements of subsection (b), toward the cost of up to one academic year of undergraduate study abroad. Grants under this Act shall be known as the ''Benjamin A. Gilman International Scholarships''.*

*(b) ELIGIBILITY.—An individual referred to in subsection (a) is an individual who—*

*(1) is a student in good standing at an institution of higher education in the United States (as defined in section 101(a) of the Higher Education Act of 1965);*

*(2) has been accepted for up to one academic year of study on a program of study abroad approved for credit by the student's home institution;*

*(3) is receiving any need-based student assistance under title IV of the Higher Education Act of 1965; and*

*(4) is a citizen or national of the United States.*

*(c) APPLICATION AND SELECTION.—*

*(1) Grant application and selection shall be carried out through accredited institutions of higher education in the United States or a combination of such institutions under such procedures as are established by the Secretary of State.*

*(2) In considering applications for grants under this section—*

*(A) consideration of financial need shall include the increased costs of study abroad; and*

*(B) priority consideration shall be given to applicants who are receiving Federal Pell Grants under title IV of the Higher Education Act of 1965.*

***SEC. 304. REPORT TO CONGRESS.***

*The Secretary of State shall report annually to the Congress concerning the grant program established under this title. Each such report shall include the following information for the preceding year:*

*(1) The number of participants.*

*(2) The institutions of higher education in the United States that participants attended.*

*(3) The institutions of higher education outside the United States participants attended during their study abroad.*

*(4) The areas of study of participants.*

***SEC. 305. AUTHORIZATION OF APPROPRIATIONS.***

*There are authorized to be appropriated $1,500,000 for each fiscal year to carry out this title.*

***SEC. 306. EFFECTIVE DATE.***

*This title shall take effect October 1, 2000.*

## *TITLE IV—MISCELLANEOUS PROVISIONS*

***SEC. 401. SUPPORT FOR OVERSEAS COOPERATIVE DEVELOPMENT ACT.***

*(a) SHORT TITLE.—This section may be cited as the ''Support for Overseas Cooperative Development Act''.*

*(b) FINDINGS.—The Congress makes the following findings:*

*(1) It is in the mutual economic interest of the United States and peoples in developing and transitional countries to promote cooperatives and credit unions.*

*(2) Self-help institutions, including cooperatives and credit unions, provide enhanced opportunities for people to participate directly in democratic decision-making for their economic and social benefit through ownership and control of business enterprises and through the mobilization of local capital and savings and such organizations should be fully utilized in fostering free market principles and the adoption of self-help approaches to development.*

*(3) The United States seeks to encourage broad-based economic and social development by creating and supporting—*

*(A) agricultural cooperatives that provide a means to lift low income farmers and rural people out of poverty and to better integrate them into national economies;*

*(B) credit union networks that serve people of limited means through safe savings and by extending credit to families and microenterprises;*

*(C) electric and telephone cooperatives that provide rural customers with power and telecommunications services essential to economic development;*

*(D) housing and community-based cooperatives that provide low income shelter and work opportunities for the urban poor; and*

*(E) mutual and cooperative insurance companies that provide risk protection for life and property to under-served populations often through group policies.*

*(c) GENERAL PROVISIONS.—*

*(1) DECLARATIONS OF POLICY.—The Congress supports the development and expansion of economic assistance programs that fully utilize cooperatives and credit unions, particularly those programs committed to—*

*(A) international cooperative principles, democratic governance and involvement of women and ethnic minorities for economic and social development;*

*(B) self-help mobilization of member savings and equity and retention of profits in the community, except for those programs that are dependent on donor financing;*

*(C) market-oriented and value-added activities with the potential to reach large numbers of low income people and help them enter into the mainstream economy;*

*(D) strengthening the participation of rural and urban poor to contribute to their country's economic development; and*

*(E) utilization of technical assistance and training to better serve the member-owners.*

*(2) DEVELOPMENT PRIORITIES.—Section 111 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151i) is amended by adding at the end the following: ''In meeting the requirement of the preceding sentence, specific priority shall be given to the following:*

*''(1) AGRICULTURE.—Technical assistance to low income farmers who form and develop member-owned cooperatives for farm supplies, marketing and value-added processing.*

*''(2) FINANCIAL SYSTEMS.—The promotion of national credit union systems through credit union-to-credit union technical assistance that strengthens the ability of low income people and*

*micro-entrepreneurs to save and to have access to credit for their own economic advancement.*

*''(3) INFRASTRUCTURE.—The support of rural electric and telecommunication cooperatives for access for rural people and villages that lack reliable electric and telecommunications services.*

*''(4) HOUSING AND COMMUNITY SERVICES.—The promotion of community-based cooperatives which provide employment opportunities and important services such as health clinics, self-help shelter, environmental improvements, group-owned businesses, and other activities.''.*

*(d) REPORT.—Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development, in consultation with the heads of other appropriate agencies, shall prepare and submit to Congress a report on the implementation of section 111 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151i), as amended by subsection (c).*

***SEC. 402. FUNDING OF CERTAIN ENVIRONMENTAL ASSISTANCE ACTIVITIES OF USAID.***

*(a) ALLOCATION OF FUNDS FOR CERTAIN ENVIRONMENTAL ACTIVITIES.—Of the amounts authorized to be appropriated for the fiscal year 2001 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.; relating to development assistance), there is authorized to be available at least $60,200,000 to carry out activities of the type carried out by the Global Environment Center of the United States Agency for International Development during fiscal year 2000.*

*(b) ALLOCATION FOR WATER AND COASTAL RESOURCES.—Of the amounts made available under subsection (a), at least $2,500,000 shall be available for water and coastal resources activities under the natural resources management function specified in that subsection.*

***SEC. 403. PROCESSING OF APPLICATIONS FOR TRANSPORTATION OF HUMANITARIAN ASSISTANCE ABROAD BY THE DEPARTMENT OF DEFENSE.***

*(a) PRIORITY FOR DISASTER RELIEF ASSISTANCE.—In processing applications for the transportation of humanitarian assistance abroad under section 402 of title 10, United States Code, the Administrator of the United States Agency for International Development shall afford a priority to applications for the transportation of disaster relief assistance.*

*(b) MODIFICATION OF APPLICATIONS.—The Administrator of the United States Agency for International Development shall take all possible actions to assist applicants for the transportation of humanitarian assistance abroad under such section 402 in modifying or completing applications submitted under such section in order to meet applicable requirements under such section. The actions shall include efforts to contact such applicants for purposes of the modification or completion of such applications.*

***SEC. 404. WORKING CAPITAL FUND.***

*Section 635 of the Foreign Assistance Act of 1961 (22 U.S.C. 2395) is amended by adding at the end the following new subsection:*

*''(m)(1) There is established a working capital fund (in this subsection referred to as the 'fund') for the United States Agency for International Development (in this subsection referred to as the 'Agency') which shall be available without fiscal year limitation for the expenses of personal and nonpersonal services, equipment, and supplies for—*

*''(A) International Cooperative Administrative Support Services; and*

*''(B) rebates from the use of United States Government credit cards.*

*''(2) The capital of the fund shall consist of—*

*''(A) the fair and reasonable value of such supplies, equipment, and other assets pertaining to the functions of the fund as the Administrator determines,*

*''(B) rebates from the use of United States Government credit cards, and*

*''(C) any appropriations made available for the purpose of providing capital, minus related liabilities.*

*''(3) The fund shall be reimbursed or credited with advance payments for services, equipment, or supplies provided from the fund from applicable appropriations and funds of the Agency, other Federal agencies and other sources authorized by section 607 at rates that will recover total expenses of operation, including accrual of annual leave and depreciation. Receipts from the disposal of, or payments for the loss or damage to, property held in the fund, rebates, reimbursements, refunds and other credits applicable to the operation of the fund may be deposited in the fund.*

*''(4) At the close of each fiscal year the Administrator of the Agency shall transfer out of the fund to the miscellaneous receipts account of the Treasury of the United States such amounts as the Administrator determines to be in excess of the needs of the fund.*

*''(5) The fund may be charged with the current value of supplies and equipment returned to the working capital of the fund by a post, activity, or agency, and the proceeds shall he credited to current applicable appropriations.''.*

***SEC. 405. INCREASE IN AUTHORIZED NUMBER OF EMPLOYEES AND REPRESENTATIVES OF THE UNITED STATES MISSION TO THE UNITED NATIONS PROVIDED LIVING QUARTERS IN NEW YORK.***

*Section 9(2) of the United Nations Participation Act of 1945 (22 U.S.C. 287e–1(2)) is amended by striking ''18'' and inserting ''30''.*

***SEC. 406. AVAILABILITY OF VOA AND RADIO MARTI MULTILINGUAL COMPUTER READABLE TEXT AND VOICE RECORDINGS.***

*Section 1(b) of Public Law 104–269 (110 Stat. 3300) is amended by striking ''5 years'' and inserting ''10 years''.*

***SEC. 407. AVAILABILITY OF CERTAIN MATERIALS OF THE VOICE OF AMERICA.***

*(a) AUTHORITY.—*

*(1) IN GENERAL.—Subject to the provisions of this section, the Broadcasting Board of Governors (in this section referred to as the ''Board'') is authorized to make available to the Institute for Media Development (in this section referred to as the ''Institute''), at the request of the Institute, previously broadcast audio and video materials produced by the Africa Division of the Voice of America.*

*(2) DEPOSIT OF MATERIALS.—Upon the request of the Institute and the approval of the Board, materials made available under paragraph (1) may be deposited with the University of California, Los Angeles, or such other appropriate institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) that is approved by the Board for such purpose.*

*(3) SUPERSEDES EXISTING LAW.—Materials made available under paragraph (1) may be provided notwithstanding section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) and section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a).*

*(b) LIMITATIONS.—*

*(1) AUTHORIZED PURPOSES.—Materials made available under this section shall be used only for academic and research purposes and may not be used for public or commercial broadcast purposes.*

*(2) PRIOR AGREEMENT REQUIRED.—Before making available materials under subsection (a)(1), the Board shall enter into an agreement with the Institute providing for—*

*(A) reimbursement of the Board for any expenses involved in making such materials available;*

*(B) the establishment of guidelines by the Institute for the archiving and use of the materials to ensure that copyrighted works contained in those materials will not be used in a manner that would violate the copyright laws of the United States (including international copyright conventions to which the United States is a party);*

*(C) the indemnification of the United States by the Institute in the event that any use of the materials results in violation of the copyright laws of the United States (including international copyright conventions to which the United States is a party);*

*(D) the authority of the Board to terminate the agreement if the provisions of paragraph (1) are violated; and*

*(E) any other terms and conditions relating to the materials that the Board considers appropriate.*

*(c) CREDITING OF REIMBURSEMENTS TO BOARD APPROPRIATIONS ACCOUNT.—Any reimbursement of the Board under subsection (b) shall be deposited as an offsetting collection to the currently applicable appropriation account of the Board.*

*(d) TERMINATION OF AUTHORITY.—The authority provided under this section shall cease to have effect on the date that is 5 years after the date of enactment of this Act.*

***SEC. 408. PAUL D. COVERDELL FELLOWS PROGRAM ACT OF 2000.***

*(a) SHORT TITLE.—This section may be cited as the ''Paul D. Coverdell Fellows Program Act of 2000''.*

*(b) FINDINGS.—Congress makes the following findings:*

*(1) Paul D. Coverdell was elected to the George State Senate in 1970 and later became Minority Leader of the Georgia State Senate, a post he held for 15 years.*

*(2) Paul D. Coverdell served with distinction as the 11th Director of the Peace Corps from 1989 to 1991, where he promoted a fellowship program that was composed of returning Peace Corps volunteers who agreed to work in underserved American communities while they pursued educational degrees.*

*(3) Paul D. Coverdell served in the United States Senate from the State of Georgia from 1993 until his sudden death on July 18, 2000.*

*(4) Senator Paul D. Coverdell was beloved by his colleagues for his civility, bipartisan efforts, and his dedication to public service.*

*(c) DESIGNATION OF PAUL D. COVERDELL FELLOWS PROGRAM.—*

*(1) IN GENERAL.—Effective on the date of enactment of this Act, the program under section 18 of the Peace Corps Act (22 U.S.C. 2517) referred to before such date as the ''Peace Corps Fellows/USA Program'' is redesignated as the ''Paul D. Coverdell Fellows Program''.*

*(2) REFERENCES.—Any reference before the date of enactment of this Act in any law, regulation, order, document, record, or other paper of the United States to the Peace Corps Fellows/USA Program shall, on and after such date, be considered to refer to the Paul D. Coverdell Fellows Program.*

Mr. GILMAN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

Mr. GEJDENSON. Mr. Speaker, I reserve the right to object.

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

Mr. GEJDENSON. Mr. Speaker, I will not object. I just take the time to spend one moment to commend the chairman and the conferees on this important piece of legislation. It was not

long ago that the chairman and I and the First Lady, Hillary Rodham Clinton, joined together to continue this effort to make microenterprise a central element of our foreign assistance. I want to say that the chairman has done an outstanding job in continuing that effort.

I yield to the gentleman from New York for any comments he might make.

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding and I thank the gentleman from Connecticut who has been a cosponsor of this measure for being so supportive of this measure.

I am pleased today to ask our colleagues to support H.R. 1143, the Microenterprise for Self-Reliance and International Anti-Corruption Act of 2000.

Mr. Speaker, the House passed H.R. 1143, the Microenterprise of Self-Reliance Act, in 1999 to increase support for the very important work of microenterprise institutions the world over who produce tangible results and change the lives of thousands of poor people in developing societies.

This landmark bill not only honors the fine organizations and leaders who promote private enterprise and development efforts throughout the world in furtherance of our country's objective of helping those who help themselves, but also serves to place a higher priority on microenterprise programs as an essential component of our development assistance.

This bill is designed to provide a framework for the delivery of seed capital to poor entrepreneurs who are the backbone of the informal economies in developing countries. By strengthening micro enterprises, more income is generated and jobs are created at the grassroots level. Hence, poor economies grow and the need for foreign development assistance declines.

In Africa, more than 80 percent of employment is generated in the informal sector by the self-employed poor. However, many poor entrepreneurs are trapped in poverty because they cannot obtain credit at reasonable rates to build their asset base or expand their otherwise viable self-employment activities.

The microenterprise community has clearly demonstrated that the poor are capable of expanding their incomes and their businesses dramatically when they can access microloans at reasonable rates. H.R. 1143, authorizes programs that can reach these poor people who want to help themselves and thereby help to build their societies.

To date, many fine organizations such as the Foundation for International Community Assistance, Action International, and Opportunities International have built fine records that illustrate that lending directly to the poor is a good investment and that poor people can do repay their loans and build successful businesses.

Mr. Speaker, Microenterprise institutions not only reduce poverty, but they also reduce dependency and enhance self-worth. These are ultimately the objectives that we all wish to achieve in the developing world.

I am pleased to highlight that microenterprise institutions are very successful in raising private funds in conjunction with those provided by our government. These efforts are commendable and should be replicated in other foreign assistance programs as well. It is precisely this approach of having the private and public sectors working together that will yield the results and genuine development that we all seek for the less fortunate of the globe.

By providing access to micro credit to the world's poor, our country stimulates the entrepreneurial spirit and helps to develop and stimulate the informal economies of some of the world's poorest countries. This investment, rather than a hand out, makes good sense and makes a true difference in the lives of the less fortunate.

Mr. Speaker, I wish to thank the microenterprise community, especially the Microenterprise Coalition, including FINCA, Action International, and Results for their constructive suggestions and assistance. I am also grateful for the assistance provided by the Administration and the staff of the Senate Foreign Relations Committee.

Mr. GEJDENSON. Reclaiming my time under my reservation, if I could just add, also, I would like to thank the gentleman from Arizona (Mr. KOLBE), the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the chairman, as well, for their work on the anti-corruption portions of this conference report. This is an important piece of legislation. America has lost as much as $26 billion to foreign bribes. We have now got our G–8 partners joining with us to fight corruption and bribery. This legislation will help build strong democracies globally.

Over the past five years, U.S. firms overseas lost nearly $26 billion in business opportunities to foreign competitors offering bribes.

Unethical business practices continue to jeopardize our ability to compete effectively in the international market.

Bribery and other forms of corruption impede governments in their efforts to deliver basic services to their citizens; they undermine the confidence of people in democracy; and they are all too often linked with trans-border criminal activity, including drug-trafficking, organized crime, and money laundering.

In 1999, the Vice President convened a Global Conference on Fighting Corruption where he declared corruption to be a direct threat to the rule of law and a matter of profound political and social consequence for our efforts to strengthen democratic governments.

It is inarguably in the U.S. national interest to fight corruption and promote transparency and good governance.

My bill will make anti-corruption measures a key principle of our foreign aid program.

By helping these countries root out corruption, bribery and unethical business practices, we can also help create a level playing field for U.S. companies doing business abroad.

When Congress passed the Foreign Corrupt Practices Act in 1977, the United States became the first industrialized country to criminalize corruption. It took us nearly two decades to get all the other industrialized nations to do the same. But American leadership and perseverance succeeded in getting countries which once offered tax write-offs for bribes to pass laws that criminalized bribery.

This bill extends our leadership in fighting corruption to the developing countries.

The International Anti-Corruption and Good Governance Act of 2000 requires that foreign assistance be used to fight corruption at all levels of government and in the private sector in countries that have persistent problems with corruption, particularly where the United States has a significant economic interest.

The bill would also require an annual report on U.S. efforts in fighting corruption in those countries which have the most persistent problems. My intent in requiring this report is to get from the Administration a comprehensive look at all U.S. efforts—diplomatic as well as through our foreign aid program—in those 15–20 countries where we have a significant economic interest or a substantial foreign aid program and where there is a persistent problem with corruption.

This bill makes an important contribution to pro-actively preventing crises that would result from stifled economic growth, lack of foreign investment, and erosion of the public's trust in government.

Among other things, the act establishes anti-corruption and good governance programs as priorities within our foreign assistance programs. The act underscores the importance of our efforts to combat corruption and promote good governance overseas.

It will also allow administrations some flexibility in those relatively rare circumstances where developments on the ground, such as a coup or an economic crisis, would otherwise restrict it from acting through nongovernmental organizations.

Thus, provisions of law that would otherwise restrict assistance to foreign countries are made inapplicable, with certain exceptions, to assistance provided in furtherance of this act. Assistance that would have been prohibited except for this authority cannot be provided directly to the government of such a country, but can be provided to the government through grants and contracts with nongovernmental organizations.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. QUINN). Without prejudice to the possible resumption of legislative business and under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

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

## FEDERAL RESERVE NOTES

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

Mr. METCALF. Mr. Speaker, I am certain that U.S. citizens would be furious if they realized that each person pays $100 each year to the Federal Reserve to rent the paper money we use. Why do we each pay $100 for the privilege of using Federal Reserve notes when we could use United States Treasury currency with no cost at all? If we issued our paper money the same way that we issue our coins, we could reduce the national debt by $600 billion and eliminate $30 billion out of annual payments, interest payments on the Treasury bonds, interest on the U.S. Treasury bonds held by the Federal Reserve supposedly to back the currency.

The Federal Reserve notes we use are technically liabilities of the Fed. It would be easy to fix this badly broken system. Congress need only pass a law declaring that all Federal Reserve notes are officially United States Treasury currency. This would relieve the Fed of all liability for our paper money, and they would then be required to return the bonds that they have held as backing for our currency presently.

We owe it to the citizens of our country to make every effort to reduce this foolish and costly burden.

## COMMENDING IDAHO STUDENTS FOR TAKING THE PLEDGE TO SAVE OUR SCHOOLS FROM VIOLENCE

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

Mr. SIMPSON. Mr. Speaker, tragic events often imprint on our minds vivid memories. Most Americans remember exactly where they were when President John F. Kennedy was killed or when the Challenger spaceship exploded. I believe Americans will remember where they were when two high school students in Littleton, Colorado, killed 13 innocent people.

As the Representative for Idaho's Second Congressional District, I clearly remember when I learned of the Columbine massacre. I was voting on a series of bills when a member of my staff pulled me to the television. I watched as students ran out of the school accompanied by SWAT teams. I witnessed a young man breaking a second store library window and falling into a fireman's arms in order to escape the rampage. These images will haunt America forever.

Unfortunately, school violence is too common today. In 1940, public school teachers ranked the top seven disciplinary problems in public schools. They were talking out of turn, chewing gum, making noise, running in the hall, cutting in line, dress code violations and littering. In 1990, the problems had changed to drug and alcohol abuse, pregnancy, suicide, rape, robbery and assault. In the last 12 months alone the number of children bringing weapons to schools in Idaho is up more than 25 percent. Our problems have changed significantly and so must our solutions.

After the Columbine tragedy, I decided a dialogue must begin on the local level to bring about positive change rather than focusing on Federal legislation. I organized three town hall meetings in my district called Saving Our Schools, or SOS meetings. I invited the student body presidents to participate in a panel about school violence. Each president from the surrounding schools also signed an antiviolence pledge that they took back to their high schools.

Today, it is my pleasure to report that more than 5,000 students from over 40 Idaho high schools in my district took the pledge. The pledge reads: ''I pledge to keep my school and community safe by never using violence to solve my disagreements and taking personal responsibility for my actions.'' Some of those Idaho high schools include Aberdeen High School, Blackfoot High School from which I graduated, Buhl, Burley, Butte, Castleford, Firth, and on and on.

The maturity and perception of the students during the town hall meetings and assemblies impressed me. Idaho holds top-notch students who care about their schools. School violence is not going away, and there is not just one answer. But my hope is that schools and communities will look for answers tailored to their needs to ensure schools are places of learning, not of fear.

I encourage my colleagues to initiate similar dialogues with the students, parents and school officials in the communities of their districts before tragedy strikes, not after. As we begin another school year, I hope my House colleagues will urge the students in their districts to take the pledge against violence in our Nation's schools.

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

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

## PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, on April 12, I led an hour of debate of prescription drug coverage for senior citizens. I read three letters from around the state from seniors who shared their personal stories. On the 12th, I made a commitment to continue to read a different letter every week until the House enacts reform. That was six months ago. Although the House passed a prescription drug bill this summer, I believe it will not help most seniors. So, I will continue to read letters until Congress enacts a real Medicare prescription drug benefit. This week, I will read a letter from Harriet Simmons of Detroit, Michigan.

Text of the letter:

Dear Congresswoman STABENOW: I am writing to express my concern over the escalating cost of prescription drugs for seniors. As a senior myself, I must take the medicines prescribed by my doctor to maintain my health. The cost of these drugs can rise from month to month. Sometimes, I have had to purchase half of my medicine or take less so it will last longer.

The Michigan Emergency Pharmaceutical Program for Seniors provides temporary help for 3 months out of the year if you qualify. But, what are we to do the remaining 9 months? Many seniors are too young or just above the income guidelines to qualify. We need help in obtaining our prescriptions for the above cited reasons. I support your efforts to lower the cost of drugs for seniors.

I would like to add: We are senior citizens today but yesterday we were active, tax paying citizens. Don't mistreat us now. We need protection.

Sincerely,

HARRIETT SIMMONS.

Harriet deserves a genuine Medicare prescription drug benefit. Time is running out to do something in this Congress. We must enact real prescription drug reform before we adjourn.

## SOCIAL SECURITY SOLVENCY

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

Mr. SMITH of Michigan. Mr. Speaker, this is good news, I think, for people that are concerned with Social Security. Social Security is one of America's most important programs. I think we have missed a great opportunity in the last 8 years not to develop the kind of policy changes in Social Security that will for sure keep it solvent. Now it is part of the great debate, and I think it is important that we all understand a little better how the Social Security program works. Social Security benefits are a guaranteed act; and the fact is, is that there is going not to be enough money coming in from the payroll tax to pay benefits without some changes. The big change is a better return on the investments.

When Franklin Roosevelt created the Social Security program over 6 decades ago, he wanted it to feature a private sector component to build retirement income. Social Security was supposed to be one leg of a three-legged stool to support retirees. It was supposed to go hand in hand with personal savings and private pension plans. Of course, when it passed through the Senate, it is interesting. The Senate on two votes back in 1935 said that it had to be optional investments so individuals could invest their own money. Provisions were put into that law so that certain States and counties would be allowed to have alternative private investment plans, and now we are seeing counties in Texas and around the country that opted out of Social Security getting four or five, six, 10 times as much benefits from their pension retirement plans that they own as opposed to what Social Security would pay.

The biggest risk is doing nothing at all in Social Security. One thing I am concerned about is President Clinton and Vice President GORE have suggested that we simply add huge, giant IOUs to the Social Security trust fund. The problem with that is that the full faith and credit of this country is good, but the way we pay back Treasury notes now is simply to borrow more money. If we are going to borrow $20 trillion, it is going to tremendously change the economics of this country.

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Social Security has a total unfunded liability of over $20 trillion. The Social Security trust fund contains nothing but IOUs. That means you have to either borrow the money to pay it back, increase taxes to pay it back, or you have to reduce benefits. We have to have two things very clear: No increase in taxes, and no reduction in benefits for existing or near-term retirees.

To keep paying the promised Social Security benefits, the payroll tax will have to be increased at least 50 percent of total income or benefits will have to be cut by one-third. Neither of those options are good.

In conclusion, this is the demonstrated problem of Social Security. We are in a short range up to for the next 12 to 15 years of a little more money coming in in the Social Security payroll tax than is needed to pay benefits. But then look what happens in the out years. Twenty trillion, in today's dollars, but in those dollars that are going to have to be paid out over and above what is coming in from the Social Security tax 50 or 60 years from now, it is going to be 120 trillion of those inflated future year dollars. Huge problems. It needs to be dealt with now. We have to get a better return on the investment.

The six principles of saving Social Security that I and Senator ROD GRAMS have come up with are: Protect the current and future beneficiaries; allow freedom of choice; preserve the safety net; make Americans better off, not worse off; create a fully funded system; and no increase in taxes.

Right now the average American worker pays more in the payroll FICA tax than in the income tax. Seventy-eight percent of American workers pay more in the FICA tax than they do the income tax. Let us not increase taxes on them again. Let us do something now, so we do not pass this burden on to our kids and grandkids.

## RYAN WHITE CARE ACT

The SPEAKER pro tempore (Mr. QUINN). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is my pleasure to be able to rise and support S. 2311, the reauthorization of the Ryan White CARE Act. This legislation needed to come to the floor before the end of the 106th Congress. It is imperative that we continue the fight for treatment dollars to deal with those who are HIV infected and those who are affected.

Thanks to the efforts of collaboration, this legislation provides a funding formula that will actually ensure that all Americans suffering from this devastating disease are properly covered. In particular, it will work to enhance some of the devastated areas in African-American areas and Hispanic areas to provide resources for those communities.

The legislation maintains the integrity of the multi-structure of the CARE Act, allowing funds to be targeted to the areas hardest hit by the HIV and AIDS epidemic. In addition, I am pleased that the legislation maintains and, in fact, strengthens the decision-making authority of local planning councils and allows resources to be used to locate and bring more individuals into the health care system.

I am also delighted to learn that the bill will provide more individuals with early intervention services, such as counseling and testing. This is particularly important in the 18th Congressional District, where many faith-based organizations, nonprofits, are now realizing the importance of education and prevention and speaking the cultural language of the different unique communities that need to understand the dangers of not having knowledge about HIV and AIDS.

This bill, that I have supported in years past and am delighted to extend my support, extends Medicare coverage to people living with HIV. Under this legislation adopted now, States will have the ability to add poor and low-income uninsured persons living with HIV to the list of persons categorically eligible for Medicaid.

This is very important for people in the 18th Congressional District here in Houston for getting proper coverage, and it is very critical that they receive the kind of quality care that is necessary. There are HIV-infected persons in my district and across America that need some relief immediately, and thus the Medicaid provision is imperative.

Under current rules, most people living with HIV are ineligible for Medicaid until they have progressed to AIDS and are disabled. We wanted to engage individuals who are infected so they can have the proper care and treatment. We know with the new health care revolutions and the new drug treatments that have come about, it is very important to have early intervention so that these individuals can live full, active lives. New treatments, such as the highly active heart therapy, are successfully delaying the progression of HIV progression to AIDS.

Mr. Speaker, this is very exciting. We can turn this situation around. Early access to HIV treatment is imperative. I remember coming to this Congress in the early 1990s or in 1990 as a local elected official to join with Senator KENNEDY as he introduced the Ryan White treatment dollars.

This reauthorization is a testimony that it works, that treatment works, and now we must focus on prevention. I believe the legislation must be signed by the President. The formula will add to people's lives; it will in fact save lives. I am very delighted to support this legislation, and I look forward to it being signed by the President so that it can save lives, not only in Texas and in my district, but throughout this Nation, as we continue to fight the AIDS epidemic throughout the world.

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

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

## CONGRESS RESTORES THE UPARR PROGRAM

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

Mr. GEORGE MILLER of California. Mr. Speaker, earlier this week the House passed the Department of Interior appropriations conference report for the year 2001 by an overwhelming margin. Many of the votes for that legislation were the result of an historic commitment of funds to efforts to preserve our national resources, including parks and other public lands, wildlife, endangered species, forest programs and others.

We are providing this support through a new $1.6 billion Lands fund because of the severe underfunding of resource programs over the past decade that have led to a deterioration of the environment and the recreational opportunities for tens of millions of Americans who treasure their national parks, wilderness areas, coasts and other public lands.

No program has been more unjustifiably undermined than the Urban Parks and Recreation Program known as UPARR.

UPARR is a vital program that provides on a matching basis relatively small grants to towns and cities throughout America to try and provide some expanded recreational opportunities to children who have very few alternative recreational opportunities. Across this country, there are dozens of towns and cities where baseball fields are overgrown, soccer fields are short of equipment, gyms and courts are unusable, and every day tens of thousands of children pass by those vacant and useless playgrounds and gyms and have to find something to do after school and in their evening hours. These are the children who fall prey to crime and drugs and gangs and inappropriate sexual activity that place

these children and their futures in jeopardy.

UPARR answers a terrible need for these children in their communities. And yet, for the past decade, UPARR has been denied funding by the Congress. Even though dozens of cities and towns filed applications and were prepared to raise the matching funds, the Congress refused to provide even minimal funding for UPARR, despite all the statements of concern about children's well-being and about the need for after school athletics and mentoring programs.

For the past several years, I have been working with a wide range of organizations to fund the UPARR program. I want to pay special tribute to Tom Cove, the Vice President of the Sporting Goods Manufacturers Association, who has spent so much of his time helping to build a network of people outside of Washington on behalf of UPARR's revival and who has been so successful here in the Congress and the administration in persuading people of this vital program.

The UPARR coalition consists of a diverse array of organizations and interests, including the National Council of Youth Sports, which represents 46 million children through the National Youth Sports Leagues, such as Little League, Pop Warner football; the Amateur Athletic Union; the U.S. Soccer Foundation; PONY baseball; and the U.S. Conference of Mayors, especially Mayor Victor Ashe of Knoxville, Mark Morial of New Orleans, and Rosemary Corbin of Richmond, California.

We have also had tremendous help from professional sports organizations and players, who recognize the need in providing young people a safe place to play and learn. I want to recognize our friends at the National Football League, the NFL Player Association, and Major League Baseball's ''Reviving Baseball in the Inner Cities'' program. We have also had great support from the Police Athletic League, and I especially want to recognize them. They have fought long and hard with us for today's victory for UPARR.

I also want to pay tribute to some of the people in the Seventh Congressional District of California who have been energetic and indefatigable supporters of UPARR, including Mayor Rosemary Corbin of Richmond, California; C.A. Robertson of the Richmond Police Activities League and the statewide Police Activities League; the Greater Vallejo Recreation District and its general manager, Skip Radziewicz; and the Tri-City County Open Space Committee and its chair, Duane Krumm.

Throughout the Nation, individuals such as these have joined together and demanded that Congress provide substantial new funding for UPARR; and this week, they succeeded. When we began this effort, UPARR was receiving nothing, only a few short years ago, not one cent, despite all the rhetoric about concern for our children. So we committed ourselves to UPARR's revival; and we began slow, finding a couple of million dollars on the House floor from here and there.

We were able to convince the Clinton administration that this was a worthy program that met the President and First Lady's goals for children, and a couple of million dollars was included in last year's budget.

This year the President asked for $10 million; and in the bill we passed today, that number was increased to $30 million for each of the next 6 years. I want to thank the members of the Committee on Appropriations for that increase, the gentleman from Ohio (Mr. REGULA), the gentleman from Wisconsin (Mr. OBEY), and the gentleman from Washington (Mr. DICKS). And we intend to get more, because with this program we can turn our cities around and we can change the lives of millions of young children.

Today's bill, while not the level of funding we sought in the Conservation and Reinvestment Act, is an enormous increase to $30 million for each of the next 6 years, with the promise of more above that. With the coalition we have built, I am confident we will successfully compete for dollars within the Committee on Appropriations for UPARR dollars and build a network of recreation and athletic facilities throughout the cities and towns of this Nation.

## STATEMENT OF ROANE COUNTY, TENNESSEE, HIGH SCHOOL PRINCIPAL JODY MCLOUD CONCERNING SCHOOL PRAYER

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

Mr. DUNCAN. Mr. Speaker, several years ago, William Raspberry, the great columnist for the Washington Post, asked in a column these words. He said, ''Is it not just possible that anti-religious bias masquerading as religious neutrality has cost this country far more than it has been willing to acknowledge?'' I think that is a very good question.

In light of that, I would like to read a statement that Roane County, Tennessee, high school principal Jody McLoud read over the public address system before his school's first football game on September 1, following the Supreme Court decision outlawing or banning prayer at high school football games across the Nation.

Mr. McLoud said this:

It has always been the custom at Roane County High School football games to say a prayer and play the National anthem to honor God and country. Due to a recent ruling by the Supreme Court, I am told that saying a prayer is a violation of Federal case law.

As I understand the law at this time, I can use this public facility to approve of sexual perversion and call it an alternative lifestyle and if someone is offended, that's okay.

I can use it to condone sexual promiscuity by dispensing condoms and calling it safe sex. If someone is offended, that's okay.

I can even use this public facility to present the merits of killing an unborn baby as a viable means of birth control. If someone is offended, no problem.

I can designate a school day as Earth Day and involve students in activities to religiously worship and praise the Goddess Mother Earth and call it ecology.

I can use literature, videos and presentations in the classroom that depict people with strong traditional Christian convictions as simple minded and ignorant and call it enlightenment.

However, if anyone uses this facility to honor God and ask Him to bless this event with safety and good sportsmanship, Federal case law is violated.

This appears to be, at best, inconsistent, and, at worst, diabolical.

Mr. MCLOUD continued.

Apparently we are to be tolerant of everything and everyone except God and His commandments.

Nevertheless, as a school principal, I frequently ask staff and students to abide by rules with which they do not necessarily agree. For me to do otherwise would be at best inconsistent and at worst hypocritical. I suffer from that affliction enough unintentionally. I certainly do not need to add an intentional transgression.

For this reason, I shall ''render unto Caesar that which is Caesar's'' and refrain praying at this time. However, if you feel inspired to honor, praise and thank God and to ask Him in the name of Jesus to bless this event, please feel free to do so. As far as I know, that is not against the law yet.

That is the statement by Roane County, Tennessee, High School Principal Jody McLoud.

I can tell you that we open up every session of the House and Senate with prayer, but it is unfortunate, the recent Supreme Court decision.

I commend Roane County, Tennessee, High School Principal Jody McLoud for this very fine statement, and I close by asking the question that William Raspberry asked a few years ago in his column, is it not just possible that anti-religious bias, masquerading as religious neutrality, has cost this Nation far more than it has been willing to acknowledge?

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## RESTORE FEDERAL RECOGNITION TO THE MIAMI NATION OF INDIANA

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

Mr. SOUDER. Mr. Speaker, this afternoon I have introduced a bill to restore the Federal recognition to the Miami Nation of Indiana.

The Miami Nation of Indiana is one of our most historic Indian nations. Unfortunately, it is not currently recognized by the Federal Government. It is an ironic situation that we face. When Anthony Wayne won the battle of Fallen Timbers that lead directly to the Treaty of Greenville in 1795, the Miami Nation, at that point a defeated nation, entered into negotiations over a period of time with William Henry

Harrison in the Northwest Territory and the Federal Government, ceding millions of acres.

Chief Richardville, the civil chief of the tribe, and Little Turtle, the war chief of the Miami Nation, did the best they could to keep as many Miamis in Indiana as possible, approximately at that point 800. The rest were transported in one of the many cases of mistreatment of Native Americans by the American Government, and moved across the Mississippi River.

That tribe continued to be recognized and currently is basically the Miami of Oklahoma. They have completely at this point a distinctive history, a distinctive tribal form of government from the Miami Nation of Indiana. They moved across the Mississippi, then down into Oklahoma, have their own tribal governments and work with that, and occasionally even come in conflict with their brothers from Indiana over what to do with artifacts, over what things are important in the tribe. Because quite frankly, the Indiana Miami are not in many ways a traditional nation, in the sense they were not part of the reservation system that many other Indian tribes in America were part of.

Their goals as a tribe are different. Theirs are predominantly historic and cultural goals as opposed to necessarily the same financial goals, because they are more or less integrated in, but that does not mean that they have not been a continual independent nation. Much of this is detailed in the book ''The Miami Indians of Indiana.'' This particular book was given to me by Charles Bevington, or Meshintoquah, chief of the Pecongeah Clan of the Miami Nation of Indiana.

And he, Chuck, still gets benefits from the treaty of Greenville from 1795. His kids get benefits from the Treaty of Greenville; yet our government says they are not an Indian tribe. Now, wait a minute. If they are getting treaty benefits directly from 1795, this seems like a tad of a stretch.

Let me make a couple of points with this: one is, they have been in continual relationship with the Federal Government, one of the standards to be an independent Indian nation. One of the problems was that in 1897, the Secretary of the Interior based on an opinion by a then assistant Secretary withdrew the acknowledgment of the Indiana Miamis as a tribe.

Since then, Congress has never terminated this relationship. Since then, there has been an acknowledgment that that was an error in 1897. In 1990, the Department of the Interior specifically admitted that the opinion of Attorney General Van Devanter was incorrect and that the trust relationship of the Indiana Miamis was wrongfully terminated. In other words, in 1897 this was wrongfully done. They reappealed to the BIA and lost their appeal, because, apparently, some of the minutes from meetings in either the late 1950s or early 1960s were lost partly because the Secretary's house trailer burned and the Miami did not have records of their continual meetings they had. They had powwows in our district, and throughout parts of northern Indiana they have had a consistent form of tribal government. So we are basically looking at technicalities that have disqualified a nation that is one of our most historic.

Let me give my colleagues a couple of examples. The famous Indian chief, Little Turtle, was one of the greatest warriors in American history. This is a drawing by a Miami of Indiana person who lives in Fort Wayne area, my hometown. What is interesting about this is, this is not a drawing that is contemporary of its period, because the only oil painting of Little Turtle was in the White House, and it was burned when the White House was burned in 1812 when James Madison was President. And it was by Gilbert Stuart.

But this is a likeness drawn after that. Little Turtle is famous because on American soil, he is the only person to have defeated full-blown American armies authorized by this Congress, not once, but twice, bigger defeats, than Custard, bigger defeats than the Western, different things where Crazy Horse and Sitting Bull and all of those famous Indian chiefs, Little Turtle defeated American armies twice.

George Washington said they had to get the junction of the rivers in what is now Fort Wayne but at that time was Kekionga, because it was the controlling of the Northwest territory and we would have never had a Lewis and Clark. We never would have had a Louisiana Purchase if we could not get control of the Northwest Territory. Little Turtle twice defeated those armies.

He was victorious right near Eel River where his settlement was, and he also defeated La Balme from France, who was considered the foremost calvary officer in France.

But then Little Turtle realized he was not going to be able to defeat Anthony Wayne. He stayed in the coalition with Blue Jacket and other Indian tribes, the Shawnee and others; but they were defeated at the battle of Fallen Timbers and that led to a change in the West. Little Turtle decided to work with the United States Government. Then the civil chief, Chief Richardville, also decided to work with the United States Government and in Fort Wayne. We hope within a few months this will be a national historic landmark; it is the oldest Indian treaty house east of the Mississippi still on its site.

It is Chief Richardville's house. It is where the Miami Nation congregated. It was their civil chief. We also have Richardville's son-in-law Lafontaine, in an Indian house. After all, Indiana is named after the Indians, but we do not have respect and have not respected them enough.

We have two treasures of these homes. This is apparently the only Native American home east of the Mississippi on its original site. Richardville and Little Turtle were in fact in essence punished because they stopped warring with the United States.

It is time that the United States correct what are acknowledged wrongs in decertifying the Miami Nation in 1897, to reconcile the bookkeeping error. One last point, they have agreed by a 12 to zero council meeting to suspend their gaming rights. The act says that pursuant they will not pursue gaming in class 3, and only be allowed with expressed approval from Congress.

It is unfortunate that true rights are being denied because of gambling, but they have agreed to suspend theirs.

## JAMES RIADY INVITES BILL CLINTON TO LIPPO BOARD

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

Mr. BURTON of Indiana. Mr. Speaker, last year, during our investigation, the Committee on Government Reform had John Huang testify that James Riady, a close personal friend of the President of the United States, organized a scheme to funnel a million dollars into the President's campaign in the early 1990s. Around $700,000 to $800,000 of that money was raised, brought into the country from Indonesia through conduits, and funneled into the campaign as had been promised.

We believe much more than that was brought in, but that is all we could account for. Most of that money was sent back, was returned, because it was illegal campaign contributions. We have been after the Justice Department for some time to, in absentia, indict Mr. Riady for illegal campaign contributions and for obstruction of justice.

Mr. Riady fled the country. He is now living in Indonesia, and he is one of the major partners or executive officers in the Lippo Group, which was formed by his father, Mochtar Riady, sometime ago.

Mr. Riady also orchestrated a complex scheme to launder over $4 million in political contributions to various campaigns, parties and other nonprofit groups in addition to the money that he gave to the President's campaign in the early 1990s.

And throughout the 1990s, he worked with John Huang, helped get John Huang appointed to the Democratic National Committee leadership, so that he could extract more money from illegal sources in China and the Far East, including Indonesia.

The Justice Department has not moved to indict Mr. Riady, and that is something that we have really been fighting with them about, because we think, even though he is in Indonesia, he has violated American law, he has fled the country, and he has not complied with subpoenas from our committee and others.

One of the things that really bothers me, and the reason I come to the floor today, is not to rehash what we have known for a long time, Mr. Speaker; but today we find out that Mr. Riady invites the President of the United States to be on the Lippo board of directors in Indonesia. This comes right from the Far Eastern Economic Review that was reported today, and I urge my colleagues to look at the article.

Mr. Speaker, I include this article for the RECORD.

RIADY INVITES CLINTON TO LIPPO BOARD

Indonesian tycoon James Riady has invited U.S. President Bill Clinton to join the board of Lippo Group when he steps down from Office early next year, according to business people who have met Riady in Jakarta recently. Riady has been telling business contacts in Jakarta that he expects Clinton to accept, even though the U.S. president has been dogged by allegations that Riady funnelled illegal foreign donations to Clinton's 1992 and 1996 election campaigns. A former Lippo Group employee reports that as far back as the mid-1990's Riady was said to be trying to recruit Clinton to the board as soon as he left office. Jakarta police are currently helping the U.S. Justice Department in its investigation of the alleged campaign contributions.

The article reads like this: ''Riady invites Clinton to Lippo board. Indonesian tycoon James Riady has invited President Bill Clinton to join the board of Lippo Group when he steps down from office early next year, according to business people who have met with Mr. Riady in Jakarta recently. Riady has been telling business contacts in Jakarta that he expects Clinton to accept even though the U.S. President has been dogged by allegations that Riady funneled illegal foreign contributions to the 1992 and 1996 campaigns.''

The thing that is interesting about this, and I am not accusing the President of anything, so I do not want to be stopped for anything, but the thing that is interesting about this, Mr. Speaker, is that the beneficiary of one of the major decisions by the administration was the Riady group, the Lippo Group, in Indonesia.

Sometime in the 1990s, the President took the coal reserve, the largest clean burning coal reserve in the United States, out of possible production in Utah and made it a national park. Many engineers told us that this could have been mined in an environmentally safe way; but, nevertheless, the President said he wanted to make it a national park to preserve the ecology.

Now the beneficiary of that was the Lippo Group in Indonesia, because they have one of the largest clean burning mining operations in the entire world. And when you take this large reserve out of possible production in Utah, the only real beneficiary that we could find was the Riadys and the Lippo Group in Indonesia.

In addition to that, Mr. Riady met with the President in the back of a car in 1992, and again in 1996 worked with him, met with him, and funneled, we believe, millions of dollars in illegal campaign contributions in from Indonesia and from China and many of those hundreds of thousands of dollars of this money was returned because it was to be illegal.

Now we find out that the Riady group is going to put the President on the board of directors when he leaves office in January. All I can say is that this really bothers me a great deal, because all of the information we have would lead one to believe that the very strong possibility exists that a lot of these things were done to benefit the Riady group, and now they are going to put the President on the board of directors. I think every American ought to know that.

## NO ENERGY POLICY UNDER CURRENT ADMINISTRATION

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

Mr. YOUNG of Alaska. Mr. Speaker, I, again, rise in the special orders for my colleagues to understand the importance of the energy policy of the United States under this present administration, which is zero. There is no energy policy. In fact, under this administration, we have declined the use of nuclear. We have declined the use of oil. We have declined the use of coal. We have declined the use of hydro.

And, in fact, there has never been a position where they have developed any new power as our population grows and our economy grows. We are using more power every day, and this administration has sought not to do it.

During an election time, the presidential candidate, what is his name, Mr. GORE, decides to asks us to lower the price of fuel in the Northeast by using our reserves. Now, I cannot think of anything more ridiculous and using a reserve that was set up when I was here and this Congress set it up for strategic purposes, in case there was a cutting off of our shipping channels and we needed that fuel for military purposes. That is why it was set up.

There is no shortage of oil. Yes, there is an increase of prices because we are dependent because of this administration's policy on foreign oil. Now, we have a lot of oil and gas in the United States of America. We just have not been able to find it or develop it because of the policies of the Department of Interior, the President of the United States and the Vice President.

What I am very familiar with, of course, is Alaska. Everybody knows that Alaska's Prudhoe Bay, 16 billion barrels have been delivered to the United States. Every American citizen has benefited from that. It has not gone overseas. It was from Prudhoe Bay, developed in 1973 by this Congress because we had an embargo in place.

What else do we have in Alaska? We have in Alaska a place called 1002 area, right here, right here, 74 miles from the existing pipeline that could deliver us a million barrels a day for the next hundred years.

Everybody said what is a million barrels a day? I heard the other night that my so-called candidate, Mr. GORE, he is not my candidate, but the candidate of many unenlightened people, Mr. GORE said we should not destroy the pristine areas, the last ones we have in Alaska. Alaska, every area you see in Alaska has been set aside here, here, here, here, here, here, here, here, here, here, here, here, all the way around 147 million acres of land, set aside for wilderness for a great purpose for the American people. Right up here we have 1.5 million acres that has the potential, 39 billion barrels of oil.

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That is 39 billion barrels of oil, a million barrels a day which we are now buying from Saddam Hussein that we could be producing and shipping through our pipeline to the American people. But what does Mr. GORE say? Oh, we cannot develop it.

Show me one area where he suggested developing will occur. He has not done it in his 8 years, he did not do it when he was in the House, and he did not do it while he was in the Senate. He does not believe in it.

To have him say now that we are going to use the reserve and not support opening this ANWR area to me is ridiculous.

By the way, Mr. Speaker, the footprint is less than 12,000 acres, to give the American people, give the American people 1 million barrels a day for the next 100 years. That is what is so crucially important.

But along those lines, keep in mind there has been no energy policy by Mr. GORE. He has none now; and he will have none in the future, other than the fact he wants us all to peddle bicycles. That is his idea.

He raised taxes while he was in the Senate, and he has proposed raising taxes while he was Vice President. Remember, Mr. Speaker, and my colleagues who drive back and forth and fly an airplane, those taxes were raised supposedly to stop our consumption. It has not done so, and in the meantime we have become more dependent, 57 percent today and by the year 2005 it will be 60 percent, which we will be dependent upon foreign countries for oil.

By the way, anytime someone controls us 60 percent, we will do anything they tell us to do. As bad as it is, we will do it because they control us. That is what this administration has done to us; they have made us subservient to the foreign countries and not America.

I always hear the Vice President talk about big oil. There is no big oil that belongs to America anymore; it belongs to the foreigners. He supported that.

We have heard the previous speaker talk about the Lippo situation, the coal situation. There is another classic example where being dependent on foreign countries is wrong. We must as a

Nation have an energy policy. We must have a President who understands the energy policy. This is crucially, crucially important.

## THE NEED FOR A NATIONAL ENERGY POLICY

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

Mr. GEKAS. Mr. Speaker, the gentleman from Alaska has outlined the necessity for energizing an energy policy. That is important for the future of our country. The lack of the current administration's intentions towards formulating an energy policy gives us this mandate now to do so in their place, so the gentleman from Alaska properly says Alaskan oil, ANWR, is one element of that.

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

Mr. GEKAS. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I want to compliment the gentleman because he has introduced a bill to do just that, to take into consideration all of the facets of energy, to take and decide how many Btus we need for the future of this Nation.

Right now that has not happened. In fact, the administration has closed down 34 refineries in the United States. The last refinery, built in 1980, was in Alaska. That is what has happened to us.

The gentleman's bill, and I believe I am a sponsor with the gentleman, it says to bring to light the need for nuclear power, hydropower, wind power, for conservation, for gas, and for oil, and to put it all together in a package so that my grandchildren will have the ability to have Btus available to them so they can live, yes, a better way. I believe that is crucially important.

Mr. GEKAS. The national goal under the energy policy which is embodied in the bill that we propose calls for our being energy independent in 10 years.

What do we have to do? Increase by any means possible the correct and environmentally safe drilling on domestic properties, on domestic lands, on our Federal lands or wherever it is possible in the western part of our Nation or in Alaska, as the gentleman has outlined, and utilizing all the other devices we may have, our technologies, for solar, for hydroelectric that are our own, waiting for us to use for our own purposes.

Mr. YOUNG of Alaska. If the gentleman will continue to yield, Mr. Speaker, I would like to suggest that many people are very much unaware of the new demand on electrical power.

Twenty-five years ago we did not have that demand. The power being generated today, which we are now using mostly fossil fuels, natural gas, coal, no oil, but those two things, now the demand comes from that which we all take for granted, and that is the computer, the Internet.

The Internet alone, just the Internet, not the total, the Internet alone increased the consumption of electrical power 7 percent this year. Seven percent of our energy now is being used by the Internet.

Mr. GEKAS. Our bill, called the NRG bill, NRG, national resource governance, NRG, energy, calls for the establishment of a commission, a blue ribbon commission, which will put together all these various facets that we are talking about and balance them with conservation, good conservation methods, and provide for us within 10 years no longer to have to depend on OPEC oil or any foreign oil. That is a Declaration of Independence in energy that is on the horizon if only we will seize the opportunity.

What worse kind of position can the United States be in than to have to kneel in front of the OPEC countries to beg them to produce more oil, beg them to send us more oil, beg them to sell us more oil?

Mr. YOUNG of Alaska. If the gentleman will yield one more moment, I said before that the only energy policy the administration has had is a set of knee pads so they can beg. The inappropriate conduct of trying not to allow us to produce energy, all forms of energy, in the last 8 years, has brought us to this point.

We have to wake up. The gentleman's bill does it. I am proud to be a sponsor of it. I hope everybody that is listening, and I know I am not supposed to say this, but all my colleagues who are listening, I hope they understand we had better approach this with the positive side of production.

We cannot, as we listen to AL GORE, conserve our way into self-sufficiency. That is impossible. Everybody knows it. As long as we are growing, and we are growing, our economy is growing, we have to have energy. That means all the forms of energy that we know, mankind is realizing today. To say no is wrong.

By the way, if I may, gas, natural gas, $2.15 last year, $5.40 today, it is going to $6 because demand is so great. Many of the great fields that would have been drilled, should have been drilled, have been put off limits by this President and this Vice President.

Let us have a policy of energy development and deliveries to our people so we do not have to go back. Instead of issuing knee pads to every American so they can beg for energy, let us have the ability to say, I am American and we have our own power.

Mr. GEKAS. I ask our colleagues to cosponsor the NRG bill for self-sufficient energy in the United States.

## THE PROBLEM OF HIV/AIDS AND METHODS TO COMBAT IT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Illinois (Mr. DAVIS) is recognized for 60 minutes as the designee of the minority leader.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the esteemed gentleman from California (Mr. DIXON) for joining me this afternoon as we discuss one of the most serious problems facing our country and, indeed, our world today, that is, the problem of HIV/AIDS and all of the problems associated with it, as well as talk about ways in which we can combat it.

Earlier today we passed the Ryan White Comprehensive AIDS Relief Act, which provides resources to fight this dreadful disease. I think our passage of this act today is further indication of how serious this Congress takes this problem and the approaches that we have begun to use in terms of providing resources to deal with it.

Although money is needed, and resources is one way of impacting positively the situation, there are other things that people can do that do in fact cost money, but sometimes not as much as we think. There are many agencies, organizations, and groups throughout America and throughout the world who are making use of themselves in every possible way to do what it is that they can to arrest this disease.

One of the areas that we have the most difficulty with is in teenagers. Despite the fact that most American teenagers are aware of methods for preventing pregnancy and STD infection, reports indicate that nearly half of teenagers engage in unprotected sexual activity. In turn, morbidity and infection rates due to HIV continue to rise as young adults become one of the fastest-growing populations contracting HIV/AIDS.

In addition, recent reports estimate that at least 20 to 30 percent of young men may be infected with herpes simplex virus, regardless of sociological demographic background.

As a matter of fact, in some manner, we are all affected by the hardships of these diseases because they have placed hardships on our communities, no matter where we are or who we are. Consequently, programs dedicated to informing young adults about safe sex practices in an appropriate and effective manner are vital.

One such national effort is Project Alpha, which is a creation of Alpha Phi Alpha Fraternity, Incorporated.

Alpha Phi Alpha Fraternity, founded in 1906 at Cornell University, has the distinction of being the first intercollegiate fraternity established for African Americans. Since its inception, Alpha Phi Alpha fraternity has provided voice and vision to the struggle of African Americans and people of color around the world.

Today Alpha Phi Alpha Fraternity, Incorporated, has approximately 150,000 members. Past and present members include noted sociologist W.E.B. DuBois, Adam Clayton Powell, Jr., former Senator Ed Brooks, Dr. Martin

Luther King, Jr., Supreme Court Justice Thurgood Marshall, former Congressman and ambassador Andrew Young, former Representative Bill Gray, who heads the United Negro College Fund, the noted author and activist, Paul Robeson, the gentleman from California (Mr. DIXON), the gentleman from Alabama (Mr. HILLIARD), the gentleman from Pennsylvania (Mr. FATTAH), the gentlemen from New York (Mr. MEEKS and Mr. RANGEL), the gentleman from Virginia (Mr. SCOTT).

I, too, Mr. Speaker, am pleased to be a member of the Mu Mu Lambda chapter of this illustrious group, Alpha Phi Alpha, Incorporated.

Project Alpha, in the spirit of this powerful legacy, was established to address the major social, economic, and health problems related to troubling trends in teen pregnancy and STDs.

Since the early 1980s, Alpha Phi Alpha fraternity has implemented the Project Alpha Program, along with the March of Dimes Foundation, and has taught thousands of young men about the consequences of STDs and teenage pregnancy from a male perspective.

Over the past 20 years, members of Alpha have worked with the staff and volunteers of the March of Dimes Birth Defects Foundation to reach hundreds of communities and thousands of young men throughout America and the world.

In an effort to herald this program to the entire Nation, the second week of October has been declared Project Alpha Week, and from October 7 to October 14 each chapter of Alpha Phi Alpha will devote time to reviewing the medical, legal, and socioeconomic issues involving teen pregnancy and STD infection with teens while encouraging responsible behavior.

I want to commend the brothers of Alpha and the Alpha Project, for without preventative programs such as this successful one, we will pay greatly in the future with higher rates of teen pregnancy and birth defects, higher rates of HIV and other STDs, and ultimately, a lower quality of life for all members of our society.

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Now, it is my pleasure to yield to the gentleman from California (Mr. DIXON), the ranking member of the Permanent Select Committee on Intelligence, my brother, and fellow Alpha member.

Mr. DIXON. Mr. Speaker, I thank the gentleman from Illinois very much for yielding to me, and I am very pleased to join with him in this tribute, not only to the Alpha fraternity, but the fight and the cause.

Mr. Speaker, I am pleased to rise today to commemorate Project Alpha Week and to honor the brothers of Alpha Phi Alpha Fraternity and the March of Dimes for their efforts over the past 20 years on this project.

Project Alpha is a collaboration between Alpha Phi Alpha Fraternity and the March of Dimes to reduce teenage pregnancy and sexually transmitted diseases by engaging young men before they have established risk-taking behavior patterns.

During the week of October 7 through 14, young men in communities across this Nation will participate in Project Alpha conferences.

Project Alpha is one of Alpha Phi Alpha Fraternity's three national programs. These national programs, ''Project Alpha,'' ''Go to High School-Go to College,'' and ''A Voteless People Is a Hopeless People'' exemplify Alpha Phi Alpha's focus on assisting communities through leadership, scholarship, and service.

The curriculum at the Project Alpha conferences will stress three main elements, knowledge building, motivation and taking the message back.

In my hometown of Los Angeles, more than 200 young men are expected to benefit from Project Alpha programs this year. I would like to commend the 12 Southern California chapters who are participating in this year's program.

The program's financial supporters and presenters also should be recognized for their contributions to the community. This year's program will include Michael Cooper, former L.A. Laker star, and State Senator Teresa Hughes. Support is also being provided by the Magic Johnson Theater Corporation; the New Leaders, an organization of young African-American professionals; and the Holman United Methodist Church.

Mr. Speaker, I would also like to take this opportunity to highlight another project that the Alpha Phi Alpha has spearheaded, the Martin Luther King, Jr. Memorial project. I am honored to have worked with Alpha Phi Alpha to enact legislation to allow the King Memorial project to move forward.

In 1996, the gentlewoman from Maryland (Mrs. MORELLA) and I carried the bill to authorize the memorial. In 1998, we passed legislation approving a permanent site on the National Mall for the King Memorial.

The fraternity has since established an independent foundation to coordinate this project and is engaged in raising funds for the Martin Luther King, Jr. Memorial. I am very proud that the effort to honor Dr. King, a man of unique national stature, with a memorial in the Nation's capital has transcended the fraternity and become a project of national significance.

The commitment to community that Alpha Phi Alpha instills in its members is exemplary. I am honored to be a member of the Alpha Phi Alpha Fraternity, and I am pleased to commend both Alpha Phi Alpha and the March of Dimes for their efforts on Project Alpha.

From Project Alpha to the King Memorial to helping to shape generations of great African-American men, Alpha Phi Alpha has contributed so much to our Nation. I am very proud of the brothers that serve in the Congress of the United States with me who are members of the Alpha Fraternity.

Mr. DAVIS of Illinois. Mr. Speaker, let me just ask the gentleman from California (Mr. DIXON), we know that HIV-related illness and death now have the greatest impact on young people. As a matter of fact, AIDS is the leading cause of death among Americans 25 to 44 years old. In this same age group, AIDS now account, on an average, for one in every three deaths among African-American men and one in five deaths in African-American women.

Between 1990 and 1995, AIDS incidents among people 13 to 25 years old rose nearly 20 percent. While AIDS incidents among both young gay and bisexual men and young injecting drug users was relatively constant during this time period, AIDS incidents among young heterosexual men and women rose more than 130 percent.

In a project like Project Alpha, what is it that one can say or what does one say to young people to try and impact upon them the serious consequences of certain kinds of behavior?

Mr. DIXON. Mr. Speaker, if the gentleman will yield, I think that one does two things, and Project Alpha reaches to both of them. One, one can explain to them the impact on the community as it relates to health, as it relates to future planning for a young person. Two, one can explain to them and make clear to them that this kind of epidemic can be avoided if they control themselves and practice what is traditionally called safe sex.

There is probably no greater threat to minority communities today than the national health problem of HIV infection. So to reach out to young men 16, 17, of college age to spread information and to make them realize the danger I think is a great public service.

But just as important, I think that we have to make the entire minority community aware of this danger, and we cannot stress it too much because, as the gentleman from Illinois (Mr. DAVIS) indicated from his facts, it is a growing concern; and the facts continue to show that the spread in the minority communities is running ahead of the spread in the majority communities.

Mr. DAVIS of Illinois. Mr. Speaker, I certainly want to thank the gentleman from California, not only for his participation and his leadership here in the Congress but also his willingness in the community where he lives to be involved, to be interactive with young people, and to try and help them to understand how they can improve the quality of life, not only for themselves, but for others. We certainly appreciate his assistance.

Mr. DIXON. Mr. Speaker, I thank the gentleman from Illinois for taking the time to spread the word. It is an honor for me to serve with him and my other colleagues, not only as I said in the House of Representatives, but as members in the same fraternity.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure now to yield time to

the distinguished gentleman from the City of Brotherly Love, Pennsylvania (Mr. FATTAH), who not only provides great leadership in the field of education, which means that he is a natural to be involved in this kind of project, but who is an inspiration to all of those who have known and worked with him for years.

I am proud to call him, not only my colleague, but also my Alpha brother.

Mr. FATTAH. Mr. Speaker, let me thank the distinguished gentleman from the great State of Illinois (Mr. DAVIS) and the City of Chicago, who is a fraternity brother of mine.

I come to the floor just ever so briefly just to add my voice in support for this effort. It really is a substantial effort that, even if I was not a member of this great fraternity, I would be supportive of it, because it really gets at the heart of where we need to be, and that is communicating with individual young men and with our young people in a way which is relevant in terms of the choices that they have to make, the choice points that they confront, that will have an impact on their life chances in a way that they cannot even imagine at 12 and 13 and 14 and 15 years of age.

So I just want to thank the gentleman from Illinois for carving out this special order for a very special message. I want to thank all of my fraternity brothers throughout this country and, in fact, beyond the national borders of this country who are committed to education and committed to this effort in particular in terms of raising the awareness of young people about the choices that they have to make, and the fact that, if they make the right choice, they stand to reap the reward, and if they make the wrong choice, not only do they suffer the consequence, but our entire community and our society suffer the consequences of the choices, assuming they make the wrong one.

So I want to thank the gentleman from Illinois (Mr. DAVIS) and my other Alpha brothers.

Mr. DAVIS of Illinois. Mr. Speaker, listening to the gentleman from Pennsylvania (Mr. FATTAH), there is no one that I know of who is more concerned about education. I remember one of the incidents that happened that sort of reinforced that. I remember the President had invited the gentleman from Pennsylvania and his family to the White House as he was about to sign one of the gentleman's bills. The gentleman from Pennsylvania decided that his son needed to go to school that day, that he could not come.

Mr. FATTAH. Mr. Speaker, our fraternity had the ''Stay in School and Go to College.'' That was one of the very early programs of the Alphas. My son had a perfect attendance up through his high school graduation, and it was an important choice. But, nonetheless, his record of a perfect attendance was important to him and acknowledgment of the importance that we place on education. So now he is a freshman in college. He is doing well.

I think it is important that we as adults indicate to young people where they need to place their value. Hobnobbing at the White House is one thing, but learning and earning a diploma and eventually a degree so that one day one can be in the White House as the resident of it, as the Chief Executive, is a much more important goal in life.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield to the gentleman from Virginia (Mr. SCOTT), one who does, in fact, also have perfect attendance, especially perfect attendance when it comes to representing the needs, hopes and aspirations of his people and representing the effort to make America a better Nation in which to live.

Mr. SCOTT. Mr. Speaker, I appreciate and commend the gentleman from Illinois (Mr. DAVIS), my colleague and Alpha brother, for scheduling this special order this afternoon. I am delighted that we have an opportunity through this special order to talk about the proud history of Alpha Phi Alpha and its ongoing nationwide efforts to meet some of the critical needs of the African-American community.

We have already heard, men of Alpha Phi Alpha have had a strong positive impact on our society in every profession and in every field of endeavor. I am fortunate to serve with many of our Alpha colleagues: The gentleman from the 15th Congressional District of New York (Mr. RANGEL), the gentleman from the 32nd Congressional District of California (Mr. DIXON), the gentleman from the 7th Congressional District of Alabama (Mr. HILLIARD), the gentleman from the 2nd Congressional District of Pennsylvania (Mr. FATTAH), the gentleman from the 6th Congressional District of New York (Mr. MEEKS).

We follow the proud footsteps of Adam Clayton Powell who was elected in Congress in the late 1940s and many other Alpha brothers who have served in Congress and prepared the pathway for numerous other Alpha brothers who serve in public office at the local, State and Federal levels.

Alphas can also claim three of the big four Civil Rights movements. So when one considers the members of this distinguished fraternity, it should come at no surprise that Alpha brothers would be in the leadership of addressing some of our most serious social problems. Whitney Young, Martin Luther King, Floyd McKessick were also in the forefront as Alpha brothers in the civil rights movement. They focused on the right to vote. As has already been indicated, one of the early slogans of the fraternity was ''A voteless people is a hopeless people.'' Because of this focus, the Martin Luther King Memorial is so appropriate, and we are proud to have an Alpha member so honored.

We also must not forget the late Thurgood Marshall who argued the Supreme Court case Brown v. Board of Education, which desegregated public schools and led to the fall of Jim Crow laws everywhere. That is important to note because education has been such a critical issue in the Alpha history.

''Go to high school, go to college'' was another early slogan, an early program in Alpha Phi Alpha. Project Alpha is another one of those important projects.

Young African-American males today face many challenges, truancy, illiteracy, drugs, violence and teen fatherhood. And those needs need to be addressed. That is why the week of October 7 through October 14 will be Project Alpha week, focusing on Project Alpha.

For some 20 years, now, Alpha Phi Alpha fraternity has worked with the March of Dimes in an effort to respond to the challenges facing young black males. Project Alpha is a result of this project, and its mission has been to create a national program to prepare young men for the roles that they will be expected to assume in their adulthood.

In communities throughout this country, Project Alpha has created safe havens for young men to learn about and explore ways to develop protective factors to minimize the impact of the social hazards which are present today.

Project Alpha provides education on sexuality, fatherhood, and the role of men in responsible relationships. It motivates young men to make smart decisions about their future and to take an active role in achieving their desired goals. It is a daunting task that Project Alpha has taken on.

Young black men today face many obstacles on their road to adulthood. African-American males continue to lag behind their female counterparts in most measures of academic progress. It is particularly unfortunate to note that 25 percent of all black men can expect to have some contact with the criminal justice system.

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We know already that nationally 3 out of every 10 young black males are in jail, prison, on probation, or otherwise involved in the criminal justice system. While unemployment levels for African Americans are at an all-time low, the rate continues to be unacceptable in many urban communities, and this presents yet another risk factor for young African American males.

By focusing on those 12 to 15, Project Alpha lays the groundwork early for developing the protective factors that reduces the likelihood of teen fatherhood and the associated risks that result from teen pregnancy. By providing positive role models from the community, Project Alpha teaches the participants about the social, economic and personal consequences of early fatherhood. And by reducing the rate of teen pregnancy, we are improving the likelihood that these young men will stay in school, stay away from drug use and other negative behaviors.

That is why we congratulate the Alpha Phi Alpha in designating October 7 through 14 as Project Alpha

Week. I want to thank the gentleman from Illinois (Mr. DAVIS), my brother Alpha member, for holding this special order this afternoon. I applaud the members of Alpha Phi Alpha and the March of Dimes for their continued commitment to improving the lives of young African American males in the African American community and again congratulate the gentleman on holding this special order.

Mr. DAVIS of Illinois. I thank the gentleman very much, and I would like to get the gentleman's reaction, if I could, to how much on target Project Alpha is.

A study by the National Cancer Institute confirms existent data which reveals that as each generation comes of age, there is a substantial increase in the rate of infection as individuals enter their late teens and early 20s, with infection peaking in the mid to late 20s. Sustained, targeted prevention for each group entering young adulthood is what will keep these waves from developing.

Behavioral science has also shown that a balance of prevention messages is important for young people, and that total abstinence from sexual activity is the only sure way to prevent sexual transmission of HIV infection. Despite all of the efforts, some young people may still engage in sexual intercourse that puts them at risk for HIV and other STDs. For these individuals, the correct and consistent use of latex condoms has been shown to be highly effective in preventing the transmission of HIV and other STDs.

How important does the gentleman think it is for older, and I would not necessarily say that all the Members of Alpha Phi Alpha are old, but more mature members of our society to share concepts, ideas and experiences with younger people, as this project kind of attempts to do, in steering them in a more appropriate direction? And would the gentleman have any challenge for other groups and organizations as to how they can be more helpful?

Mr. SCOTT. Well, I think the gentleman's question really answers itself. The course in Project Alpha, and I have participated in many of the activities at the national convention and in classes in Project Alpha in my own home community in Virginia, and they teach responsibility, they teach abstinence, they teach safe sex; and it is done in such a way that they have the role models from the community coming in and explaining the importance of avoiding teen pregnancy and avoiding the sexually transmitted diseases.

These kinds of role models, I think, can show that they do have a future. One of the high risk factors of getting into trouble is when young people do not feel that they have a future. They tend to involve themselves in more risky behaviors because they think they have nothing to lose. When they see role models and can see a path, particularly a continuum of role models, some of the older ones, like the gentleman, and younger ones, like me, and even younger ones, they can see that they have a future within their life. They see that there are jobs available and careers available. And to the extent that they involve themselves in risky behaviors, they place that future at risk.

So we challenge other groups to get involved in the same kinds of interaction with our young people, because we can have a significant impact in keeping them out of trouble to begin with and keeping them on the right track, and that is why Project Alpha is so important.

Mr. DAVIS of Illinois. Let me just thank the gentleman for his response and for his participation. People throw out accolades, and sometimes they are meaningful and sometimes not as meaningful; but when it comes to role modeling, I would certainly think that the gentleman has been and continues to be one, not only as a Member of Congress but also in the community where the gentleman lives and works. So I want to thank the gentleman for coming and for sharing with us this afternoon.

Mr. SCOTT. I thank the gentleman as well, and I would want to point out that the gentleman himself has been a stalwart advocate of civil rights and voting rights. Just yesterday, we had a special order involving voting rights and the importance of voting, and my fellow fraternity brother has been one of the leaders in that effort.

I want to congratulate the gentleman on his leadership. He has a long history of public service, going back to local government in Chicago, and that certainly shows that the gentleman is a role model and an Alpha that everyone can be proud of.

Mr. DAVIS of Illinois. Well, I thank the gentleman. As we have discussed this afternoon and we have pointed out, all of our speakers have, the impact of HIV and AIDS in the African American community, we know that it has indeed been devastating. As a matter of fact, through December of 1998, the Center for Disease Control had received reports of 688,200 AIDS cases. And of those, 251,408 cases occurred among African Americans. Representing only an estimated 12 percent of the total United States population, African Americans make up almost 37 percent of all AIDS cases reported in this country.

Researchers estimate that 240,000 to 325,000 African Americans, about one in 50 African American men and one in 160 African American women, are infected with HIV. Of those infected with HIV, it is estimated that more than 106,000 African Americans are living with AIDS. So when we see a program like Project Alpha, there is no doubt about its importance in mentoring, educating and encouraging young adults to be responsible during their teen years and beyond.

According to the CDC, 10 national studies have shown that education programs increase safer sex practices among young people who are sexually active. These programs also lead to abstinence, fewer sexual partners, and increased and more effective use of contraception among young men and women.

The other major objective of Project Alpha is teen pregnancy reduction from a male perspective. And although teen birth rates experienced a decline between 1991 and 1996 across all ethnic and economic groups, the country is beginning to see a new surge in pregnant women under 20 years of age. Some important facts to consider are: the United States has the highest pregnancy rate of all developed countries. About 1 million teenagers become pregnant each year, of which 95 percent are unintended. Public cost as a result totaled $120 billion between 1985 and 1990, a circumstance that may resume if current trends continue. It is estimated that $48 billion could have been saved if birth had been postponed.

Eleven States are implementing comprehensive integrated youth programs to prevent teen pregnancies. While others have assistance programs, the Department of Health and Human Services' recent annual report reveals that 32 States have no specified goals regarding this issue. However, Project Alpha has vision with long-range benefits: to reduce teenage pregnancy, thereby reducing child poverty; reducing high school dropout rates and boosting the probability that young adults can fully achieve their potential.

Furthermore, realizing that these programs are traditionally targeted towards raising awareness in young women, Project Alpha focuses on reaching young men, an important yet often overlooked factor in the teen pregnancy problem. By educating young men about contraception and emphasizing personal responsibility, positive changes in attitude and behavior can make a positive difference.

Finally, again, I would like to congratulate Alpha Phi Alpha Fraternity and the March of Dimes for recognizing the need for Project Alpha and holding a week that not only serves young Americans in our communities nationwide, but also fulfills the alpha pledge: First of All, Servant of All. Does the gentleman have any other comments?

Mr. SCOTT. I would just like to thank the March of Dimes and Project Alpha for providing this guidance to our young citizens, and I thank the gentleman for organizing this special order.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman once again, and First of All, Servant of All, we shall transcend all.

## REPUBLICAN PLAN FOR ECONOMIC DEVELOPMENT

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the

gentleman from Texas (Mr. SESSIONS) is recognized for 60 minutes as the designee of the majority leader.

Mr. SESSIONS. Mr. Speaker, what I would like to do is to take a few minutes this afternoon and to begin a discussion with those Members who have been a part of what we have been doing with economic development, a plan by the Republican Party, House and Senate. This plan gives us an opportunity to lead this country into further economic development, an opportunity to develop not only the plans that we have had for quite some time on moving this country forward by stopping the deficit spending that has gone on, but also to turn the country to where we are able to look at ourselves and what we want in the future of this country so that we have economic development and prosperity in this country.

Mr. Speaker, I would like to first talk to what this Congress began doing in 1995, after the election that took place in 1994 where we signed the Contract With America. Back in 1994, when the Republicans began the effort we called the Contract With America, we started this plan and idea, which I signed on to because I believed, as my Republican colleagues did, that it was a comprehensive way for us to begin the discussion about how we change the power structure from Washington, D.C. to move power back home; how we go about balancing the budget and still maintaining economic prosperity and, lastly, how we take the power that is in Washington and empower people back home to begin making their own decisions.

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We knew in 1994, just as we do today, that money equals power, probably always has and probably always will, and that the people who have the money are the people that are the decision makers and they are the people that will control, many times, the destiny.

Yet we understood that, back in 1994, the estimates were that this Congress, the Congress that was a Democratic Congress at that time, would continue not only spending every single penny that came to Washington, D.C., but they would also take that money and spend more than what we had. That was called deficit spending, creating a debt that would be long-term on this country. And in 1994, by and large, we had a debt in this country of $5.5 trillion.

The Contract with America, which has been the baseline document for Republicans and this Congress to move forward on, has become really a contract with America that would lead to the development of where we are today.

What happened as a result of that was that two different times this Republican Congress, understanding that welfare was a huge issue in this country, people on welfare needed to come and join what was going on not only in workplaces but would also be a better relationship that they would have with their families to go and create opportunities for those families, many times having a job where they had not had them in generations, and so what happened was we changed the dynamics by changing the law.

What happened in that entire endeavor was we all of a sudden created economic opportunity. Instead of some seven million people being on welfare today, as they were back before 1996, there are now seven million people who get up every morning and leave their home and go to work. They go to work and they become taxpayers. They have become credible people that we can look at and say they have made our country better. Many times they may be doormen or cooks, they may be drivers, they may be involved in teaching our children. But they are people who have made a significant gain in their own personal life and for the life of our Nation.

We are now at the point where these seven million people have created opportunities, because they are now taxpayers, to become a part of paying into what this country has with its system, Social Security, Medicare, the opportunity to pay school taxes, to have a strong voice because they now feel a greater responsibility, and they have been empowered to become a part of what we are doing.

What has happened is that this Republican Congress went from 1996 to 1997 and we had a package, an economic development package, it was called a tax cut package also, and we understood as conservatives that we would incent America to begin the process of wanting to not only invest in jobs and opportunities but also to invest in our stock market and the critical mass that was necessary to begin our infrastructure capitals, and we did this by first cutting taxes. It was a following up with what happened with us having our welfare changes. And we cut taxes. We cut the capital gains tax.

Of course there were people that did not want us to do that. The tax collectors that were in Washington, D.C., said, we should not do that. That will ruin our deficit. We were told it would cost the tax collector $9 billion. In fact, what it did is it brought in $90 billion. It was the catalyst for this country completely turning around to where we all of a sudden then had a surplus.

For, you see, if you do not have a surplus, you cannot pay off your debts. What it did is it changed the direction to where we quit spending money on welfare and started spending more on education and on the infrastructure of this country.

Point two: We looked at families and said, you are the most important asset America has; and we created what was then called a $500 per-child tax credit. It has been nothing less than marvelous to see my neighbors and friends who want to take care of their own family who now have a chance to get back their hard-earned money so that they can take care of their own children.

Point three: We raised the exemption on what is called the death tax, estate tax. We looked at who was being hurt and we compromised with the President and said, we need to raise the exemption.

We went immediately to farmers, people who own their only property for agriculture, and we raised the exemption. We changed this because we believed then and believe now that the people who own their own land and agriculture, for the people that own their own small businesses who, yes, may have assets and resources but are cash poor, should not, based upon death, have these assets taxed to the point to where their heirs have to sell the farm, sell the small business and break it up simply to pay the tax collector.

These are the things that we did to bring us to the point where we are in America where we have created a surplus. We now have breathing room. We now know and are prepared as a Congress to move forward with the new President, a new President that has a bold plan about how we are going to not only make America sound by paying down the debt but by creating economic opportunity for the future.

I am pleased to be joined today by my good friend, the majority leader of the United States Congress, the gentleman from Texas (Mr. ARMEY). The gentleman from Texas has been a leader in the efforts to make sure that the plans that will develop America to where people get back more money in their pocket to where they have the power will be a key to our future because he is not only majority leader but he is also a grandfather and he recognizes that the future of this country rests with our grandchildren.

Mr. Speaker, I yield to the gentleman from Texas (Mr. ARMEY) on this matter.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for taking this hour so that we can conduct this discussion.

Mr. Speaker, I think we in America ought to recognize our heroes, we ought to recognize the people that help this Nation prosper and do well.

There is no doubt in my mind that this Nation owes a debt of gratitude to Bill and Al. Bill and Al can rightfully be cited as the people that perhaps more than anybody else has made it possible for this Nation to be as prosperous as it is.

More than any other two people, perhaps these two people, Bill and Al, are the people that we can credit for all the jobs, the prosperous economy, the fact that the Federal Government is running a surplus, the fact that that surplus combined with the fiscal restraint we have shown here in the House of Representatives has allowed us just on last Saturday to have paid down an astonishing, an astonishing $350 billion in debt in the last 3 fiscal years.

Bill and Al, Mr. Speaker, have done so much more than any other two people I can think ever to warrant our applause and our appreciation for what they have done to make all this possible.

So I would like this body to join me to give a special thank you to Bill and Al, Bill Gates and Alan Greenspan. Without their hard work, we could not have prospered the way we have done.

That is not necessarily the voice that you will hear out of the campaign, Mr. Speaker. The Vice President is running for President, and the essence of his message is, this prosperity is the best idea I ever had. He is saying, without myself and the President, we could never have had this prosperity; and if you do not elect me President, you may lose your prosperity.

It is a frightening thought, Mr. Speaker. When I listen to these speeches on the campaign trail and I realize that the argument that I am hearing is that, the President and I gave you the prosperity and if you lose us, you will lose the prosperity, I am haunted by this fear that on Tuesday we will win the election and I will wake up on Wednesday and discover the Internet has gone away.

But let us look at this. The Vice President says, my plan will secure the prosperity, my plan will preserve the surplus, my plan will continue to buy down debt and save Social Security.

We have taken the trouble to look at the Vice President's plan. And, Mr. Speaker, the Vice President is putting out an economic plan that would spend the on-budget surplus. Indeed he would not only spend all of the on-budget surplus, and this is what I refer to in common parlance as the income tax surplus, but he would even return us to those frightening days of yesteryear when this Government continuously raided the Social Security, and under the Vice President's plan, should he get elected and implement his plan, we would not only spend all of the income tax surplus, but he would go back to the days of raiding the Social Security trust fund and spending those monies, as well.

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

Mr. SESSIONS. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

The reason I am here is that, with two distinguished Texans having taken the floor, I think it is important to provide a little geographic perspective to this debate.

The fact of the matter is my geographic perspective comes from California and the area which I am privileged to represent, Los Angeles, which happened to be the site of the Democratic National Convention.

At the Staples Center, we saw the Vice President deliver a speech in which he unveiled about 37 different programs which, based on the studies we found, would cost a projected $2.3 trillion. And so, my friend is right on target when he talks about the fact that when we look at where it is we are going and the things that have been proposed, we are going back to a dramatic level of spending.

In fact, I have argued that if, God forbid, AL GORE were to be elected President of the United States, there are many people, certainly on our side of the aisle, who might look back and think, my gosh, would it not be wonderful if we had the days of Bill Clinton again. Because we know that it has been President Clinton who has embraced the 1997 balanced budget agreement, putting us on the road towards balancing the budget not through the tax increase, much of which has been repealed in 1993 that he put through and which Vice President GORE was the deciding vote on in the United States Senate when they voted to do things like have a $48 billion cut in Medicare that was included in that package that they are so proud of, and at the same time we saw the President embrace our tax reduction effort in 1997.

He has embraced the traditional Republican themes of free trade, and we are very proud that he joined with us in doing a number of free trade things; and, of course, the welfare reform bill, which, as we all have said time and time again, he twice vetoed and ultimately signed.

My point is that those bipartisan accomplishments which President Clinton has joined us on, would I believe in large part be reversed with many of the programs that my friend is referring to that have been unveiled by the Vice President.

I think it is very important for the American people to know that, while people have said that the moniker of tax and spend which traditionally had been put around the necks of Democrats in the past and we Republicans have so often said tax-and-spend Democrats, it has been not as easy to do that over the past few years since President Clinton joined with us in a number of initiatives, but if we look at this proposal which has come forward from Vice President GORE, tax and spend would be an understatement for the pattern that we would have.

I wonder if my friend would agree with that.

Mr. ARMEY. Mr. Speaker, yes, I would. I must say, if the gentleman from Texas will continue to yield to us, my colleague says the Vice President today embraces the welfare reform and he embraces the budget agreement we reached in 1997.

Mr. DREIER. Mr. Speaker, I said the President did.

Mr. ARMEY. The President did.

The fact of the matter is part of the story that the Vice President does not tell us is that he did in fact vote in 1993 for President Clinton's budget, that budget that increased taxes, a larger increase in taxes than any other time in the history of the world, increased taxes on gasoline, increased taxes on Social Security benefits, increased taxes across the Nation.

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Then in 1997, in fact, he vehemently objected to our budget agreement where we reduced taxes and set us on the course to a balanced budget. The clear fact of the matter is that if you took the Congressional Budget Office and the Office of Management and Budget at the White House, the projections that they made in 1994 for where we would be this fiscal year under the President's 1993 budget, that budget for which the Vice President so consistently claims credit by virtue of having cast the tie-breaking vote in the Senate, that under that budget had it continued, we would have had a $264 billion deficit this year. Now, that was not my projection. That was the projection made by the President's own Office of Management and Budget, which was agreed to by the Congressional Budget Office.

It was only after 1995, 1996, and especially 1997 where we made this enormous change in direction in the budget that we began to see the projections change; and, indeed, rather than a $264 billion deficit that was projected for this year under the President's 1993 budget, today, thanks to the 1997 budget, the welfare reform and the other things that we did, we have an actual surplus of $250 billion. From $268 billion in deficit to $250 billion of actual surplus is a half a trillion dollars' worth of budget turnaround.

Mr. DREIER. If the gentleman will yield on that point, I think it is important for us to note that with that $264 billion projected deficit, it pales in comparison to the projected spending level that we would see under these plans that have been unveiled by Vice President GORE. I think that is one of the most troubling things. As bad as those proposals were projecting a $264 billion deficit, they look wonderful, and almost like a surplus, compared to what has been put before us as far as projected spending.

Mr. ARMEY. The gentleman is absolutely right. I am reminded of that wonderful song by another very important and colorful Californian, Merle Haggard, ''Rainbow Stew,'' where Merle Haggard bemoans the American fear that Presidents will go through the White House door and not do what they said they would do. In the case of the Vice President's budget proposal, I think, Mr. and Mrs. America, our fear should be that this President would go through the White House door and do what he said he would do.

We all look at Bill Clinton, and we think of him as a big spender; but when you think of President Clinton as a big spender, you have got to recognize that as a big spender, he is a piker next to Vice President AL GORE and his plans. Vice President AL GORE wants $3 for new government spending programs compared to every $1 in new programs requested by President Clinton. That is

what I call an awful lot of risky, big government spending schemes.

Vice President GORE's spending proposals add up to at least $2.7 trillion in new Federal spending over the next 10 years. This is important for us to understand: he would spend the entire projected on-budget surplus to pay for his massive expansion of government. That is not what he said the other night. He said the other night he is going to preserve the surplus. But the fact is if he got his way on the spending proposal that he is campaigning on, he would spend the entire income tax surplus.

Mr. SESSIONS. It is interesting that what took place the other night with the discussion of what the Vice President said, and he looks right at the camera and says it. Yet he looked at the camera and talked about him being in our home State a year ago when we were having natural disasters and then admitted a day later, well, he was not there at all. He told us a story about the school where the girl who is the daughter of the restaurateur did not even have a desk to sit at. Yet the reason why, we now find out, after the fact, that 100 new computers were being delivered to the school that day and her desk was taken to put a computer on it.

Which person can we trust? I would suggest to you it is the numbers that you have talked about that is his real plan and the real effects that it will have.

Mr. ARMEY. That is what we are trying to do here. For example, one of the other things we discover when we look at the plan proposed by Vice President GORE is that for every dollar by which he would cut taxes, and I might mention, that would be a net tax cut because he has in fact more actual tax increases than he has tax reductions in his budget plan, but for every net dollar of tax reduction, he would raise government spending by $6.75.

His spending spree would not stop there. His plan would also spend from the Social Security trust fund. We stopped the raid on Social Security, and we will not go back.

Mr. Speaker, I think there is a fact we should recognize here. I think it is a telling statistical comparison. If we take the period of time from 1980 to 1990, the United States people sent to this government a doubling of the money they sent because of the economic growth that followed in the first couple of years of the Reagan administration in 1981 and 1982.

Mr. DREIER. If the gentleman will yield, that was due to one measure. It was the Economic Recovery Tax Act of 1981, which Ronald Reagan pushed for and was able to get ultimately some southern Democrats and some of your Texas colleagues to vote in favor of. That laid the groundwork for a doubling of that flow of revenues to the Treasury through the decade of the 1980s.

Mr. ARMEY. Through the decade of the 1980s. This incidentally is labeled by the Vice President and his friends as ''the decade of greed,'' where also incidentally you had charitable giving not only double but charitable giving to faith-based institutions triple during this period of time. The American people did a magnificent job. They not only built more, created more jobs, earned more, paid more in taxes; but they doubled what they gave to charities and tripled what they gave to faith-based charities. Yet they have the audacity to look at you and me and our families back home and indict us as having lived a decade of greed.

We doubled what we sent to Washington. Bless us. What did Washington do with it? Washington increased spending by $1.68 for every increased dollar we sent them. It does not take any genius to figure this one out. Any time you increase the money coming in by a dollar and increase the money going out by $1.68, you are going to run a deficit. That is what we did. That deficit was so large that it not only spent all of the Social Security trust fund surpluses we generated in those areas, up to $60, $70, $80 billion a year; but it ran a $250 billion deficit.

Let me just say, since 1994, after we put in the massive restructuring of what we call entitlement or mandatory spending, that spending that could never be touched by any President but it was required by Congress to restructure the actual spending programs, welfare reform being the most applauded incident of such reform, that has put 4 million people to work that up to that point had lived in the hopeless despair of welfare. But since that period of time, for every increased dollar the American people have sent in to Washington, spending has gone up by less than 50 cents. Once again, it does not take a genius to figure that one out. If you have got an increased dollar coming out and you are spending out less than 50 cents, you are running a surplus.

That surplus was the product of two things: the prosperity of the American people, the job creation, the expansion, the invention that we see in this magnificent electronic revolution that we are surrounded by in America, the increased tax bonus that came to Washington because America was doing well; and a first time in my lifetime restraint of government spending by a responsible Congress that did the one thing that everybody by that time knew was imperative, reformed the institutionalized, mandatory government spending programs that had been constructed through all that period of time beginning in the mid-1960s called the Great Society programs of President Johnson, and added to quite often by, and most often by, Members of this body.

Mr. DREIER. If the gentleman will yield on that point, when I heard him mention the Great Society, I was reminded of an analysis that I heard of the programs that have been put forward by the Vice President, and an independent analyst, I frankly have to admit I do not remember which one it was, I was either reading the newspaper or I may have listened to it on National Public Radio, they came on and talked about how these proposals which have come forward from the Vice President actually match, or in some cases even exceed, the level of spending that we saw launched as the Great Society.

We do know full well that the spending on subventions that we saw launched with the Great Society were in excess of $5.2 trillion, as Speaker HASTERT likes to say, with a T, that is trillion with a T, $5.2 trillion in spending; and we saw during that period of time the poverty level in this country go from 14.7 percent to 15.2 percent. And so that pattern has clearly failed. And we all know very well that it has failed around the world, as we have seen people clawing toward self-determination.

We are watching the situation unfold at this moment in Belgrade where hundreds of thousands of people are storming to have self-determination because they feel that their votes were improperly counted there. The rest of the world is moving towards individual initiative, responsibility, self-determination, and the proposals that have come forward from Vice President GORE shift us back to the failed policies of the Great Society. That is something that I think again the American people need to know and it is an extraordinarily troubling situation.

Mr. ARMEY. I want to ask the gentleman from Texas (Mr. SESSIONS), we all watched this debate the other night and we are always impressed with glib politicians. People who can turn a phrase impress us. I always like a wordsmith. But every time I see one of these politicians that can come along and so slickly recite expressions, phrases, numbers, I always have to stop and ask myself, can that fellow really be trusted with words and numbers?

One of the things the Vice President made a big point of the other night was that if you elect me, we will never, ever, ever touch your Social Security trust funds. Now, first of all they have got a bad track record on that. But we take a look again at his budget proposals. And his very own proposals when you score them out, they estimate that the Vice President would rob the trust fund of between $500 billion and $900 billion to pay for his new spending agenda.

Mr. and Mrs. America, we are today celebrating the fact that we have made $350 billion in debt reduction; and here we have got a fellow that has come along and said, ''I'm going to spend between $500 billion and $900 billion to pay for my new programs.''

Mr. SESSIONS. I think the gentleman is right. What is interesting is that I felt like that there should have been some tracer along the bottom about truth in advertising, because, in

fact, what happened is that the Vice President made it seem like that he would support these lockboxes that would be available for Social Security and Medicare; and yet it is the Vice President's own party, the Senate minority leader TOM DASCHLE, that will not allow seniors today to be able to have their own lockbox for Social Security. And yet we are supposed to trust the Vice President to say if he were only President, he would accomplish what he cannot get done or President Clinton cannot get done today. Truth in advertising should be important.

Mr. ARMEY. Yes, it should. Here is another case in point. The gentleman from California will recognize this distinguished professor from Stanford University, Dr. John Cogan. The Vice President says his plan would cost $200 billion over 10 years. We have already seen that the estimates are that it would rob the trust fund of between $500 billion and $900 billion. The Vice President says it would cost only $200 billion over the next years. Let us not take my word for it. Let us not take his word for it. Perhaps I might be perceived as one of those glib politicians, such a good wordsmith. How about Dr. John Cogan of Stanford University. He says that the Vice President's plan would cost $160 billion in the very first year alone. Yet the Vice President says that it would be $200 billion over 10 years.

Again, you have got to have an objective measure of these numbers. Ladies and gentlemen, be very, very careful when somebody says, ''I'm from Washington; I'm here to help you. Trust me, I'm from the government.'' I think it is better to get a second opinion and a second opinion from the professor from Stanford would be helpful here.

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Mr. DREIER. I am going to give a second opinion, but it is my opinion of what Professor Cogan had to say on the issue of tax reduction. My friend, another Dallas friend of mine here, the gentleman from Texas (Mr. SESSIONS), just handed me a clip from the editorial page of the ''Wall Street Journal.''

First, I see we are joined by another gentleman from Texas (Mr. HALL).

Mr. SESSIONS. All conservatives.

Mr. DREIER. I am happy to have the gentleman from Texas (Mr. HALL) joining us. Let me say as we look at where we stand on this tax proposal, the thing that was very, very troubling was this argument that, of course, every bit of benefit goes to the richest 1 percent of the American people. We continue to have that argument put forward.

Professor Cogan has really blown the top right off of that argument, as was pointed out, in this piece in the Journal the day before yesterday, in which it talks about the fact that people at the lowest end of economic spectrum are those that have the greatest percentage reduction.

I guess if you look at the fact that there are people who make large amounts of money and maybe pay $500,000, $1 million in taxes, you have got to ask if someone does pay $500,000 in taxes, as Michael Reagan posed last night on his radio program when I was talking to him, are they not entitled to some type of reduction? Well, under the plan that Governor Bush has put forward, they would get about a 10 percent reduction in their tax burden.

Yet those who are earning less than $35,000 a year get how much, based on this assessment that Professor Cogan has put forward? A 100 percent reduction. Why? Because if you couple the doubling of the child tax credit from $500 to $1,000, along with the overall rate reduction, it is very, very clear that those who are earning less than $35,000 are the greatest percentage beneficiaries from this program that has been put forward by Governor Bush.

Again, that has not gotten out there, but Professor Cogan very correctly points to that, those who are in the upper-income levels have the lowest percentage reduction. But it does seem to me that the argument that we have been getting for the past several months on this us-versus-them class warfare, that is why I think George Bush is right on target when he describes himself as a uniter and not a divider.

I have oft quoted our former colleague, the late Senator Paul Tsongas, who said it so well. He said, ''The problem with my Democratic Party is that they love employees, but they hate employers.'' So that has created a situation where we do not recognize what my friend from Dallas, Texas (Mr. ARMEY) has just mentioned, where the people in, for example, the technology sector of the economy, 45 percent of our Nation's gross domestic product growth in the past 3 years has come from these job creators.

Yes, there are a lot of very rich people, and I know my friend opened by talking about Bill and AL. Bill Gates is one of them, who has been very successful financially. But look at what he has created in jobs, in improving the quality of life and standard of living, not only here in the United States, but around the world. So they are tremendous beneficiaries of this successful man, who has had the incentive to try and look at creative ways to deal with challenges that are out there. And these proposals, which would be so divisive, that the Vice President has put forward, would do little more than stifle that kind of creativity. I find it very troubling.

Mr. HALL of Texas. If the gentleman would yield, does the gentleman remember when it was indicated that a George McKinney, who was a friend of the Vice President, had to go to Canada, as a $25,000 a year man, had to go to Canada to get satisfaction in the health field. I just wondered, who sent him up there for the last 8 years? I think a real good answer would have been, you know, 8½ years is long enough for that to happen. If they put the right folks in position and then charge up here, he will not have to go to Canada; he can go to his corner drugstore.

Mr. SESSIONS. Reclaiming my time, there has been a good question that has been thrown on the floor, and certainly the gentleman from Texas (Mr. HALL), a man of great stature and also with grandchildren at home, as I looked at just in being the father of two little boys, I heard AL GORE talk about the top 1 percent. He was running against success in America, people who are successful, people who obviously have made so much money that, by golly, we should run against them.

In fact, I have always taught as a parent, as a scoutmaster, and even as an employer and certainly in my congressional district, we want and need people who will come and work hard. Yes, they will be rewarded for what they do, but expect them to give back to their community.

Bill Gates, incredible amounts of money that he has given for learning projects, for opportunity to employ people, and yet what do we hear? We hear Vice President GORE attack Bill Gates, attack the top 1 percent.

It is a philosophy that then flows directly to the Attorney General of the United States, who, rather than trying to encourage competition, goes and beats up the largest, most value-packed company in the world, that has created millions of jobs.

Since that time, it is the Attorney General and her actions of government that have put the economy at risk. It is the high-tech companies that today are worried about their profits, that are worried about it.

Of course, the question that came from Mr. Lehrer was about the world economy. I believe the answer is it is the United States Government and AL GORE, through the policies and procedures because they do not like people to be rich, they do not want people to be successful, for envy reasons, that would destroy what we have built up in this country.

Mr. ARMEY. Maybe the gentleman from Texas might make a point. I would like to come back to that point too.

Mr. HALL of Texas. I thank the majority leader and the gentleman from Dallas. Everybody, from a young man like Calvin Clyde from Tyler, Texas, who sits by my side, to people past my age, are a little sick of pitting class against class. I think that is old stock. I do not think it sets well. I think the American people can see through that.

Mr. ARMEY. I want to talk about this 1 percent. I am getting tired of hearing it. When we tried to do the $500 per child tax credit, they said that is for the top 1 percent richest people of America. Give me a break on that. I raised five children. I never felt rich at any time when one of those babies

came along. I perhaps had blessings beyond my wildest dreams in all five of them, but I do not remember feeling rich.

We said, well, we will eliminate the marriage penalty. They came back and said, that is a tax break for your rich friends. Again, come on, how many young people getting married feel rich? They may feel blessed, but, bless their hearts, they do not feel rich. If they do get married, why stick them with a $1,400 tax penalty? I laugh at our Tax Code. It just tickles me.

We have got a generous, although constantly eroding, home mortgage deduction to encourage us to buy a house, and then we have got a marriage penalty to encourage us to live in it out of wedlock. The government cannot make up their mind as to what they want to do in their social engineering. But that top 1 percent, this has become a mantra. No matter what tax reduction you talk about, it gets the same indictment.

Here is the real story. The real story of the debate is whose money is it? If I reduce taxes, I thereby will take less of your money. It is your money. But how is it characterized? As me having a big tax giveaway.

I cannot give away what is not mine to give. It is your money. And that is the fundamental message. Why is it if they take 90 percent of the budget surplus and we commit to buying down debt, and then take from that 10 percent that remains the essential spending for a lot of our emergencies, like the fires and floods you have been seeing, to restore our military readiness so our children will be safe on the job as they defend liberty here and abroad, a few of the other things, and then say another 5 percent of it we give back in taxes, or just refuse to take it away in taxes, why is that going to blow a hole in the budget when you have got, by alternative, a spending proposal that is $1.2 trillion over the next 10 years? Why is it they always say, when I spend more of your money, that is good for the economy; but if I leave you to spend more of your money, that is bad for the economy?

Let me just finish my point. In the end, whether I spend the money or the government spends the money, the acid test is, am I getting what I need for myself and my family?

Now, the Vice President, he presumes he knows better. He thinks he can, through the government, buy better for me and my family than I can. My response to that is, oh, yeah? When was the last time you got your wife the right birthday present? I cannot even figure it out for my wife, who I know better than any other person in the world and love more than all other people in the world. And I cannot get the right birthday present. Why does somebody in Washington think they can do a better job for my wife than I can, or, for that matter, for me? The audacity of that just amazes me.

Mr. SESSIONS. I thank the majority leader for being here today, and I will tell the gentleman that I believe his time as a professor of economics not only pays often, has paid off in the past, but will pay off in the future. It is a matter of freedom. It is a matter of freedom about who is going to make decisions for who.

One of the things which we as conservatives repeatedly speak about is that we believe it is not only our money, but it should be our decision-making process also. I think it really gets back to this question of who is going to make the decisions for us. It is either going to be the tax collector or the taxpayer. And money still equals power, and the opportunity to have money in your pocket means that you cannot only engage in the debate and be a part of what is happening, but you can have a say in the final answer. And when Washington, D.C. gets all the money, which is what AL GORE wants, then they will be the decision maker in life.

If we give the money back to the taxpayer, which is what George Bush and the Republican Party wants, then we will have an opportunity for people to not only come and participate in America, but for their answer to be the winning answer, their dream to be the bigger dream.

I yield to the gentleman from California.

Mr. DOOLITTLE. I appreciate the gentleman having this special order. I have been absolutely fascinated with some of the claims I see being made by our liberal Democrat brethren, and one of them is that the big thing now is to attack our tax cut plan, because we are giving a tax cut to the wealthiest 1 percent of Americans. Of course, they never point out those are the Americans who paid a lot of the taxes, and, in fact, I believe the figures are that the top 5 percent of taxpayers paid a majority of the income taxes in this country.

So it is really Marxist class warfare, is what it is. In fact, I do not like to use the term ''middle class,'' and I hear Vice President GORE use that term over and over and over again. It is a Marxist term. You will never find in the U.S. Constitution any reference to ''class.'' In fact, it says all men are created equal. It is the very opposite of this idea of classes that are to be pitted against each other, somehow using government to redistribute benefits from one to go to the other.

I was absolutely fascinated to hear the attack levied recently by the Vice President on Republicans, and specifically Governor Bush, over this 1 percent, over giving the tax cut to all Americans, including the 1 percent of the wealthiest, and yet he then turns around and attacks the Republicans for not giving free prescription drugs to the top 1 percent of wealthiest Americans.

Figure that one out. If that is not the height of hypocrisy and nonsense, I do not know what is. His socialistic disastrous plan for prescription drugs would destroy the surplus that we have worked so hard in the 6 years of Republican administration of this Congress to build up. He would create just another huge entitlement program that would result pretty much in government price fixing, and the drug industry would drop innovation and would be giving all these free prescription drugs to people who do not need them, and all the time he is telling us what a great fiscal conservative he is.

Mr. SESSIONS. It is interesting that the facts of what George Bush's own tax plan is all about was in the ''Wall Street Journal,'' a review of it, on September 5 of this year. Here is what it does. I quote from this article. ''The Bush tax cut does not favor the rich.''

The ''Wall Street Journal'' says, ''The Bush tax cut does not favor the rich. This is not a flat tax, or even a proportional cut, though such cuts would be more efficient in economic terms. Rather, higher income families get lower percentage reductions.''

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This is household income. Those earning $50,000 to $75,000 a year would see an average cut of 30 percent. My colleagues, I will tell you that this is exactly in line with what our economics have been, to take the burden away from people who earn between $50,000 and $75,000. Families earning $75,000 to $100,000 would see an average cut of 18 percent, and those earning more than $100,000 would have an average reduction of 10 percent.

Mr. Speaker, what this does very clearly is say that where you have two people, perhaps they are both teachers making $35,000 and $35,000, they would receive a cut of 30 percent.

All the time in my district, wherever I go, I try and talk about how teachers are great for not only our schools and our children, but for America; and they talk about they want a pay raise, they need more money, they need more money. The George Bush tax plan would give the average teacher and a spouse a 30 percent tax cut.

I cannot imagine any school board giving their teachers a 30 percent tax increase. We need to have a tax cut. This government is too big and costs too much money. We need to give the power back, yes, even to our own teachers.

I yield to the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, I think the gentleman from Texas also makes a point, you have to define your terms. What is a tax cut? George Bush suggests, like most of us would and the common sense parlance, that a tax cut is a reduced tax bill to those people who pay taxes. Is not that what most Americans would think?

Vice President GORE has one scheme here where he asks the IRS to actually write checks to people who do not even pay taxes, and he calls that a tax cut. Now, I call that a spending spree. It seems to me that there is a very definitional thing.

Can you imagine when the Vice President talks about his tax cuts that what is featured in there is this risky scheme where he is going to say to the IRS, you write checks to people who do not even pay taxes, and we will call it a tax cut. I would not call it that at all. I would call that a funds distribution.

Mr. Speaker, I pay taxes. The IRS has taken my tax money and given it to somebody else, but they are certainly not reducing anybody's taxes in the process. Let us start with making a fundamental thing. A tax cut should be, by definition, a reduction in the tax liability of somebody who pays a tax. Is that not a fair definition?

Mr. SESSIONS. Mr. Speaker, I would agree with the gentleman. I would agree with that.

Mr. ARMEY. I think the gentleman from Pennsylvania (Mr. TOOMEY) is here with us.

Mr. TOOMEY. Mr. Speaker, if the gentleman would yield, I would like to add to this discussion the following thought: clearly, Governor Bush made the case, I thought very persuasively, and the choice between Vice President AL GORE and what Governor Bush comes down to is will we be a freer society in which the men and women who produce the assets and resources of our country get to decide how to allocate those assets and resources, or will it be a less free society and we will see the Federal Government's massive new powers, massive new spending that the Vice President has proposed and believes in?

I would just like to make two observations. First, if we believe in the very central premise on which our Nation was founded, the principle of individual liability, then that is a very compelling reason in and of itself to support Governor Bush, because he wants to expand the freedom of the men and women of our country. But if we are not persuaded by that principle, then I would suggest that we ask ourselves, what does the empirical evidence suggest? What does the data suggest about the results of economic freedom?

The fact is, the jury is in, the verdict is in. The outcome is very, very clear. Mr. Speaker, I would suggest to my colleagues that they might want to read an annual report that is produced by the Heritage Foundation in cooperation with the Wall Street Journal, and it is a fascinating report. What it does, it measures the extent to which various societies around the world are economically free.

It measures things such as the level of government expenditures in an economy, the level of the tax burden, the amount of the regulatory burden, whether or not currencies are exchangeable. It takes this measurement, and it evaluates those countries which are essentially free economies, and it analyzes those which are essentially unfree, and then it shows an astonishing interesting correlation between economic freedom and wealth and prosperity.

In fact, I would suggest my colleagues turn to page 21 of this report, it is the 2000 Index of Economic Freedom by the Heritage Foundation and Wall Street Journal, and what it demonstrates is empirically and objectively beyond a dispute that those economies, those societies that are most free are also most prosperous, allow their people to create the most wealth, have the highest standard of living, and the greatest opportunity in the world. And those societies which are least free have the greatest poverty and misery.

We know that that happens on the extremes. We know that the Soviet Union was an economic disaster, and the United States has been an economic miracle, but the important point that this study illustrates is that it is not only true on the extremes, but it is true on the continuum in between.

Mr. Speaker, just to finish and to conclude, the point that it makes is that if we move in the direction of greater economic freedom, lowering the tax burden, lowering government regulation, limiting Federal spending, limiting the control of our society in the hands of politicians and bureaucrats in Washington, if we limit that and we expand personal freedom and economic freedom, we will have more prosperity, more economic growth, more opportunity, more people with bigger take-home paychecks able to do the things that work best for their families; and that is the society that I think we all want.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. TOOMEY). The gentleman hits right to the point, and that is, we want to be in an America where we have opportunity and faith in each other and faith in our future.

I yield to the gentleman from Wisconsin (Mr. RYAN), to talk about the surplus dollars.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding to me.

Mr. Speaker, I serve on the Committee on the Budget, and we work very closely at taking a look at whose numbers add up, what we are going to do with the Federal budget surplus. I have here an apples-to-apples comparison of the Bush plan for the surplus and the Gore plan for the surplus.

I think it is very important to put aside all the rhetoric you hear, because a lot of times when you listen to politicians' rhetoric, when you listen to the presidential campaign rhetoric or the media's interpretation of the rhetoric, you do not actually see what is being proposed. Let us take a look at what is actually being proposed.

We have a monumental chance, a historic opportunity to use this surplus to address the many challenges facing our Nation. We have a chance to pay off our national debt. We have a chance to shore up Social Security. We have a chance to modernize and fix Medicare, and we have a chance to let people keep more of their hard-earned money as they continue to overpay their taxes.

What the Gore plan does is it says for every dollar coming into the Federal Government in the form of a budget surplus for the next 10 years, we are going to take 46 cents out of that surplus dollar, 46 cents out of every surplus dollar will go toward Washington, will go toward new spending.

Mr. Speaker, 36 cents of every surplus dollar will go towards Social Security and Medicare and paying down the debt. You take a look at the Gore plan, he has said in his speech and I notice in the debate we are going to pay off the debt by 2012.

The Bush plans the debt off even faster. It puts more money towards preserving Social Security and Medicare and paying off the debt. It puts 58 cents of every surplus dollar toward paying off the debt, preserving Social Security and Medicare.

The point is, if my colleagues take a look at the blue slice of this pie in the Bush plan, after paying off the debt, after stopping the raid on Social Security, paying off the debt in 12 years, after having a meaningful prescription drug benefit, people are still going to be overpaying their taxes, and Governor Bush is proposing that 29 cents of every surplus dollar go back to the people who gave us the surplus, the taxpayers.

What is the alternative to that vision? It is not paying down debt. It is not a question of cutting taxes or paying off debt. It is a question of after paying off the debt and shoring up Social Security and Medicare, giving people their money back or spending it on new programs in Washington, which is what the Vice President is proposing.

He is proposing a minor 7 cents out of every surplus dollar going back to the taxpayers who gave us the surplus in the first place and a whopping 46 cents of new spending out of every surplus dollar. So the question that the Vice President has answered, is, it is not a question of paying off debt, it is a question of not giving anybody their money back or spending more money on new programs in Washington.

If my colleagues take a look at the amount of spending, Bush wants to spend $278 billion over the next 10 years above and beyond the current budgets for national defense, for education, for fixing Medicare. GORE wants to increase spending by $2.1 trillion. He is proposing the largest spending increase in 35 years to double the size of the Federal Government in 10 years. That is the proposal you see with the Gore budget.

Mr. Speaker, this is a huge election. This is about philosophy and vision. The question is, do you want your money to come to Washington and to stay in Washington, so that Washington then can give you some of your money back if you engage in behavior that they approve of; or do you want to keep some more of your own money in

your paycheck to begin with? Do you want us to become fiscally responsible and pay off our debts before we launch into new spending sprees and creating more programs?

These are the questions that are being answered that are going to be on line in the ballot this November between Bush and Gore.

I would like to thank the gentleman from Texas (Mr. SESSIONS), who has orchestrated this hour and thank him for the time he has given.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. RYAN). I thank the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, and also the gentleman from Texas (Mr. ARMEY), the majority leader. We have had an opportunity today to speak about the differences between what is AL GORE's old tax and scheme plans versus confidence and security that we will make sure that people make their own decisions back at home which is called the George Bush plan.

I want to thank my colleagues for not only participating today, but for the fervency of their belief that America's greatest days lie ahead of us; that I believe that America's greatest days and no problem that cannot be solved in America, because America will be responsible for its own destiny and the future, not the government.

## ILLEGAL NARCOTICS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I am pleased to come to the floor this afternoon, and I hope to talk about the issue that I usually come on Tuesday to talk about but was preempted by the presidential debates on Tuesday night, that is, the problem of illegal narcotics and the damage that illegal narcotics have done across our land.

Mr. Speaker, I cannot help but come to the floor, though, preceding my colleagues who just spoke about some of the differences and the great balance that we have that may be undone here in this next election and some of the differences between the candidates on the issues.

I sat with many of my colleagues, Mr. Speaker, and watched the debates. There are some things I would have mentioned that were not mentioned. Governor Bush has not been part of the legislative process here. The governor was chief executive of the State of Texas.

Mr. GORE has been a Member of the other body, and the differences are very dramatic. He served a number of years as a Member of Congress and finally as a Member of the other body, and it was interesting.

Before I get into the drug portion of my talk this afternoon, I want to talk about some of the differences that are very distinct, the failure of the Vice President, when he was a Member of Congress, to ever come forth with a balanced budget; the failure of Mr. GORE to ever come forward with a proposal to secure Social Security. He is talking about a lockbox.

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The Republicans did a lockbox here. He is talking about paying down the deficit by 2012. We are talking about paying down the deficit sooner than that with the plan that we have.

There are things that he had an opportunity, but why did he not propose this? When the Democrats had control of both Houses of Congress, the Senate, by a wide margin, and this body here by a wide veto-proof margin, they could do basically anything they wanted to do. What did they do? He said, well, I cast the deciding vote for an economic policy.

Well, Mr. Speaker, his plan was to pass a deciding vote to increase taxes to the highest level they had. The plan that they brought to this floor of the House of Representatives in 1993 when they passed that huge tax increase projected, their projections were a $200 billion deficit this year. That would have been on top of raiding social security, which they had done decade after decade when they controlled this body.

What a farce, to have this side and one of the leaders of the other side come before the American people and tell them that he is going to solve the problem if he is given another chance.

He had a chance in the Congress, he had a chance when they controlled this place for 2 years with a wide, wide margin. What did they do? They taxed and they spent the largest tax increase.

Talk about energy policy, they do not have a clue of an energy policy. They have allowed the United States of America to be held hostage by ten dictators and by Middle East sheiks and others and allowed our reliance from around 50 percent on foreign oil to go now into the 56 percent and growing range. So we are held hostage. That is their policy.

What is amazing is that we are being held hostage by people in the Middle East, we who sent, under President Bush, our young men and women to die for them, and they cannot even negotiate an oil deal to give us a better rate on the per barrel oil price.

They do not have a clue of an energy policy. On our side of the aisle, we have all backed a domestic plan and tried to increase domestic production, tried to get alternative fuels. I have been up to the ANWR region of Alaska. The footprint that they had and the technology they had years ago when they took oil out of Prudhoe Bay, and even taking oil out of Prudhoe Bay, it is not the same technology today that it was 20 years ago. There is a very small imprint and footprint for oil production.

There is no reason why we have to be energy dependent. We can put a man on the moon. And there is no reason why we cannot devise technology for nuclear energy. Some countries produce much, much more of their energy supply by nuclear means. They do not want to talk about that, of course. But there is no reason why we cannot do away with nuclear waste and turn that actually into energy production. There is no reason why we should be held hostage. Under this administration, we have increased our dependency to foreign sources.

Those are some of the things that I noticed in the debate.

They talk about a tax cut and balancing the budget without hurting people. We heard the other side here, as we attempted to balance the budget. Balancing the budget is something they could have done for 40 years here. All they had to do was match the expenditures with the revenues. It is not a complicated thing. Most Americans do it every week. They have to limit their expenditures to what they take in.

We did that, and kicking and screaming and dragging some of our people through elections and calling them names and accusing them of all kinds of atrocities is unfair. They want to do that again with Mediscare, with scaring seniors about social security.

Stop and think. I have great respect for senior citizens all in my family that I know because they have been around a long time, and they are not fooled by those who will tell them that they bankrupted social security when they had control of the entire process. They were not only bankrupting the country in these huge deficit expenditures, but dipping into the social security trust fund, dipping into the Highway Trust Fund, dipping into the aviation trust fund, dipping into the Federal employees' trust fund.

Every one of these accounts they raided, until we were just about at our financial knees. Thank goodness a Republican majority, a new majority in the House and in the other body, came along to rescue that.

So now the folks from the other side that raided these funds, we restored the funds and took the abuse from them and were putting our Nation's finances in order, and they had the gall to go before the American people and tell them that they need another 4 years in the White House to solve these problems. They need control of the House and Senate.

Mr. Speaker, their history is tax and spend. Their history. We passed legislation putting our financial House in order. We also passed a $1,000 tax credit for those people who have children in this country when they said we could not do it, that we could not do that. We passed a marriage penalty tax which was vetoed by those same folks that have taken control that want to deny tens and tens of millions of working men and women a little bit of money back in their pocket and not be penalized for being married.

Is that family-friendly? Is that helping working people? So I saw those debates, too. I am so glad my colleagues

were here before me to reiterate some of the issues.

The question of education, for 40 years the other side has done nothing but bring power to Washington, as far as education. We heard in the debates that only 6 cents of every dollar comes from the Federal Government. We have a Department of Education with thousands of bureaucrats, most of them in Washington, D.C., 5,000, and many thousands of contract employees. They disguise the true number of employees. I will talk about Federal employees in just a moment.

But in education, we have 5,000, and within just a few miles of my voice in this Capitol there are 3,000 Department of Education Federal employees.

One time I took a student who was visiting here. We were on our way down to the White House. We drive from the Capitol to the White House and see all of these buildings, these massive buildings. He asked me, what do people do in those buildings? We passed the Department of Education. I told him, there are 3,000 Federal education employees just in Washington, D.C. I will tell you what they do, they administer hundreds of Federal education programs. We were up to 760 Federal education programs, all well-meaning, but all that required administration and overhead.

Not only do they require it in downtown Washington in those buildings, where they make $60,000 to $100,000, on average, and show me one teacher in my district that makes $60,000 to $100,000. I do not know of any. But they make it in those buildings here.

I will tell the Members what those people do in the Department of Education: They pass rules and regulations. They administer those 760 programs.

I have no problem with the Federal Government providing money to education. In fact, I guarantee Members, if we ask this question and people would answer, this would be the response. The question would be, if we were thinking about it, who would provide more funding for education, Republicans or Democrats? If we had an audience here, Mr. Speaker, of citizens sitting here, they would probably say the Democrats would.

That is wrong. The Democrats, when they had control, again, and when they were running these deficits, they put very little money into education and increases.

If we take the same period of time that we have had control of this House and we go back when they had control, we dramatically increased the funding and money available for education as a percentage compared to what they did, and put more money in student loans. The difference is that they put more money in administration. They put more emphasis on regulation. They want the control here in Washington, D.C., so that is why they not only require those 3,000 Federal employees here administering these programs, again, well-intended, but they require them in the regional offices.

Then, what is worse is they require them in the State capitals and down at the school boards until we get down to the poor teacher. The teacher is held captive by rules, regulations, by the mandates coming from Washington. I guarantee Members that if we had a President GORE, he would be the king of rules and regulations, and more control in Washington.

That is what the debate is about: Do we want Washington and the Federal Government to have more control, more power, more authority, or do we want the money that is hard earned by the taxpayers to go back to the taxpayers? That is the major question, the major difference, for the people who get their check at the end of the week and they look at the check and there is very little left.

I remember when my daughter graduated a couple of years ago from college. Her biggest shock was to get her first paycheck. She almost cried. She said, dad, I have hardly anything left, and she was not making that much money. But she was shocked, as every American worker is shocked, at the end of the week, how much they have left; at the end of the month, at the end of the year, how much they have left.

This is one of the best fundamental debates this Congress and this country has ever heard, because the debate is about where that money is going to end up and who controls that money: whether we control it, have it back in our pockets, or whether they send it to Washington and tell us how our school will be run, whether they add more administrators in that Department of Education in Washington, whether they force more administrators at the regional level, whether they force more at the school level.

I served in the State legislature in Tallahassee, Florida, the capital, back in the seventies. If Members go to Tallahassee, Florida, there is a huge capitol building. I was there when they built it.

But the second biggest building in Tallahassee, Florida, is a skyscraper which is a Department of Education, a State Department of Education. That Department of Education grew to a huge bureaucracy, one, because of some of the rules and regulations and mandates that came out of Washington. Again, they only supply 6 cents on every dollar. The rest of the money comes from local property taxes, State sales tax and State fees and local money. But they pass down to the local level this huge bureaucracy, this red tape, so a teacher is held hostage in her classroom, so a principal cannot control the school, so the school board has to have hundreds and hundreds of mandated Federal employees carrying out Federal mandates.

That is where the education money goes. That is why this is a great and fundamental debate. If people want government to have more control, there is a very clear choice. If they want education mandated out of Washington, there is a very clear choice. If they want more regulations in education, there is a very clear choice.

Some of this is not rocket science. We know that children need basic education. Governor Bush, I heard his proposal for Head Start. What a great proposal. What he has done in Texas with his young people, if we could do that for our country, for our children, which are the poorest and most at-risk children in this country, they need basic education. They need to be able to read and write and do simple math. It is not complicated. My wife was an elementary schoolteacher, and this is some of the answer.

Let me tell the Members what they put in place. Even I tried to change it, and we cannot change the bureaucracy because they will veto it. This President will veto it.

With Head Start, a great program, I was involved in helping, when I went to the University of Florida some 40 years ago, before some of my colleagues here were even born, I was trying to help young people, particularly with an institution, with the University of Florida.

Here is a great education university next to a community in Gainesville that had many poor children who did not have an opportunity for education.

The Great Start concept is to take good resources, teaching resources, and to give those young people the ability to have a head start, to have access to education so that they have the basic skills so when they enter school they can do simple math, they can read.

1545

Governor Bush, and I hope will be President Bush, proposed that we convert Head Start into a reading program or at least an emphasis on reading and basic skills.

I have a good Head Start program in my local area, but we also have a Head Start program which I examined in my area. My Head Start program, the public one, is a great example of what we should not be doing with taxpayer money. One of the Head Start programs spends between $8,000 and $9,000 per year per student for a part-time program which is basically a glorified baby-sitting program. It has turned into a minority employment program so that the student who is coming out of a disadvantaged home is going into a disadvantaged program and not learning.

I examined the program, and the program had administrators, over 20 administrators in a program for around 400 students, 20 administrators earning between $16,000 and $60,000. The teachers, there was not one certified teacher in the program, not one certified teacher. The so-called teachers were making between $12,000 and $16,000. Is that a head start? That is a farce.

But if those children who are so disadvantaged had just a minimal opportunity to learn to read, to learn to do

simple mathematics. Try to hire someone today who can do simple mathematics and read out there, it is very difficult.

One of my community college presidents told me that over half of the students entering community college in my area need remedial education. We have an education recession, and that is because they have taken the power to Washington with all of these mandates and regulations.

Do my colleagues know what they have done? They have failed. They have failed. A teacher cannot teach. A teacher goes into the classroom in many areas and is threatened with bodily harm. One of my district aid's wife is a teacher in one of the schools in central Florida and has been physically attacked.

There is not much the teacher can do. The teacher has lost control of the classroom. Why? Because of the liberal policies and left wing policies of well-intended people who have managed to take control away from parents, from teachers, from principals and local school administrators and amass them all here in Washington, D.C.

That is the clear choice that the American people are going to have: Do you want more power here in Washington over education? Do you want more mandates? Do you want more rules? Do you want the people who, for 40 years, have brought power and regulation to education and so encapsulated the regulation of education that a teacher cannot teach, a parent cannot discipline, that we cannot teach basics, that we have programs that were intended to give children a head start? What do they do? They keep them at the lowest common denominator.

We look at what Governor Bush did just with education in the State of Texas for his young people. These are the young people. If we fail them, ask any teacher what will happen, ask any principal what will happen. First, these will be the disruptive students in the classroom. Next, they will be the dropout students who used to be in the classroom and who are now roaming our streets and neighborhoods. They will be the social problems. These children will be the social problems because they cannot read, they cannot do mathematics.

As chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, I have had the opportunity to sit in some of our prisons and some of our drug treatment programs and penal institutions and talked to young people and talked to also those older who were incarcerated behind bars, the lost souls of this country. A common denominator among almost all of them is that they failed in school. They did not succeed in school.

Of course many of them came from disruptive families, and they had substance abuse problems, and I will try to talk about that in the rest of my talk. But one of the basic problems with young people getting into trouble is the lack of education, lack of being able to compete in and participate in school and having basic educational skills.

So if for no other reason if on the basis of education, we turn over to the tax and spenders and the regulators and the mandators, this Congress and that White House, it would be a very sad day for America. It would be a very sad day for education in this country.

I talked a little bit about education bureaucrats. I do not advocate the necessary abolishment of the Department of Education. The Federal government can play a role. I do not know that we need 5,000 people or 3,000 people in Education. My God, we might have to have some of them go out and teach for a living and actually be in a classroom and stop regulating. We might have to take those dollars instead of the gobbledegook administration of them and the hundreds of millions of dollars spent on administration and block grant that money.

We passed a simple proposal here to try to get 90 percent of Federal dollars into the classroom and to the teacher. To get a good teacher, one has to pay a good teacher. To have a student able to learn in a classroom, one wants the dollar to go there, not the dollar to go to Washington.

This is an unbelievable statistic. But under their plan, the Democrat plan, under what they have done for 40 years in bringing education and bureaucracy to Washington, almost 90 percent of Federal dollars go to everything but basic education. Our plan was to turn that around for teachers, for students to benefit.

Now, just take a few minutes. I would pray that the American people would take a few minutes, Mr. Speaker, and look at what is being proposed here and what has been done here to their schools, public schools.

I was educated in a public school. My wife was educated in a public school. My wife was a teacher in a public school. I think public schools are one of the best institutions this country has ever created. But they are managing to ruin them. That is why they go to charter schools. That is why they are proposing vouchers as an alternative, because they are failing.

So if we want them to fail more, we can regulate them more from Washington. If we want them to succeed, we can put parents and teachers in control. We can have that money come from here and be a partner with them, but let local parents and students and educators make the decisions. Let us take back the schools.

That is what I think Governor Bush is talking about, successful programs and education that teach basics. Basics. If one cannot read and write in this society or do simple math, how can one function? So that is a great difference. I am glad my colleagues were here to talk about it.

Before I talk about the drug situation, I have to talk about Federal employees. I heard the Vice President of the United States taking credit for, and I could almost cry when he did it, for reducing the size of the Federal bureaucracy, I think he said by more than 300,000 Federal employees.

Mr. Speaker, those 300,000 Federal employees were almost all Federal Defense employees. They have not met a bureaucrat that they do not like on this side of the aisle. They love to expand the size of government, and they have had a great deal of experience at it, whether it is the Department of Education.

They cut the Defense civilian employees, and almost every one of those cuts came out of those agencies. If one looks at it, EPA is bigger than it ever has been, the Department of Commerce. Then if we see any shrinkage, Mr. Speaker, do not let them fool us. Do not let the Vice President of the United States, who knows better, tell us that he has reduced the size of the Federal bureaucracy because it just is not so.

I will tell my colleagues, as chairman of the Subcommittee on Civil Service, I will tell my colleagues where the bodies are buried. What they have done is they have contracted for employees. So we have millions and millions of Federal contract employees rather than Federal employees on the payroll.

So that is where some of these folks are. The only agency I know of that Bill Clinton cut when he came in, he reduced the Drug Czar's office from 120 to about 27. We have managed, fortunately, with General McAffrey and others to try to restore the viability of that office. But it has been a struggle. That is where they made their cuts.

That might be a good lead into the subject that I came to talk about that I usually talk about on Tuesday night but was preempted by the debates. I wanted to make a few points. It is very frustrating as a Member of Congress to have seen the folks who brought this country into fiscal disarray, who operated this Congress, this House of Representatives like a poorly run southern plantation with taxpayers subsidizing the Member's restaurant downstairs, with the House bank run as a piggy bank for anyone who wanted to write a check and bounce a check and have the taxpayers fund it, who wanted to see 17 people deliver ice, even though they instituted refrigerators here in the recent years, they still had 17 people spending three-quarters of a million dollars delivering ice the morning and afternoon, who ran this place like a poorly managed southern plantation is the only comparison I could give. The shoe shine operation was subsidized. The haircut was subsidized.

What did we do? We came in. We cut this committee staff by a third. I was sitting with a Member here, and I related this to the Member, a new Member of my side of the aisle. Republicans do not even recall what the Republicans have done in the Congress. We cut the committee staff by one-third.

We cut the number of committees by one-third. We privatized the dining room and turned it over to a private operator. We no longer subsidize the barber shop, the shoe shine shop. They are private vendors. We took out the printing office which was doing sweetheart deals for Members, and now you must compete with everyone.

Let me tell my colleagues one more that just galls me. They had disabled people that were blocking the Republican National Headquarters yesterday. I saw them, I guess it was, last night. I thought I would stop and talk to those people, but they did not want to hear the truth.

When I was a Member and came here as a minority member in 1993 when Bill Clinton took over, when the Democrats had control of the House of Representatives and the other body, I had visually disabled blinded people coming to visit me as a Member of Congress, and they bounced off the walls going down the halls. There were no accommodations for disabled.

I wrote the chairman of the Committee on House Administration, and I said, it is a disgrace that the House of Representatives does not live under the laws that we have. I came from the business sector, and the business sector was not allowed to ignore the law. Business people must go by the letter of the law, the Americans With Disabilities law. There is no reason why this Congress should not accommodate it, particularly the House of Representatives, the people's house.

Do my colleagues know what the Democrat chairman did? He ignored me. I wrote him again, and he ignored me. I wrote him again. They ignored the disabled. The disabled Americans who come to this Capitol, came to this Capitol when they controlled by wide margins the House of Representatives and the other body, and they ignored the disabled.

I begged them if they would please accommodate. These are good people. They deserve to have the law enforced as far as the House of Representatives, their people's house, even when they come to lobby or talk to or visit their Members of Congress. They ignored me.

One of the greatest satisfactions I had was, when we took over the House of Representatives, we passed the Congressional Accountability Act. We put the Congress, the House of Representatives under the same laws as the business people. One of the greatest days of satisfaction that I have ever had, and if I never serve another day in the House of Representatives, is when they put a plaque on my door, and it said JOHN L. MICA; and underneath in braille, it had a braille reading for my constituents, so when they visited me they could be treated the same way they would in the private sector.

That was denied when they controlled this entire body by huge margins and could have done anything they wanted to do. That was denied the disabled in my district.

If one goes around the Capitol, and I am now on the Committee on House Administration, it is ironic how tables turn. The Committee on House Administration that would not even hear a minority member asking about helping the disabled, it is ironic. I now serve on that as one of the Speaker's designees on House Administration. Go around and see what we have done.

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This place was a disgrace, and we are still trying to get it so it is accessible to the disabled.

The fire alarms. We are still working to get them in order so it is a safe workplace even for the people who work here, which they ignored, as well as the access to people who are disabled.

But I am very proud of what we did. Every Member of the Republican side of the aisle can be very proud of what they did and of their legacy, not only as far as putting this country's financial house in order but in the area of putting the people's House in order. So, as Paul Harvey says, ''That's the rest of the story,'' or a little bit more of the story.

I guess they got my dander up between watching the debates and not hearing what should have been said. But we do need to continue the progress that we have made: keeping our financial house in order, helping Americans have a few more dollars in their pocket, working Americans, and helping people get off of government. I guess those who want a lot of control by government and want power in Washington, it is better to have people relying on them here in Washington. God only knows what JFK would be saying these days. He said, ''Ask not what your country can do for you, but what you can do for your country.'' The other side seems to think it is ask how much more Washington can do for you, and we will get your vote and your money. It is sort of sad, and I hope the American people pay attention to what is going on here.

As chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, I have a very small responsibility of all the responsibilities here. I do not have control over the budget. I am one vote out of 435. I do not have control over the appropriations process. But I do have responsibility to try to focus on our national drug policy, and for the past year and a half, as chairman, and since assuming that and leaving as chairman of the Subcommittee on Civil Service of the Committee on Government Reform, I have tried to do my best to deal with a problem which we inherited as a new majority.

The other side was convinced when they came in to office that we did not need a war on drugs, so they began systematically dismantling what was truly a war on drugs. Now, if we all think back to the administration of Ronald Reagan and George Bush, they instituted a number of policies, community-based policies, against narcotics. The First Lady led a ''Just say no'' effort. The President was engaged in this, we had a vice presidential task force, we had an Andean policy where we went after the drugs at their source. We brought in the military and the Coast Guard, not into arresting people but into drug surveillance; and we had an almost 50 percent decline in drug use in this country back from 1985 to 1990. I brought that chart up and showed it many times.

With the Clinton administration, the first thing they did was fire everybody, just about everybody, in the drug czar's office. They took the military out of the war on drugs. They stopped intelligence sharing with our allies, who were going after drug traffickers. And it is better to have them go after them than to spend our resources. They blocked aid to Colombia, and that is why we have a $1.3 billion aid package to Colombia because they very directly stopped aid and information sharing and any type of assistance going to Colombia.

Now Colombia has gone from practically having no production of heroin and no production of cocaine in 1993, this is the total supply of heroin produced in Colombia in 1993, this is a zero, I hope my colleagues can see this, this is a zero in 1993, and in 6 years of the Clinton-Gore lack of a drug policy, and an actually obstructive drug policy in Colombia, what they have managed to do is to have that come from zero production of heroin to being up to 75 percent of the world's supply. And most of that is coming into the United States from South America.

This is the most recent report I have had as the chairman. We know where the drugs are coming from. Heroin is coming from South America. We see it is at 65 percent of all the heroin. We know this and DEA knows this. They have supplied me with these figures because they can do a DNA signature analysis and almost tell the field that the heroin has come from. So we know that now in the Clinton-Gore administration, in 6, 7 years, they have managed to turn Colombia from producing zero to 65 percent of everything on the streets seized in the United States; 75 percent of the world's supply, as we see. These are DEA figures given to me.

The other huge increase we see is Mexico. From 1997 to 1998 they went from 14 to 17 percent, a 20 percent increase in the country that we gave trade assistance to; that we helped to secure their peso during their financial disaster. We loaned them money. We have given them the best trade benefits of probably any nation in the history of negotiation over trade. We gave them the best benefits. This administration certified Mexico as cooperating; yet they increased by 20 percent in one year the production of heroin. They blocked any aid going to Colombia and turned it into the biggest producer.

So here are two of our problems: we know where it is coming from. It is coming across the border from Mexico. It is being produced, the last 6, 7, years, under the Clinton-Gore administration, in Colombia, where they denied aid; they denied assistance. And even several years ago, when we appropriated $300 million to go to Colombia, that money was bungled in getting delivery of goods and resources to Colombia to go after narcotics trafficking and also eradicating the narcotics production in that country.

We will hear next week from DEA and from GAO and others that have looked at this situation, and they will outline that ''the gang that can't shoot straight'' could not even get the aide that we appropriated more than 2 years ago to Colombia to try to get this situation under control. That scares me as far as the $1.3 billion we just appropriated. Even when it is appropriated, they cannot get it straight.

The same is true for another deadly drug, which is cocaine. In 1993, President Bush had gotten the production of cocaine almost under control. They went after the cartels. They had an Andean strategy. We have to remember, from a position of wimping out on the narcotics issue, which is sort of the trademark of this administration, back to what took place in 1989. President Bush found one government trafficking in illegal narcotics, primarily cocaine, and what did he do? He sent our troops in and they surrounded the house. If my colleagues will remember, those of us that followed this, they surrounded and captured Noriega. He was captured because he was dealing in drugs and drug trafficking, and that is what he was charged with. And then there is this administration that has turned its back on trying to stop the production.

This was a successful program. When we reduce drug use 50 percent from 1985 to 1992 in this country, when it is reduced by 50 percent, that is a successful program. But they will tell us that the war on drugs has failed. Their war on drugs has failed. Their war on drugs was a dismantling of any effort on drugs, and the evidence could not be more clear.

Now, finally we have gotten the President's attention. In 7 years, I believe the President mentioned the war on drugs eight times, just before the Colombian appropriation. When we do not have leadership from the top, when we do not have an effective strategy, when we take the military and surveillance out of the war on drugs, what do we have? We have a huge supply of drugs. That is why they are dying in Vermont, that is why they are dying in Oregon, that is why they are dying in my State, that is why they are dying in Baltimore, right down the street from here in Baltimore. ''Drug Overdose Deaths Exceed Slayings,'' this is a recent headline, September 15, in Baltimore. That means that there are more drug-related deaths than homicides.

This would be a horrible headline in any community. It has appeared in the headlines in my community. But the national media will not pay attention to this. We held a hearing a week ago on this, but in the United States of America, for the first time in the history of statistics, drug-induced deaths, drug-related deaths in the United States of America exceeded homicides. For the first time. They do not want that information out. The media would not cover it. God forbid anyone should think that they are not doing a great job. But when the drug czar and Donna Shalala held a conference several weeks ago that drug use among eighth graders had dropped slightly, they championed that like we had solved the whole problem.

I tell my colleagues, the problem is serious. Ask any parent, ask any young person. These are the headlines that we see: ''High Schoolers Report More Drug Use.'' Ask any high schooler, ask any parent, ask any single parent, any mother, any set of parents what one of their greatest fears is, and that is to have their child addicted to narcotics. Not only the problem of addiction, it is the problem of death. And now we have all kinds of drugs on the street.

We have a huge supply. We saw where some of the supply is coming from. I am not sure if the Speaker has an HDTV or how many of my colleagues here have an HDTV. Probably not too many. Some might say, well, what is an HDTV? And what does high definition television have to do with drugs? It is a simple economics equation. When there is a short supply and a high price, there is not the demand.

We have heroin, we have cocaine, we have methamphetamine, we have Ecstasy, we have all of these drugs flooding our streets; and the administration has dismantled any effort to go after the supply, to go after the producing countries, to stop drugs most cost effectively at their source. And that is why we have an incredible supply of heroin, that is why we have heroin overdose deaths. Not only do we have heroin overdose deaths, we also have on the streets of our country the most pure heroin and cocaine that our drug enforcement people have ever seen, and our young people are mixing it with alcohol and with other drugs, and they are dying like flies. That is why drug-related deaths, and many of them with our young people, now exceed homicides in the United States.

Now, some people would say that the answer is treatment. And I heard this Geraldo Rivera debate the other night with one of the pro-legalizers talking about this is just a health problem. This is just a health problem. We treat everybody and we will be fine.

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Well, they tried the health problem approach in Baltimore and they grew from a small number of addicts to somewhere between 60,000 and 80,000 addicts. Of course, the population went from 900,000 to 600,000 because people left Baltimore. They had a mayor who had a liberalization policy, no enforcement policy. And what happened? Almost the same number of homicides every year. And we saw where now drug-induced deaths exceed homicide in Baltimore. That did not work and it does not work.

The alternative is zero tolerance. Rudy Giuliani did it in New York. He cut the murders from over 2,000 in a year when he took office to 600. Six hundred is about double what Baltimore had, and Baltimore has 600,000 population. And there are millions and millions in New York City. Rudy Giuliani, through a zero tolerance policy and going after drug dealers, cut all crime in New York City.

Walk through New York City and you will see the evidence of it by 58 percent. The seven major felony categories were cut by 58 percent. So it not only cut murders from 2,000 down to 600, it cut down all of the mayhem and the felonies. But this is treatment.

Now, they say we did not put enough money in treatment and we hear that from the other side. We put money in treatment, even under the Republicans, a 26 percent increase in treatment since 1995 funds. Every year we put money in treatment. And we see what has happened with interdiction, with international programs, when the other side, the Democrats, and under the Clinton-Gore policy cut the interdiction, cut the international source country programs.

We have a huge increase in drug use in almost every category in the United States because we have a huge supply coming in. And we can never treat enough people. So we will continue to put money into treatment. But do not let them fool you that this is a health problem that we can treat our way out of this. You cannot have a war or any kind of a conflict and only treat the wounded in battle.

And once someone is addicted to narcotics, our success rate in public programs is a 60/70 percent failure rate. Only a 20/30 percent success rate. And these people are repeat and repeat. Ask any parent who has an addicted young person. Ask any adult who has been addicted to narcotics. And it is the hardest thing in the world to treat these people.

If we follow the Baltimore model, we will have tens and tens of millions of people who are addicted. We cannot afford that. We have asked this administration to go after drug dealers. And the Clinton-Gore administration from 1992 to 1996, this is a chart that was supplied to us by the administration and all the statistics come from the administration, it is entitled Individual Defendants Prosecuted in Federal Courts in Drug Prosecutions 1992 to 1996, they cut the prosecution of going after drug offenders from 29,000 here to 26,000 in 1996. So when we got after them to go after drug dealers and drug offenders, and we are not talking about people with small amounts of possession, we are talking about people dealing in death and destruction in huge

quantities trafficking in illegal narcotics, they dropped the prosecution.

And what happened is these are the headlines from the ''Dallas Morning News'': ''Federal Drug Offenders Spending Less Time in Prison Study Finds.'' We went after them, and we started to get the prosecutions up. And now we find in 2000 the drug offenders are spending less time in prison.

We cannot win with these folks. First they will not prosecute folks; and then when they prosecute them, we finally get them to prosecute them and they do not let them serve prison terms.

That is unfortunate. What is also unfortunate is our country is now being ravaged by not only heroin, not only by cocaine and other drugs of high purity and deadly levels, but we have a new plague across this country and that is the plague of Ecstasy and designer drugs.

We just had a young person at the University of Central Florida die from an overdose of designer drugs just the past few days. We have young people who are dying from Ecstasy. We had a hearing of our subcommittee in Atlanta and heard a father talk of his daughter who about 2 years ago took Ecstasy and went into convulsions. And for 2 years that family went through hell. The daughter was in a coma and finally died.

We have had hearings where we had fathers talk about their sons who have tried Ecstasy and did not get a second chance. They are part of those statistics of drug related deaths that exceed homicides.

One father from Orlando told me, ''Mr. Mica, drug related deaths are homicides.''

But one of the great misconceptions young people have is that Ecstasy is a harmless drug, designer drugs you can take and feel good.

This is a brain scan provided to us by the National Institute of Drug Abuse, who does scientific studies. This is a brain scan of a normal brain. This is a brain that has dealt with Ecstasy. Ecstasy destroys the brain tissue and it creates a Parkinson's type disease almost in the brain, a destruction of the brain. This is a brain scan after use of Ecstasy.

The young people and adults of this country must realize that they have a dangerous commodity out there. And now some of it is mixed with all kinds of substances and used with other drugs and is deadly.

It is amazing how this stuff is packaged. This is not a little cottage industry. This has turned into a huge industry of deadly drugs in designer packages.

I do not know if we can focus on this, but they put all kinds of fancy designer labels on these drugs. This was provided to us by U.S. Customs Service, and that is what is out there. They try to make it attractive to our young people, and this is what our young people get is a brain, if they survive, that is damaged. And you do not repair this damage to the brain.

So right now we are facing an Ecstasy epidemic. We are facing it in California.

I see my colleague the gentleman from California (Mr. OSE) is here. We were in his district for a hearing. I might want to yield to the gentleman to comment about his perspective. Maybe he can relate, too, to the House part of this problem. The gentleman does a fantastic job working on the subcommittee but shares, as a father and a parent, my concern for what is happening with illegal narcotics.

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

Mr. OSE. Mr. Speaker, I thank the gentleman from Florida for yielding to me. And I do want to commend his efforts on the Subcommittee on Criminal Justice, Drug Policy and Human Resources, on which I am honored to serve with him as chairman.

He has in fact been to my district for a hearing, and at that hearing we heard the traumatic tales of families whose very fiber was ripped from seam to seam from the abuse of drugs by folks who should know better.

I was hopeful, if I might, Mr. Speaker, if I could just have just a few moments to speak about, frankly, a fraudulent initiative on the California ballot that will contribute to a far more pronounced number of experiences than we have even today.

Mr. MICA. Mr. Speaker, I am pleased to yield to the gentleman. I think we have about 4 minutes, but I think it is important that he gets this message out to our colleagues, the Speaker, and the American people.

Mr. OSE. Mr. Speaker, as my colleagues know, in California we have an interesting process called the initiative process. And on this year's ballot we have Prop 36, which is labeled Substance Abuse and Crime Prevention Act of 2000.

I have a copy of it here. And it is interesting. I have gone through and I have flagged the various parts of it that are so troublesome. This is about 4,500 words in total. And it is interesting, it is being marketed on the basis of treatment. It provides treatment to people, that if we approve this, Californians will receive treatment. But of its 4,500 words, only 383 of them speak directly within the initiative to providing treatment for people. So can you imagine that, less than a tenth of the words in this initiative.

Let me tell my colleagues that what this initiative really does is it imposes the wisdom of a criminal defense attorney, it interjects that into California statute under the guise of providing treatment for folks who need drug treatment.

There is nothing in here that provides treatment to Californians. It changes criminal statute to allow people who violate our laws as it relates to drug possession and use are treated, but it does not provide a single dollar for drug treatment to people who desperately need it.

And keep in mind that this is an initiative written by a criminal defense attorney. The initiative itself was funded by three people who do not even live in California. There is no medical analysis, no medical input to drafting this. It is a shameful fraud being, attempting to be perpetrated on the voters of California.

In fact, Mr. Speaker, just in the course of our committee hearings, the gentleman and I have heard time after time after time from medical professional after medical professional after medical professional that drug testing is an inherent and integral part of a successful drug treatment program. This initiative, the $120 million to be appropriated under this initiative, not a dime of it can be used for drug testing whatsoever. So the initiative eliminates the chance to use the most successful tool we have. I just want to make that clear.

I appreciate being able to come down here and visit with the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I thank the gentleman from California (Mr. OSE) for his comments, and I thank him for the leadership on our Subcommittee on Criminal Justice, Drug Policy and Human Resources.

As we conclude, I again call to the attention of my colleagues, the Speaker, and the American people the need to be vigilant on the issue of illegal narcotics, not to make the mistake of the past, not to be fooled by the legalizers, but to make this country safe for our children and the next generation and stop the ravages of illegal narcotics. Because illegal drugs do destroy lives and do a great deal of damage to our society and our country and particularly to our families and young people.

## NATIONAL ENERGY POLICY IN AMERICA

The SPEAKER pro tempore (Mr. MARTINEZ). Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes.

Mr. PALLONE. Mr. Speaker, I rise today to discuss the Democrats' and the Clinton-Gore administration's energy policy versus the Republicans' lack of energy policy and the Republicans' support for big oil rather than the consumers.

I also have to underscore the fact that the Democrats' energy policy protects rather than sacrifices environmental protection.

I know I am going to be joined this evening by some of my colleagues, and I wanted to first yield if I could to the gentleman from the great State of Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from New Jersey for yielding to me, and I appreciate very much his taking this time today to talk about the lack of a national energy policy.

Perhaps the best known price in America today is that of gasoline. Americans see it posted along the road a dozen or two times a day. They pull in to fill up every week to 10 days, if not more often.

It is also a price that perhaps because of that visibility can generate a lot of heat, especially when it is going up, as it has this year.

This is in fact a price that tells the complex story of global supply and demand, of technological change and of environmental consciousness, and of shifting consumer taste and social change.

Despite the long-term trend, prices move up and down a great deal. These fluctuations can be caused, among other things, by political events, shift in supply and demand of fuel, weather, the level of inventories, disruptions in refinery operations, and the introduction of new environmental standards.

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Over the last year or so, retail gasoline prices in the United States have bounced down and then up from very low levels and then back up to very high levels. In February of 1999, the national average retail price fell to 95 cents per gallon, the lowest since 1989 in nominal dollars and one of the lowest levels ever seen in inflated dollars, and 30 percent lower than the price 2 years earlier. Not much more than a year later, they had risen to the recent highs of over $1.50 per gallon nationwide.

These price swings were detrimental to the producer and the consumer. The trucking industry, for example, in my district and all over the United States had a hard time maintaining operations as usual under the economic strain experienced by their businesses as a result of these price increases. Agriculture also has borne the brunt. Today, high oil prices reflect in part the U.S. economic boom and recovering economies elsewhere.

According to the study done by Cambridge Energy Research Associates, gas price conditions felt this summer were attributed to four primary forces acting on the market: number one, the price of crude oil, where for every $1 per barrel, gasoline prices increased 2 to 3 cents; two, inventories are low based on production constraints; three, new environmental regulations have created numerous variations, RFG, ethanol, MTBE, in gasoline contents making it difficult to transport or mix gas from one area into the next during times of crisis; four, the booming economy has created a 2 percent higher demand for gasoline over last summer. This coupled with the fact that Americans are driving more per person per year, 13,000 miles per person per year, has increased demand.

The last President or last administration to attempt to create a new energy policy was President Carter. I cannot remember a time when the Congress, particularly in the last 6 years, in which we have had a serious debate in this Congress regarding energy policy.

A national energy policy is a must for the United States and this policy must decrease America's dependence on foreign oil. Our Nation gets almost 60 percent of our oil from foreign sources, and this is absolutely unacceptable as it puts our economic and national security at risk. The rejuvenation of the domestic oil and gas industry will benefit all Americans and ensure an energy security for this Nation far into the future. Wide swings in price are not good for consumers or for producers. I happen to represent the oil patch. Less than 2 years ago when oil prices were at critically low levels, we had $8 per barrel prices, domestic oil and gas producers in my district, the 17th District of Texas, were struggling to keep their operations open and many did not.

In my district, claims for unemployment from the oil and gas industry quadrupled from 1,171 to 4,730 between December of 1997 and December of 1998. During this time, the lost wellhead value dropped $5.79 million and the value of oil to the Texas economy dropped by almost $1 billion. The number of producing wells declined by 2,855 during this time as well. In my home county of Jones, oil production in December of 1997 was 83,706 barrels; in December of 1998 it had dropped to 69,000 barrels; and in December of 1999 it had declined to 58,000 barrels. That is a decline of 25,000 barrels per month from December of 1997 to December of 1999, or a decline of 30 percent. Total domestic crude oil production has declined from 8.7 million barrels per day in the United States in 1986, the first oil price collapse, to 5.9 billion barrels per day.

When prices are below the cost of exploring and producing crude, these small independent producers cannot stay in business, and it has a ripple effect throughout local communities as schools and hospitals in Texas rely on a healthy oil and gas industry for revenues. At the time, we warned that critically low prices have the potential to turn into a price shock. Unfortunately, this is a lesson that we should have learned many times over the last 2 decades. I would like to find any evidence anywhere in which this Congress, the 106th, attempted to do anything about the low prices.

If there was a time of dramatic demonstration, the compacted experience of the last 3 years with its highs and lows illustrates the need for our Nation to take responsibility for its energy future. We do need a free market for the production of energy, but it cannot be a free market dominated by foreign producing countries that do not have our best interests at heart. Congress needs, in fact must consider measures to help restore market stability with domestic crude oil and natural gas prices, maintaining a level where domestic producers can compete in a global market. However, our national energy policy must recognize both producer and consumer issues.

Last week, the House considered the energy and water appropriations conference agreement which deleted language added in by the House earlier this session to reauthorize the Strategic Petroleum Reserve and to create a Northeast home heating oil reserve. I find it reckless that in the midst of home heating oil shortages in the Northeastern States, this Congress is on the verge of allowing the President's authority to use the Strategic Petroleum Reserve to lapse.

Authorization of the SPR expired on March 31 of this year, 6 months ago. The House supported a measure that would reauthorize the SPR, the Strategic Petroleum Reserve, and ensure that it would be filled with domestic crude oil to capacity with specific options leading to the expansion of the SPR capacity. Many of us stood on this floor and through letters and Dear Colleagues encouraged the Congress 2 years ago when we had the opportunity to buy oil from domestic producers at $8 a barrel and put it into the Strategic Petroleum Reserve which would have been a good investment for this country, a good investment for taxpayer dollars, to buy it at $8, to support the domestic industry when we had a chance to. But because of overt concerns about unrealistic budgets, the majority on this body refused to even consider it.

It is irresponsible, I believe, to refuse that the SPR be reauthorized, giving this and future Presidents all means available to respond to any possible energy supply emergency. It is in our national security interest. The Department of Energy cannot establish a regional home heating oil reserve until Congress either reauthorizes the SPR or separately passes legislation authorizing the creation of such a reserve with a responsible trigger. Are we trying to send a message from Congress to many vulnerable consumers that they will have to sacrifice other needs just to heat their homes this winter? Additionally, shortages in natural gas will be the next energy issue before us when brownouts start occurring in cities short on natural gas used to create electricity, a direct result of the collapse of the independent oil and gas producing industry in the United States because when you stop drilling for oil, you also stop drilling for gas. Gas is often found in the process of discovering oil. That is something that we have been very, very shortsighted on with our, again, lack of a national energy policy.

Let me just quickly outline some of the things that this Congress should have done this year, or last year. Congress needs to consider measures to help restore market stability with domestic crude and natural gas prices maintaining a level where domestic producers can compete in a global market. However, our national energy policy must recognize both producer and

consumer issues. We need to enact legislation that provides tax relief for marginal well production, providing a safety net for producers when prices are critically low. We need to enact legislation that provides tax incentives for inactive well recovery aimed at bringing plugged or abandoned wells back on line. We need to pass the Watkins-Stenholm proposal that would correct the inequity facing American oil producers who must meet regulatory costs avoided by producers in other countries by imposing an environmental equalization fee on imported crude oil and refined products at the level of cost domestic producers currently spend on compliance with Federal environmental regulations.

We need to encourage production of unconventional fuels. I have recently cosponsored the Energy Security for American Consumers Act that aims to stimulate production of unconventional gas in the hope that our Nation will be better equipped to meet our future energy needs. This bill would extend the section 29 tax credit for unconventional gas production and will provide the energy sector with a necessary incentive to produce gas that is both difficult and costly to obtain.

We need to enact legislation expensing geological and geophysical costs, delaying rental payments and extending the suspension of net income limitation of percentage depletion for marginal wells. We need to enact a low-cost emergency lending program for the benefit of domestic oil and gas producers. We need to enact legislation that would enhance recovery and wildcat exploration. We must open our Federal lands, both onshore and offshore, except in the most treasured environments, to responsible exploration. From 1997 to 1999, oil well completions for drilling for new reserve declined 54 percent. But by providing financial incentives to increase domestic oil production and exploration, we can encourage the discovery of new domestic oil reserves.

We need to ensure that the Strategic Petroleum Reserve is filled with domestic crude oil to capacity and to the extent that the filled capacity does not meet a 90-day supply of foreign imported petroleum, expand the SPR capacity. We need to ensure that the Northeastern States are not in the position where they are facing home heating oil shortages that will harm consumers by establishing a home heating oil reserve in the Northeast. Despite the fact that the President acted administratively in July to create it, the Congress still needs to authorize the use of this new reserve.

We need to enact legislation to promote new developments in the access, production and use of natural gas. We need to enact legislation to promote research in exploring other avenues of energy, including solar, wind, hydroelectric and other renewable energy resources. We need to enact legislation to provide tax incentives encouraging consumers to make energy-efficient improvements to their homes and purchase energy-efficient automobiles, as well as further promote and fund LIHEAP.

It is imperative that Congress work together setting aside partisan differences to ensure price stability, prices that are not so low that producers are put out of business and prices that are not so high that they hurt consumers and threaten our economy. America needs a balanced, forward-looking energy policy based on the proposals that have been put before this Congress. We need a responsible approach that will infuse our energy sector with both efficiency and competition seeking to protect America against emergencies in the energy market.

Mr. Speaker, these are the things that we should have done. I would challenge very many individuals on either side of the aisle to show anything that we have done other than not avoid the temptation of pointing the finger. There are many, many solutions. I am very happy today, and I again thank the gentleman from New Jersey for taking this 1 hour. I thank him for allowing me to show at least in this one Member's mind some of the things that we should have been doing in this Congress, and some of the proposals that are being advocated now of where we need to go in the next administration and in the next Congress.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from Texas for his remarks and two things, first of all, I think he points out very successfully, that it is the Congress that needs to act on authorizing these energy initiatives that would help the American consumer, and we know that for the past 6 years, the Republicans have been in the majority and they have not done it. I know the gentleman does not like to point a finger; but the bottom line is, the Republican leadership runs this place, and they have not put forward an energy policy, and they have not been willing to enact the policies that the Clinton-Gore administration have put forward.

I also wanted to thank my colleague because I see the concern he expressed for the Northeast, particularly the need to authorize the Northeast home heating oil reserve which, again, the Republican leadership has not been willing to do and has been trying to stop the reserve actually from being passed. The gentleman mentioned gas prices. There is an article in the Star Ledger, which is the major newspaper in my home State of New Jersey, today that is entitled ''Gas Heat Costs Will Be Soaring. Jersey's Four Utilities Want Rate Hikes as High as 40 Percent.'' If I could just in the first couple of paragraphs of the article, it says:

Heating bills could rise as much as 40 percent for some New Jersey consumers this winter if rate increases requested yesterday by the State's four natural gas utilities are approved by regulators. The four utilities covering millions of customers filed petitions seeking emergency relief with the State board of public utilities which is expected to act on the proposals at its next meeting on Tuesday. The increases would be effective immediately.

So what he is saying about the impact ultimately on gas prices is certainly coming true. Most important is the fact that the Republican leadership continues to oppose the President's initiative, backed up by Vice President GORE, to tap the Strategic Petroleum Reserve, the SPR. I just wanted to point out briefly, and then I would like to yield to my other colleague from Texas, that it is ironic that Governor Bush and the Republican leadership here and the Republican leadership on the Committee on Commerce, which I serve on which has jurisdiction over energy policy, continue to criticize the President and the Vice President with regard to the SPR, because if I could just recount a little history here because I think it is important since the Republican leadership came into the majority, or actually I could take it even further back to when President Bush was in office.

When President Bush sold oil from the reserve from the SPR during the Gulf War, domestic reserves were higher than today and crude prices were $5 per barrel cheaper. Yet he said he released the oil not because of national security but to, ''calm the markets.'' So even President Clinton's predecessor, President Bush, recognized the fact that the SPR could be tapped, not for security reasons, but to make sure that prices did not continue to rise.

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But, beyond that, since the Republican leadership has been in charge here in the Congress, since 1996, they twice passed laws requiring the sale of oil from the reserve, over 28 million barrels, to help pay for GOP budget priorities. Selling the oil from the SPR just to make ends meet in terms of the budget. Then, last year, in 1999, the Republican leaders, the gentleman from Texas (Mr. ARMEY) and the gentleman from Texas (Mr. DELAY), joined 35 other Republicans to introduce a bill that would not only eliminate the Department of Energy, but abolish the Reserve, abolish the SPR.

Since taking control, Republicans have let the President's authority to fully use the Reserve lapse three times, totaling 18 months. The SPR authority last lapsed on March 31. In 1999, Republicans blocked the Clinton Administration proposal to buy 10 million barrels of oil when crude prices were only $10 a barrel. This is what the gentleman from Texas (Mr. STENHOLM) was saying. The purchase would have helped domestic producers and fill part of the 115 million barrels of SPR capacity in the Reserve.

I am only trying to bring up dramatically that we have Governor Bush and the Republican leadership here criticizing President Clinton, Vice President GORE, for tapping the Reserve to

try to bring prices down, and we know the Republicans have a history going all the way back to President Bush of tapping the SPR for similar reasons, but, at the same time, trying to abolish it altogether and not even have it available for use in a time like this, when prices have been going up.

So I am just glad that President Clinton acted on Vice President GORE's advice and decided to go ahead and tap the SPR, because we know it did have the impact of stabilizing prices and even reducing prices to some extent.

I would like to yield now to another one of my colleagues from Texas, the chairman of our Democratic Caucus, who has been chairing a task force on energy policy and has been very effective in not only bringing forth the message in terms of what the Democrats are trying to do here, but trying to get the Republicans to act on the Democrats' proposals.

Mr. FROST. Mr. Speaker, I thank the gentleman for yielding.

For the past 22 years, I have had the honor of serving the people of Texas, America's prototypical energy producing State, so I know that we can achieve bipartisan consensus around energy policy if we want to.

Unfortunately, for 6 years this Republican Congress has been AWOL on energy policy, and, when they have not been asleep at the wheel, they have led the fight against energy independence for America, slashing energy efficiency programs, trying to eliminate the Department of Energy and selling off the Strategic Petroleum Reserve.

Earlier this year, gas prices surged around the Nation, and then, as now, the Republican Congress chose irresponsible partisan attacks against the administration, not reasonable responses with bipartisan support. Most outrageously though, this Republican Congress has consistently ignored or killed Democratic energy policies, and then turned around and tried to score political points when oil prices went up.

For more than 6 months, for instance, the United States has been in a weaker position to negotiate with OPEC, because the Republican Congress continues to withhold one of the President's chief tools for dealing with an energy crisis, the clear authority to fully use the Strategic Petroleum Reserve.

This winter, families in the Northeast face a repeat of last winter, record high home heating prices, because this Republican Congress refuses to create a Northeast Heating Oil Reserve. Just last week, in a fit of partisan pique, Republican leaders again played politics with these two key pieces of America's energy security arsenal, deleting them from the energy and water appropriations bill.

In the midst of an energy crisis, this Republican Congress still refuses to take the simplest of steps to increase America's energy independence. Fortunately, President Clinton and Vice President GORE have showed their leadership to ignore Republican partisanship and to act decisively and appropriately to address our immediate energy problems. After the President announced that he would address shortages by swapping oil out of the Reserve this year in exchange for more oil next year, oil prices dropped nearly $6 a barrel, their lowest level in almost a month. In contrast, oil prices immediately jumped when Republican Representative JOE BARTON of Texas announced that he would try to stop the oil swap.

While we are on the subject of the Reserve swap, let me take a minute to clear up some misconceptions being perpetuated by some of our Republican friends.

First of all, Republicans like to attack the President's move as political. Well, was it political for northeastern Republicans to call for deployment of the Reserve? Hardly. They, like AL GORE and the rest of us, are trying to do what we can to protect families from having to choose between heating their homes and buying groceries this winter.

Indeed, families in the Northeast are facing the prospect of another winter of low oil inventories and high home heating oil prices, as much as 30 percent higher than last year. Across the country, gas prices are still too high. It would have been irresponsible, a terrible abdication of leadership, to ignore this coming energy crisis in the way Republican leaders are trying to do.

Second, Republicans claim the President risked national security by using the Reserve to help families suffering from the energy crisis. This is as hypocritical as it is ridiculous. After all, did it threaten national security when this Republican Congress sold off 28 million barrels of oil from the Reserve to pay for its budget priorities in 1996? Did it threaten national security when this Republican Congress stopped the administration from increasing the Reserve's inventory last year, when oil prices were at just $10 a barrel, which would have strengthened the Reserve and helped domestic producers? And did it threaten national security when Republican leaders, like the gentleman from Texas (Mr. DELAY), the gentleman from Texas (Mr. ARMEY), and the gentleman from Missouri (Mr. BLUNT) tried last year to abolish the Strategic Petroleum Reserve altogether? Probably so.

But by swapping oil out of the Reserve now for more oil next year, the President's action will not just help consumers this winter, it will also strengthen the Reserve and increase national security. In fact, the Department of Energy announced yesterday that its swap agreement with 11 oil companies had been completed, and that it would yield the Reserve a net increase of 1.5 million barrels of oil.

Once you put politics aside, it is clear that the administration's action was good for families in the Northeast beset by high home heating oil prices, and it was good for us in Texas, where long distances and high gas prices can take a real toll on people's pocketbooks.

Fortunately, where American consumers see an energy crisis, Republican leaders see a political opportunity; an opportunity to score political points against a President they despise and an opportunity to cover up their 6-year record of negligence on energy independence. That is profoundly disappointing, because there is no doubt about the seriousness of home heating oil shortages this winter and continued high gas prices.

This Republican Congress has the ability and the responsibility to do more than just play partisan blame games while American consumers are suffering. Congressional Democrats, President Clinton and Vice President GORE, have consistently tried to develop a comprehensive energy independence policy that has broad support across partisan, regional and industry lines. We have worked to reduce America's dependence on foreign oil by encouraging environmentally friendly domestic production.

Under the Clinton Administration, natural gas production on Federal lands on shore has increased nearly 60 percent since 1992, and under the Clinton Administration, oil production offshore in the Gulf of Mexico has increased 62 percent since 1992. But, again, Republican leaders have preferred politics to progress, so Republican energy policy pretty much starts and ends at drilling in the pristine Alaska National Wildlife Reserve, despite the fact that it would not result in a drop of oil on the market for years and despite the fact that the most recent U.S. Geological Survey estimates make clear that the amount of recoverable oil, which amounts to less than 6 months of U.S. domestic oil consumption, is not nearly enough to justify despoiling forever this pristine wildlife reserve.

In contrast, Democratic tax incentives for marginal wells and to further increase domestic production, which have broad support, have been ignored in this Republican Congress. Republican leaders have been even more hostile to our efforts to increase energy efficiency and develop alternative energies. Over the past 6 years, the Republican Congress has underfunded solar, renewable and conservation programs by $1.3 billion below the President's request, and, if Republicans had not cut the weatherization assistance program by 50 percent in 1995, then 250,000 more households could have been helped, which would have decreased demand for oil.

When Republicans first took control of the Congress, they voted to kill the Low Income Home Heating Energy Assistance Program, LIHEAP, which helped the neediest Americans in the midst of an energy crisis, and the following year Republicans proposed

changing LIHEAP so that disadvantaged families could be forced to choose between buying food and heating their homes.

For the past 6 years, the threat to America's energy security has come from this Republican Congress and its refusal to treat energy policy as anything other than a partisan political opportunity. It is long past time that Republican leaders finally stop playing political games with oil prices and began working with us to give America the common sense, comprehensive energy independence policy it needs.

I thank the gentleman very much for taking out this special order, so that we could discuss these very important issues with the American public.

Mr. PALLONE. I want to thank my colleague from Texas.

If I could just reiterate two of the things the gentleman mentioned, because I think they are so important, one is this whole effort by Governor Bush and the Republican leadership now to insist that, because of the crisis in oil prices, that we have to now threaten the environment again, either with drilling in ANWAR and Alaska or offshore the continental coast of the United States.

As the gentleman points out, this has no immediate impact. I mean, we are not talking pie in the sky here, we are talking about our constituents, and being from New Jersey and the Northeast, I know this is an immediate crisis that people are facing. They do not want to hear about what is going to happen in a few years; they are facing the crisis now.

The one thing that President Clinton's proposal by tapping the SPR does was to actually reduce prices, and ultimately I think stabilize a market in a way that has an immediate impact. That is what is really important.

I never cease to be amazed how our Republican colleagues talk about policy, but they do not seem to respond to the immediate need that people have, and that is what Vice President GORE and President Clinton were doing when they talked about the need to tap the SPR.

The other thing that I think is so important that the gentleman pointed out, and we do not hear that too often, is this idea that by the Republicans not pursuing a real energy policy for our country, it leaves us weak to foreign exploitation.

I think what I have noticed with President Clinton and Vice President GORE is they keep saying that we need to tap the SPR, not only because of the immediate impact on prices, but because it has an impact on our ability to influence OPEC and the cartel, the oil cartel, if you will, that is trying to drive prices up.

As the cartel and OPEC know that we are going to take action on our own and tap the SPR, they realize that they cannot influence prices as much as they have been able to and take advantage of the situation over the last 6 months.

So, again, we need to make some policy initiatives here. Certainly the Republican leadership in the Congress has not been willing to do it, and the administration has essentially had to act on its own with regard to the SPR and the decision also to move to create this Northeast Home Heating Oil Reserve. But, at the same time, instead of reacting positively to that, the Republican leadership comes here and says, oh, no, we do not want the Northeast Heating Oil Reserve, and we do not want you to be able to pass the SPR, and they passed the energy and water appropriations conference bill last week that actually would eliminate both of those options.

It is an outrageous step. It is outrageous that at a time when the American people are crying for some action to deal with the rise in oil prices and the rise that is going to result in home heating oil, as well as natural gas prices, and the response of the Republican leadership in the Congress is to say no, we do not want you to be able to tap the SPR. We want to pass legislation that says you cannot pass the SPR and pass legislation that says you cannot set up this Northeast Home Heating Oil Reserve. I just cannot believe that that is their response to the public outcry for the need to action to address the crisis.

I wanted to, in the time that I have left, I wanted to develop a little more the reason why I believe very strongly that the Republican leadership here in the House has not only failed to address the immediate energy needs, but is really trying to dismantle and eliminate any effort to set any kind of U.S. energy policy that would create independence on our part for the future.

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And I wanted to give some examples of action that has taken place either here or in the other body over the last few weeks. Just last week or within the last 2 weeks, Senator MURKOWSKI from the other body came to the floor, once again, to push for drilling Alaska's last remaining open space, the Arctic National Wildlife Refuge. Not only is he advocating what I consider a policy of destruction; but as I mentioned before, drilling the Arctic Refuge will not produce a drop of oil for several years, and, on the other hand, would only produce several months' worth of supply, while destroying this precious resource for future generations.

We have said over and over again, both in the House and in the other body, that we do not want to tap ANWR, the Arctic Refuge, because of the negative impact on the environment.

What I see now is my colleagues on the other side of the aisle trying to use the current crisis as an excuse to go against what has been a bipartisan position, not to drill in the Arctic Refuge. What I would suggest is that instead of trying to drill the Arctic Refuge, we should be banning exports of Alaskan oil to other nations.

I think a lot of people are not even aware of the fact that we are now on a daily basis in the process of exporting Alaskan oils to other countries, Japan and other countries.

If we really want to take some action that is going to have an impact on prices here, use that, make that oil available here, rather than ship it overseas.

Mr. Speaker, the other thing I would say, too, is that we had the GOP, and I call it the Big Oil GOP leadership on the other side of the aisle, in both the House and the other body. We are reluctant to investigate whether the oil companies were profiting excessively from gas price spikes this summer.

They do not even want to let us investigate the problem and try to come up with a solution. And I guess the fear is that if the investigations proceed, it is going to uncover that the oil companies are trying to undermine the concerns of the American people and show that they are really in league, essentially, with OPEC and the cartel to try to drive up prices.

Now, the Clinton administration did the investigation and the investigation that they did proved that the increase in prices this summer was not due to environmental standards, as the Republican majority has alleged, but in fact was a result of the oil giant's greed and their effort to simply drive up prices.

Mr. MARTINEZ. Mr. Speaker, would the gentleman from New Jersey (Mr. PALLONE) yield for a question?

Mr. PALLONE. On this point?

Mr. MARTINEZ. Yes.

Mr. PALLONE. I will yield, not the whole time, but sure I would yield for a question.

Mr. MARTINEZ. Has the gentleman visited the area up there?

Mr. PALLONE. The Arctic Refuge?

Mr. MARTINEZ. Yes.

Mr. PALLONE. No, I have not.

Mr. MARTINEZ. I have. I used to hear stories all the time about how building of the pipeline and all the rest of the things they were doing and exploration up there, that would hurt the caribou herds and destroy the tundra. And I was quite surprised when I went, actually, that upon visiting the area, the first place the area where the oil drilling is taking place is so cold that the workers cannot be out there for any more than a short length of time, and they have to be brought in and relieved by other workers.

I actually asked the rangers there, because the environmentalists were so concerned about the destruction of the environment, as the gentleman has suggested, how many people had actually visited the area of the previous year, and there had been three people visiting the area. And he said awhile back, a couple of years back, there was actually more than that that visited, because there was the big debate about whether or not to drill there in that period of time, and they were mostly people that were protesters of the drilling there; there was 12.

Now, the closest they could get to that area is a mountain peak, which is quite a few miles that you can see right down across the whole flat area, where they would contemplate drilling. And there is nothing there.

It is absolutely barren, but what I did see, and I was really surprised, as we were traveling along the road alongside of the pipeline, I looked out there and I saw thousands and thousands of caribou, thousands of them. And I had to get down and take a picture. I asked the bus driver to stop the bus, and I went on down.

Now the one big thing that everybody was concerned about then, they even caused the people who built that road to build ramps over the road so the caribou could cross over, because that would be the only place that it would cross over because of the pipeline there. And so I got down—let me finish this one statement.

Mr. PALLONE. I will, then I want to move on.

Mr. MARTINEZ. I got down off the bus to take a picture, and I was busy snapping a picture out here of all of these caribou out there; and all of a sudden, I realized there was something very close to me. At the buttress of the support for the pipeline, there was a caribou standing there eating, munching the tundra and looking at me, and I turned around and took a picture. I have a picture. I would like to show the gentleman. And he was absolutely so close to me I could almost reach out and touch him. He did not seem disturbed at all.

Then I noticed that the caribou were crossing, not over the ramps they built for them, but anywhere, anywhere along that road.

So I am wondering, and the question that I have for the gentleman is, if this is to be so pristine that it is going to be disturbed and it has not seemed to do it yet, would we not rather have that oil than be dependent, because 18 years after when I got here, they were still arguing and complaining about being dependent on OPEC and the oil over there, and in 18 years we have not developed a policy.

The gentleman from Texas (Mr. STENHOLM) stood here and said he has not heard any talk here in the Congress or in the White House about developing a strategy or developing.

Mr. PALLONE. Mr. Speaker, let me answer the gentleman's question. I am willing to give the gentleman some time and that is fine. I would like to answer the question and move on, because I do have other things to say. Let me just answer the gentleman's question. Then I will not yield to the gentleman any more, because I want to finish with my comments.

I do appreciate the fact that the gentleman came to the floor and expressed his concern. I understand that some people would like to explore in the Arctic Refuge, but I think that in many ways, your comments make me feel even more strongly about why it should not be taking place. Obviously, when the gentleman went there, it was a very beautiful area; the gentleman was witnessing the wildlife. The gentleman seems to feel that whatever has happened so far has not had an impact, but it is obvious from what the gentleman witnessed that it is a very sensitive area, and there is a lot of wildlife. And it is a very beautiful, pristine area.

I would maintain that given that fact and given the fact that we are not really talking about that much oil over the long time that is going to impact, I think, U.S. energy policy that we should not take the risk; that the very fact that it is difficult to get there and it is difficult for people to deal with the situation there means that if there was a spill or if there were environmental problems, it would be that much more difficult to clean it up.

Mr. Speaker, I think that the environmentalists take the view that this is a beautiful, pristine area. There is a terrific risk involved, a significant risk, because of the delicate nature of it, and the fact that it is so far away and difficult to access; and that it should not be tapped for that reason; and that if we have to make a decision and weigh the risks that it is just not worth the effort.

It is very similar to what I have in New Jersey. There have been proposals by mineral management's agency to develop offshore oil resources off the coast of New Jersey. And arguments have been made back and forth about whether it is a good idea. And basically my position, because I represent the coastal area where this would take place, has been we have a huge tourism industry. We make billions of dollars every year from having safe beaches and clean water. Frankly, we do not want to take the risk, because we know that the amount of oil that is available there probably would only be a few months in terms of America's supply, and it is just not worth the effort.

So I think part of it is weighing of the risk, and I just do not think it is worth it in the case of ANWR. I will not yield again. I do not mean to cut the gentleman off. I have a lot more to say.

Mr. MARTINEZ. The gentleman has a lot more time. I just have one question.

Mr. PALLONE. I do not have that much more time, I will not yield to the gentleman any more. I thank the gentleman for coming down.

Mr. Speaker, I have another one of my Democratic colleagues here that is joining me here. But just before I yield to him, I just wanted to make a few more comments about the Republican opposition to the tapping of the SPR. And I just want to point out, as some of my Democratic colleagues have, how politically motivated this was, because as we know in the past, the Republicans have not hesitated to sell off the SPR, to tap the SPR, for reasons not related to national security or even advocated that there not be an SPR and it be abolished.

It is interesting that in this case, when the President suggested that he was going to move forward and tap the SPR because of the high oil prices, there were some Republicans also that joined with the Democrats saying that that was a good idea. In fact, over 100 House Members, including 20 Republicans, such as the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, and the gentleman from New York (Mr. LAZIO) of the House Committee on Commerce, sent a letter to President Clinton requesting the tap.

I, for one, would not heed the allegations, if you will, of the big oil ticket, the Bush-Cheney ticket that somehow this is a bad thing. Because if you will notice, even if you are a Republican and from the Northeast, you think it is a good idea, because my colleagues are concerned about the impact on your constituents in New Jersey, New York and the other States that are being negatively impacted by these high oil prices.

The other thing that I think is very interesting is that actually we have not even had opposition from the oil industry or even from some Members of OPEC to the tapping of the SPR.

We had a situation where this was quoted in the Washington Post last week where John Lichtblau, I do not know if I am pronouncing it properly, the chairman of the Petroleum Industry Research Foundation, said that the price drop that occurred after the SPR was tapped reflects the fact that inventories will be increased. He went on to say while very recently there have been speculation about $40-a-barrel oil, now there is speculation that will drop to below $30. He actually thought it was a good idea that we tap the SPR.

We had the Venezuelan oil minister and OPEC president, Ali Rodriguez, affirm the administration's belief and intent in releasing oil from the SPR in that same Post article where he said I think oil prices will not remain at their high levels.

My point is, I do not even see opposition necessarily from the industry or even from OPEC, because they understand that prices were going up and they needed to be stabilized. I really do not have any clue where Governor Bush and Vice President nominee Cheney are coming from where they criticize the Democrats and the Vice President and the President for tapping the SPR. It just seems like they just do not care about the impact on the American people.

Mr. Speaker, I yield to my colleague, the gentleman from the State of Massachussetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank my colleague, the gentleman from New Jersey (Mr. PALLONE), for yielding; and I come here just to add to some of the gentleman's comments when the gentleman was discussing the fact that this is, in fact, very bipartisan.

I understand all the rhetoric during the campaign trails, and I understand that two people that are largely involved with the oil industry are trying to make this a political situation; but that, in fact, is not the case. I was one of those 114-plus Members that signed a letter to the President asking him to do a number of things that would improve the energy situation.

I joined a number of my colleagues from the mid-Atlantic States, as well as from my home State of Massachusetts and New England in talking with the President and the Department of Energy as far back as last winter when these problems originated. We have consistently asked the President to take the kind of preemptive moves that we thought were necessary setting up a reserve for the Northeastern area, releasing fuel from the SPR, from the Strategic Petroleum Reserve, to cover that difference.

Trying to make this into a case where people think that that release was to cover all of our needs is way off base. The fact of the matter is there is a gap between what is produced and what is consumed, and it is only that gap that we are trying to affect. We asked the OPEC countries to produce more oil, and they are trying to do that.

We have asked the non-OPEC foreign producers to produce more oil, and they tell us they are trying to produce it. We now need to go to the domestic producers who have not been producing more. In fact, in a hearing with the Committee on Government Reform, at which I was present, one of the officials from the Exxon-Mobil company was questioned; and the answer was they, in fact, made 272 percent more profits in the second quarter of 2000 than in the second quarter of 1999, while simultaneously reducing their production budget by some 30 percent.

Most of the domestic oil producers, the large companies, have, in fact, been making enormous profits in comparison to the previous year and have been cutting back.

The President did a responsible thing that Democrats and Republicans have asked him to do. There were any number of Republicans from the mid-Atlantic States and the Northeastern States that joined in that letter to the President asking him to do something with the funds, asking him to set up a New England reserve and asking him to release some of the Strategic Petroleum Reserve.

Our colleagues on the Republican side from New York, one of them is running for the Senate, the gentleman from New York (Mr. GILMAN), our colleagues from Maryland, our Republican colleagues from Connecticut, and so on, one of our colleagues from Maine is a Republican. The fact of the matter is, this is geographic in nature of where the hurt is going to be felt, and it is nonpartisan in terms of people trying to help their constituencies and getting the President to do the right thing.

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We should not politicize this. We should understand that we have to ask every oil producer, whether they are domestic or foreign in nature, to step up to the plate and produce some more oil. They can do that, and it is about time that they step forward and do that, but also understand that the Republican party has a responsibility here. It is that party that has been prohibiting the President from having the flexibility he needs because they have not reauthorized the strategic reserve clauses of the act that need to be dealt with.

There is no excuse for that. They have let it lapse most recently in March, right in the middle of this oil situation, and that is just not responsible.

They have still yet to put the authorization language in for the Northeast reserve. We have made the appropriations on that. A responsible government would make sure that we have the authority in the President to release the Strategic Petroleum Reserve as and when needed in small amounts.

That would be far more responsible than what was done by the Republican majority in 1996 and 1997. At that point in time they did not swap what was in the Strategic Petroleum Reserve, they sold it, about $227 million dollars in 1996 for the sense of bringing down part of the deficit, and about $227 million in 1997 to pay for some other appropriations that they wanted to pay for. They sold it, they did not swap it.

In fact, last year when we on the Democratic side wanted to have the President get authority to buy 10 million more barrels, that was shot down by our friends on the Republican side. So we could have been increasing the Strategic Petroleum Reserve at an interim at a low price when it was down to $10 or $12 a barrel, and that was rejected.

This is the same group that on occasion has voted to get rid of the Department of Energy, and along with it any Strategic Petroleum Reserve at all, and now for political reasons they are saying, gee, it is a national security issue that we are going to swap some. Unlike them, the President was not going to sell it, he was going to swap it.

As a consequence of that, we are actually going to get 1½ million more barrels back a year from now than it was actually swapped out in the interim period, so we are going to have an increase in the Strategic Petroleum Reserve that our friends on the other side of the aisle wanted to eliminate altogether.

So if they really want to talk about security, let us do the sensible thing here and support the President's action. Let us make sure people in the mid-Atlantic States and Northeast and elsewhere that might be really jeopardized by the severe cold winter, make sure that the supply is there, make sure we are doing everything we can do; and most notably, for those that have low incomes, make sure the LIHEAP monies get out to people, just as the President has done, so they can fill their tanks while it is lower and make sure they have the best possible opportunity to weather this winter.

I thank my colleague, the gentleman from New Jersey, for taking the time and giving me the time to address this sure. The record must be set straight: This is not about politics, this is about people's health and safety, as well as our Nation's security.

Mr. PALLONE. Mr. Speaker, I thank the gentleman, because I think what he is pointing out, and the Democrats have all been pointing out this afternoon, is that we are just trying to address the problems that the average person faces leading into the winter months.

It was really encouraging to see that on our side of the aisle, on the Democratic side, we started off this afternoon with two colleagues from Texas. We might think, why do they care about the Northeast? But they obviously do. They both said very emphatically how important it was to try to address the price issue and set up the Northeast Petroleum Reserve, which I know the gentleman and other Members from the Massachusetts delegation have been very much involved with.

That is what this is all about. That is what the President and the Vice President, they represent the whole country and they have to worry about people all over the country. I just think it is commendable that we are here expressing that concern, and we have colleagues on the Republican side saying, oh, no, that is not the way to go.

Mr. TIERNEY. If the gentleman will yield, Mr. Speaker, during our committee hearings we also heard a lot of talk about the fact, whether or not this oil could be processed, that refineries were running at capacity and whatever.

What we found out is that that was just more rhetoric, also. The refineries generally run at 95 percent, 96 percent, during the months just past. Then there is a retooling period, and in our favor, just at the end of this month, that will be over and they would be down to a capacity of 90 or 91 percent, which they can then kick back up to 95, 96 percent, to get out this home heating oil.

That is a circumstance working in our favor. In fact, people within the industry are welcoming this. The Department of Energy has been talking with people within the industry. Oddly enough, they also understand that there is a situation out there that needs to be addressed and they are cooperating. So that is another reason to take it out of the political realm and leave it in the realm of people's security, safety, and health.

Hopefully we will have that sort of discussion, and not the sort of rhetoric that has been going around.

Mr. PALLONE. I appreciate the gentleman's comments. Of course, I have

been talking about the lack of a GOP energy policy, but I could just mention briefly here for maybe a few minutes or so that the administration, the Clinton-Gore administration, for the last 7 years has been trying to get the Congress to enact a really positive energy policy. Of course, for 6 of those 7 years they have had to deal with the Republican leadership that has simply not been willing to adopt it.

Just to give an example, because I keep hearing the Republicans saying they want to open up ANWR, they want to do drilling offshore, but earlier this year when we passed an appropriations bill in the House, the President had come forward with his budget proposing major initiatives for energy efficiency, energy conservation, alternative sources of energy.

The House bill that passed, the House appropriations bill that passed I guess in July or so, had $201 million less than the President's request with regard to energy conservation and $71 million below the existing appropriations level for energy conservation. This was at a time when we were already starting to experience higher prices and less ability to get foreign oil from OPEC.

Just to give an idea of these cuts and how they cut what the President had proposed, it was a $143 million cut, a complete elimination of applied research and development at the Department of Energy for certain conservation programs. They canceled 400 R&D projects in 33 States by 15 Federal labs, 22 universities, and others. There was a $14 million cut in the Low-income Home Weatherization Assistance Program, which would mean about 7,000 fewer low-income families would have their energy bills reduced. There was a $2 million cut from industrial co-generation, which funds R&D.

Then, in that appropriations bill, there was $67 million less than the President's request for solar and renewable energy. There were cuts in biomass fuels and biopower R&D, reductions in solar electricity R&D, cuts in R&D for wind power, which if adequately funded would be competitive just within a few years.

I could go on and on here, and I will not because I am running out of time.

Mr. TIERNEY. Mr. Speaker, if the gentleman would yield before he runs out of his time, when I hear people start to politicize this and say that it is a national security issue to swap oil out of the Strategic Petroleum Reserve, one thing we have to remind people is that it is a swap, and the oil will come back with additional oil.

Secondly, the very people who are making that acquisition now are the people who in 1995 filed a bill that was known as H.R. 1649, the Department of Energy Abolishment Act.

As part of that act, it would ask to eliminate the reserve totally and sell off 571 million barrels of oil. Now, there are 35 people on the other side of the aisle that signed onto that, including three of the very highest members of their leadership, who are the same people now who have the audacity to go on the floor or elsewhere and start to say that a swap is somehow affecting national security.

So not only is it totally wrong and it is not affecting national security in any adverse way, and it is what our allies and what other foreign countries think is a good thing to do, as well as business and others, but it is absolutely contradictory to their past behavior and their past comments.

I think the public can pretty much get in line as to whether people are acting as statesmen or politicians when they make assertions like that. I am going to let it go at that message and defer back to you, but I think it is important for people to know that this was a good move. People in the Northeast and New England, and Massachusetts in particular, are very pleased that the LIHEAP money has gotten relieved. Our people and low-income seniors will have that relief.

We are pleased there is a Northeast reserve being set up so the gap can be addressed, and hopefully keep the supply up and the prices somewhere within the stratosphere. We are very pleased that the President indicated he was going to release from the Strategic Petroleum Reserve, and already we have seen the prices drop on that, except for a slight rebound when Members on the other side of the aisle indicated they would try to block it.

The psychological effect, already a month before it hits the market, has shown it is bringing prices down. That is going to help our seniors, people in our districts generally, and our small businesses, who cannot stand the kind of high prices that are going on and still be productive and get their business done in a way to support their families.

Again, I thank the gentleman for allowing me to address this on the floor. I think it is important to get this information out.

Mr. PALLONE. Mr. Speaker, I thank the gentleman for coming down and joining us during this time.

I think we have a couple of minutes left, so I would just like to point out, Mr. Speaker, that all the Democrats are really asking is that instead of trying to reverse the positive steps that the administration is taking and making these false accusations, that the GOP adopt a sound energy policy and pass the measures that the Democrats have been advocating and that have been proposed by the Clinton and Gore administration in its budget request.

Above all, we should be implementing measures that sustain our natural resources, practical measures that would conserve energy, promote our long-term energy security, and promote international competitiveness and alternative energy resources, all without sacrificing our economic growth.

For example, before we adjourn, the GOP leadership should pass the administration's request for funding and tax incentives for energy efficiency and renewable energy measures, efficient energy research and development, weatherization, and alternative fuel vehicles and mass transit.

I also urge my colleagues on the other side of the aisle to pass legislation banning the export of Alaskan oil. Earlier last week, one of my colleagues on the Democratic side introduced a bill promoting wind energy. This is the kind of creative thinking we need to reduce our dependence on domestic and foreign fossil fuels.

Unfortunately, the Republican majority has done the opposite. It has vastly underfunded programs for the past 6 years that my Democratic colleagues and I and President Clinton and Vice President GORE have promoted, programs that would have conserved energy and prevented the situation we now face.

The Republican majority has an opportunity in the waning days of the Congress, we have a couple of weeks left, to reverse their course and help us pass sound legislation to avert an even greater energy crisis this winter. I would certainly urge them to do so.

## FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4578) ''An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.''

## ISSUES REGARDING OIL PRODUCTION AND CONDITIONS IN RURAL AMERICA

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

Mr. PETERSON of Pennsylvania. Mr. Speaker, I came down here to talk about rural issues, but I feel a little compelled to talk a little bit about what was just discussed.

I come from Pennsylvania, and in fact 5 miles from my home the first oil well in America was drilled, Drake's well. So I come from an area where my district had four refineries, we only have three now, but an area that has been in the oil business since it started. It is where all the major oil companies in America started, in western Pennsylvania, because that is the first oil field that was developed.

It is interesting to talk to people about these simple ways to fix this problem when it is obvious they have never been in a refinery and they certainly do not understand the oil business.

I am going to just back up a little bit and talk about the problem we have

with oil going from $10 to $35 a barrel. It is because we have been 1 million or more barrels short per day in our volume that is necessary, so we are gradually creating a shortage. When we have a shortage in the marketplace, we drive the price up.

We still have a shortage in the marketplace. We are still not importing and domestically producing enough oil to build up a supply.

Normally, in the spring, refineries have all of these tank farms full of gasoline because they cannot produce enough gasoline in the summertime for us to drive our cars as much as we do, so they build those supplies.

In the summertime and in the fall, they build up the supplies of home heating oil, and they have this reserve. This country is way behind. All the refineries are way behind in building up just the normal stocks that they need for this winter for home heating.

Now, we are talking about instantly starting a reserve for New England. In Pennsylvania, a number of years ago when we had the first energy crisis, we had reserves. We had oil and gasoline and fuel oil set aside. Then it was allocated. That is what they are talking about to help themselves in New England when the pipeline is only half full, and it needs to be full to have enough to do the winter. If we put some in a set-aside reserve, we cause a shortage.

I remember when I argued with our Department of Energy in Pennsylvania because we were having this problem every year, and I spent half of my time helping people get fuel oil or gasoline for the gas stations.

I said, I think we are close enough in volume now where if you would not have anything in reserve this year, the system would work. And we argued for weeks. Finally they did that, and we did not have any problem that year.

But the problem we have now, no matter what we do, the refineries in America cannot fill those tanks to supply us, and especially if we have a cold winter, we really are in a dilemma. They run at 96 to 97 percent capacity, so there is not much room to refine more than they are refining.

What people do not realize, my son works in a refinery. He is an electrician in a refinery. They are getting ready for a 4- or 8-week shutdown where they stop refining. They have to do this to different parts of the refinery annually, and sometimes twice a year, because the refinery runs at such high temperatures, such high pressures, certain pipes and valves and things all have to be replaced every so many months.

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So they shut the refinery down and rebuilt all those lines and rebuilt all those things so that it is safe. Otherwise, these lines would wear out from heat and pressure, and the refinery would blow up. They are a very dangerous facility.

So refineries have to shut down for weeks and months and sometimes 2 months at a time. It depends on if it is a minor overhaul or major overhaul, and they just have to do it. Some of the shortages that we have had is when we have had refineries down longer than they anticipated.

I can remember when my son said they were going to have a 4-week shutdown, and they ended up with a 6-week shutdown because they had problems they did not realize they had.

So this is not a simple process. Suddenly saying we are going to set some oil aside for New England could actually cause us a national shortage that would double the price. So I think those from New England ought to think carefully that we need to fill the pipeline of oil that we refine, we need to get some more normal reserves that we historically have had before we start setting some aside for any one part of the country. It is not a simple issue.

I also was a little amused. I am not going to say that wind does not have some potential in a few parts of the country. We spent billions on wind. We have not had much progress. The researchers have told me they have just about researched wind to death.

I heard a speaker last year that said if we built windmills, the latest type of windmills, a mile wide from coast to coast, that would be 3,000 miles of windmills a mile wide. Now think of the imprint that makes on the landscape. Think of the environmental impact statement one would have to get to do that. We would produce 11 percent of our electricity.

Is it the answer to our future energy needs? No, I do not think wind will ever be. It is not dependable. So many parts of the country, one just cannot count on it. One cannot store it when one has it. It is not a resource that we can count on. So I think to pour a lot of money in wind is throwing the money to the wind from my point of view.

I do have to say that those who are suddenly trying to say the Republicans are the cause of high oil prices in this country, I was one a couple years ago that said $10 oil will destroy our country's ability to produce its own oil. In Pennsylvania, most of the producers have gone broke. In Texas and Oklahoma, many of the producers went broke.

Mr. Speaker, $10 oil destroyed our oil infrastructure; and because of that, one just cannot turn the spigot on. We have to find ways to get them the resources they need so they can rebuild, because a lot of them went broke with $10 oil; and the infrastructure is no longer in place. It is not a simple issue.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 32 minutes p.m.), the House stood in recess subject to the call of the Chair.

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## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 9 o'clock and 38 minutes p.m.

## CONFERENCE REPORT ON H.R. 4475, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida submitted the following conference report on the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–940)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4475) ''making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

In lieu of the matter stricken and inserted by said amendment, insert: *That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:*

*Section 101. (a) The provisions of the following bill are hereby enacted into law, H.R. 5394 of the 106th Congress, as introduced on October 5, 2000.*

*(b) In publishing the Act in slip form and in the United States Statutes at Large pursuant to section 112, of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end an appendix setting forth the text of the bill referred to in subsection (a) of this section.*

And the Senate agree to the same.

FRANK R. WOLF,
TOM DELAY,
RALPH REGULA,
HAROLD ROGERS,
RON PACKARD,
SONNY CALLAHAN,
TODD TIAHRT,
ROBERT B. ADERHOLT,
KAY GRANGER,
C.W. BILL YOUNG,
MARTIN OLAV SABO (except for provisions to withhold highway funds from states that do not adopt 0.08 blood alcohol concentration laws),
JOHN W. OLVER,
ED PASTOR,
CAROLYN C. KILPATRICK (except for provisions to withhold highway funds from states that do not adopt 0.08 blood alcohol concentration laws),
JOSE E. SERRANO,
MICHAEL P. FORBES,
DAVID R. OBEY (with exception to denial of funds to states without 0.08 BAC),
*Managers on the Part of the House.*

RICHARD C. SHELBY,
PETE V. DOMENICI,
ARLEN SPECTER,
CHRISTOPHER S. BOND,
SLADE GORTON,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
TED STEVENS,
FRANK R. LAUTENBERG,
ROBERT C. BYRD,
BARBARA A. MIKULSKI,
HARRY REID,
HERB KOHL,
PATTY MURRAY,
DANIEL K. INOUYE,
*Managers on the Part of the Senate.*

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The mangers on the part of the House of Representatives and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, submit the following joint statement to the House of Representatives and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill.

The conference agreement would enact the provisions of H.R. 5394 as introduced on October 5, 2000. The text of that bill follows:

A BILL Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:*

*TITLE I*

*DEPARTMENT OF TRANSPORTATION*

*OFFICE OF THE SECRETARY*

*SALARIES AND EXPENSES*

*For necessary expenses of the Office of the Secretary, $63,245,000: Provided, That not more than 52 percent of the funds made available under this heading shall be obligated and not more than 224 full time equivalent staff years funded through the end of the second quarter of fiscal year 2001: Provided further, That funds in excess of 52 percent and 224 full time equivalent staff years shall be available only if the Secretary transmits a request to the House and Senate Committees on Appropriations for these additional funds: Provided further, That not to exceed $60,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That not more than $15,000 of the official reception and representation funds shall be available for obligation prior to January 20, 2001.*

*OFFICE OF CIVIL RIGHTS*

*For necessary expenses of the Office of Civil Rights, $8,140,000.*

*TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT*

*For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $11,000,000.*

*TRANSPORTATION ADMINISTRATIVE SERVICE CENTER*

*Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed $126,887,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.*

*MINORITY BUSINESS RESOURCE CENTER PROGRAM*

*For the cost of guaranteed loans, $1,500,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $13,775,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.*

*MINORITY BUSINESS OUTREACH*

*For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, of which $2,635,000 shall remain available until September 30, 2002: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.*

*COAST GUARD*

*OPERATING EXPENSES*

*For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare, $3,192,000,000, of which $341,000,000 shall be available for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That none of the funds appropriated in this or any other Act shall be available for pay for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That none of the funds in this Act shall be available for the Coast Guard to plan, finalize, or implement any regulation that would promulgate new maritime user fees not specifically authorized by law after the date of the enactment of this Act.*

*ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS*

*For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $415,000,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $156,450,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2005; $37,650,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2003; $60,113,000 shall be available for other equipment, to remain available until September 30, 2003; $63,336,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2003; $55,151,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2002; and $42,300,000 for the Integrated Deepwater Systems program, to remain available until September 30, 2003: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and made available only for the National Distress and Response System Modernization program, to remain available for obligation until September 30, 2003: Provided further, That upon initial submission to the Congress of the fiscal year 2002 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard which includes funding for each budget line item for fiscal years 2002 through 2006, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: Provided further, That the amount herein appropriated shall be reduced by $100,000 per day for each day after initial submission of the President's budget that the plan has not been submitted to the Congress: Provided further, That the Commandant shall transfer $5,800,000 to the City of Homer, Alaska, for the construction of a municipal pier and other harbor improvements, contingent upon the City of Homer entering into an agreement with the United States to accommodate Coast Guard vessels and to support Coast Guard operations at Homer, Alaska.*

*ENVIRONMENTAL COMPLIANCE AND RESTORATION*

*For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $16,700,000, to remain available until expended.*

*ALTERATION OF BRIDGES*

*For necessary expenses for alteration or removal of obstructive bridges, $15,500,000, to remain available until expended.*

*RETIRED PAY*

*For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $778,000,000.*

*RESERVE TRAINING*

*(INCLUDING TRANSFER OF FUNDS)*

*For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, $80,375,000: Provided, That no more than $22,000,000 of funds made available under this heading may be transferred to Coast Guard ''Operating expenses'' or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve: Provided further, That none of the funds in this Act may be used by the Coast Guard to assess direct charges on the Coast Guard Reserves for items or activities which were not so charged during fiscal year 1997.*

*RESEARCH, DEVELOPMENT, TEST, AND EVALUATION*

*For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $21,320,000, to remain available until expended,*

*of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.*

*FEDERAL AVIATION ADMINISTRATION*

*OPERATIONS*

*For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $6,544,235,000, of which $4,414,869,000 shall be derived from the Airport and Airway Trust Fund, of which $5,200,274,000 shall be available for air traffic services program activities; $694,979,000 shall be available for aviation regulation and certification program activities; $139,301,400 shall be available for civil aviation security program activities; $189,988,000 shall be available for research and acquisition program activities; $12,000,000 shall be available for commercial space transportation program activities; $48,443,600 shall be available for Financial Services program activities; $54,864,000 shall be available for Human Resources program activities; $99,347,000 shall be available for Regional Coordination program activities; and $105,038,000 shall be available for Staff Offices program activities: Provided, That none of the funds in this Act shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be for the contract tower cost-sharing program and not less than $750,000 shall be for the Centennial of Flight Commission: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: Provided further, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a multiyear lease greater than 5 years in length or greater than $100,000,000 in value unless such lease is specifically authorized by the Congress and appropriations have been provided to fully cover the Federal Government's contingent liabilities: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Transportation Administrative Service Center.*

*FACILITIES AND EQUIPMENT*

*(AIRPORT AND AIRWAY TRUST FUND)*

*For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $2,656,765,000, of which $2,334,112,400 shall remain available until September 30, 2003, and of which $322,652,600 shall remain available until September 30, 2001: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2002 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2002 through 2006, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: Provided further, That the amount herein appropriated shall be reduced by $100,000 per day for each day after initial submission of the President's budget that the plan has not been submitted to the Congress: Provided further, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a capital lease agreement unless appropriations have been provided to fully cover the Federal Government's contingent liabilities at the time the lease agreement is signed.*

*RESEARCH, ENGINEERING, AND DEVELOPMENT*

*(AIRPORT AND AIRWAY TRUST FUND)*

*For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $187,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2003: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.*

*GRANTS-IN-AID FOR AIRPORTS*

*(LIQUIDATION OF CONTRACT AUTHORIZATION)*

*(LIMITATION ON OBLIGATIONS)*

*(AIRPORT AND AIRWAY TRUST FUND)*

*For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for administration of such programs; for administration of programs under section 40117; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,200,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,200,000,000 in fiscal year 2001, notwithstanding section 47117(h) of title 49, United States Code: Provided further, That notwithstanding any other provision of law, not more than $53,000,000 of funds limited under this heading shall be obligated for administration.*

*GRANTS-IN-AID FOR AIRPORTS*

*(AIRPORT AND AIRWAY TRUST FUND)*

*(RESCISSION OF CONTRACT AUTHORIZATION)*

*Of the unobligated balances authorized under 49 U.S.C. 48103, as amended, $579,000,000 are rescinded.*

*AVIATION INSURANCE REVOLVING FUND*

*The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.*

*FEDERAL HIGHWAY ADMINISTRATION*

*LIMITATION ON ADMINISTRATIVE EXPENSES*

*Necessary expenses for administration and operation of the Federal Highway Administration not to exceed $295,119,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: Provided, That of the funds available under section 104(a) of title 23, United States Code: $4,000,000 shall be available for Commercial Remote Sensing Products and Spatial Information Technologies under section 5113 of Public Law 105–178, as amended; $10,000,000 shall be available for the National Historic Covered Bridge Preservation Program under section 1224 of Public Law 105–178, as amended; $5,000,000 shall be available for the construction and improvement of the Alabama State Docks, and shall remain available until expended; $10,000,000 shall be available to Auburn University for research activities at the Center for Transportation Technology and to construct a building to house the center, and shall remain available until expended; $7,500,000 shall be available for ''Child Passenger Protection Education Grants'' under section 2003(b) of Public Law 105–178, as amended; and $25,000,000 shall be available for the Transportation and Community and System Preservation Program under section 1221 of Public Law 105–178, as amended.*

*FEDERAL-AID HIGHWAYS*

*(LIMITATION ON OBLIGATIONS)*

*(HIGHWAY TRUST FUND)*

*None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $29,661,806,000 for Federal-aid highways and highway safety construction programs for fiscal year 2001: Provided, That within the $29,661,806,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $437,250,000 shall be available for the implementation or execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178) for fiscal year 2001; not more than $25,000,000 shall be available for the implementation or execution of programs for the Magnetic Levitation Transportation Technology Deployment Program (section 1218 of Public Law 105–178) for fiscal year*

*2001, of which not to exceed $1,000,000 shall be available to the Federal Railroad Administration for administrative expenses and technical assistance in connection with such program, of which not to exceed $1,500,000 shall be available to the Federal Railroad Administration for ''Safety and operations'', and, notwithstanding section 1218(c)(4) of Public Law 105–178, of which $1,000,000 shall be available for low speed magnetic levitation research and development; not more than $31,000,000 shall be available for the implementation or execution of programs for the Bureau of Transportation Statistics (section 111 of title 49, United States Code) for fiscal year 2001: Provided further, That within the $218,000,000 obligation limitation on Intelligent Transportation Systems, the following sums shall be made available for Intelligent Transportation System projects in the following specified areas:*

*State of Alaska, $2,350,000;*
*Alameda-Contra Costa, California, $500,000;*
*Aquidneck Island, Rhode Island, $500,000;*
*Austin, Texas, $250,000;*
*Automated crash notification system, UAB, $1,000,000;*
*Baton Rouge, Louisiana, $1,000,000;*
*Bay County, Florida, $1,500,000;*
*Beaumont, Texas, $150,000;*
*Bellingham, Washington, $350,000;*
*Bloomington Township, Illinois, $400,000;*
*Calhoun County, Michigan, $750,000;*
*Carbondale, Pennsylvania, $2,000,000;*
*Cargo Mate, New Jersey, $750,000;*
*Charlotte, North Carolina, $625,000;*
*College Station, Texas, $1,800,000;*
*Commonwealth of Virginia, $5,500,000;*
*Corpus Christi, Texas (vehicle dispatching), $1,000,000;*
*Delaware River Port Authority, $1,250,000;*
*DuPage County, Illinois, $500,000;*
*Fargo, North Dakota, $1,000,000;*
*Fort Collins, Colorado, $1,250,000;*
*Hattiesburg, Mississippi, $500,000;*
*Huntington Beach, California, $1,250,000;*
*Huntsville, Alabama, $3,000,000;*
*I–70 West project, Colorado, $750,000;*
*Inglewood, California, $600,000;*
*Jackson, Mississippi, $1,000,000;*
*Jefferson County, Colorado, $4,250,000;*
*Johnsonburg, Pennsylvania, $1,500,000;*
*Kansas City, Missouri, $1,250,000;*
*Lake County, Illinois, $450,000;*
*Lewis & Clark Trail, Montana, $625,000;*
*Montgomery County, Pennsylvania, $2,000,000;*
*Moscow, Idaho, $875,000;*
*Muscle Shoals, Alabama, $1,000,000;*
*Nashville, Tennessee, $500,000;*
*New Jersey regional integration/TRANSCOM, $3,000,000;*
*North Central Pennsylvania, $750,000;*
*North Las Vegas, Nevada, $1,800,000;*
*Norwalk and Santa Fe Springs, California, $500,000;*
*Oakland and Wayne Counties, Michigan, $1,500,000;*
*Pennsylvania Turnpike Commission, $1,500,000;*
*Philadelphia, Pennsylvania, $500,000;*
*Puget Sound regional fare collection, Washington, $2,500,000;*
*Rensselaer County, New York, $500,000;*
*Rochester, New York, $1,500,000;*
*Sacramento County, California, $875,000;*
*Sacramento to Reno, I–80 corridor, $100,000;*
*Sacramento, California, $500,000;*
*Salt Lake City (Olympic Games), Utah, $1,000,000;*
*San Antonio, Texas, $100,000;*
*Santa Teresa, New Mexico, $500,000;*
*Schuylkill County, Pennsylvania, $400,000;*
*Seabrook, Texas, $1,200,000;*
*Shreveport, Louisiana, $1,000,000;*
*South Dakota commercial vehicle, ITS, $1,250,000;*
*Southeast Michigan, $500,000;*
*Southhaven, Mississippi, $150,000;*
*Spokane County, Washington, $1,000,000;*
*Springfield-Branson, Missouri, $750,000;*
*St. Louis, Missouri, $500,000;*
*State of Arizona, $1,000,000;*
*State of Connecticut, $3,000,000;*
*State of Delaware, $1,000,000;*
*State of Illinois, $1,000,000;*
*State of Indiana (SAFE–T), $1,000,000;*
*State of Iowa (traffic enforcement and transit), $2,750,000;*
*State of Kentucky, $1,500,000;*
*State of Maryland, $3,000,000;*
*State of Minnesota, $6,500,000;*
*State of Missouri (rural), $750,000;*
*State of Montana, $750,000;*
*State of Nebraska, $2,600,000;*
*State of New Mexico, $750,000;*
*State of North Carolina, $1,500,000;*
*State of North Dakota, $500,000;*
*State of Ohio, $2,000,000;*
*State of Oklahoma, $1,000,000;*
*State of Oregon, $750,000;*
*State of South Carolina statewide, $2,000,000;*
*State of Tennessee, $1,850,000;*
*State of Utah, $1,500,000;*
*State of Vermont, $500,000;*
*State of Wisconsin, $1,000,000;*
*Texas border phase I, Houston, Texas, $500,000;*
*Tuscaloosa, Alabama, $2,000,000;*
*Tuscon, Arizona, $1,250,000;*
*Vermont rural ITS, $1,500,000;*
*Washington, DC area, $1,250,000;*
*Washoe County, Nevada, $200,000;*
*Wayne County, Michigan, $5,000,000;*
*Williamson County/Round Rock, Texas, $250,000:*

*Provided further, That, notwithstanding Public Law 105–178, as amended, funds authorized under section 110 of title 23, United States Code, for fiscal year 2001 shall be apportioned based on each State's percentage share of funding provided for under section 105 of title 23, United States Code, for fiscal year 2001, except that before such apportionments are made, $156,486,491 shall be set aside for projects authorized under section 1602 of Public Law 105–178, as amended; $25,000,000 shall be set aside for the Indian Reservation Roads Program under section 204 of title 23, United States Code $18,467,857 shall be set aside for the Woodrow Wilson Memorial Bridge project authorized by section 404 of the Woodrow Wilson Memorial Bridge Authority Act of 1995, as amended; $10,000,000 shall be set aside for the commercial driver's license program under motor carrier safety grants authorized by section 31102 of title 49, United States Code; and $1,735,039 shall be set aside for the Alaska Highway authorized by section 218 of title 23, United States Code. Of the funds to be apportioned under section 110 for fiscal year 2001, the Secretary shall ensure that such funds are apportioned for the Interstate Maintenance program, the National Highway system program, the bridge program, the surface transportation program, and the congestion mitigation and air quality program in the same ratio that each State is apportioned funds for such program in fiscal year 2001 but for this section: Provided, That, notwithstanding any other provision of law, of the funds apportioned to the State of Oklahoma under section 110 of title 23, United States Code, for fiscal year 2001, $8,000,000 shall be available only for the widening of US 177 from SH–33 to 32nd Street in Stillwater, Oklahoma; $4,300,000 shall be available only for the reconstruction of US 177 in the vicinity of Cimarron River, Oklahoma; $1,500,000 shall be available only for the reconstruction of US 70 from Broken Bow, Oklahoma to the Arkansas state line; $1,000,000 shall be available only to improve Battiest-Pickens Road between Battiest and Pickens, Oklahoma; $140,000 shall be available only to conduct a feasibility study of increasing lanes or adding passing lanes on SH 3 in McCurtain, Pushmataha and Atoka Counties, Oklahoma; and $100,000 shall be available only for the reconstruction of US 70 in Marshall and Bryan Counties, Oklahoma: Provided further, That, notwithstanding any other provision of law, of the funds apportioned to the State of Mississippi under section 110 of title 23, United States Code, for fiscal year 2001, $24,600,000 may be available for construction of an interchange for a connector road from the interchange to U.S. Highway 51, between mile markers 115 and 120 on I–55 in Mississippi: Provided further, That, notwithstanding any other provision of law, of the funds apportioned to the State of New York under section 110 of title 23, United States Code, for fiscal year 2001, $4,000,000 shall be available only to upgrade and improve the Albany North Creek intermodal transportation corridor: Provided further, That, notwithstanding any other provision of law, of the funds apportioned to the State of Nebraska under section 110 of title 23, United States Code, for fiscal year 2001, $3,500,000 shall be available only for the construction of a pedestrian overpass in Lincoln: Provided further, That, notwithstanding any other provision of law, of the funds apportioned to the State of Alabama under section 110 of title 23, United States Code, for fiscal year 2001, $8,000,000 shall be available only for construction of the Patton Island bridge in Lauderdale County, Alabama: Provided further, That, notwithstanding any other provision of law, of the funds apportioned to the State of California under section 110 of title 23, United States Code, for fiscal year 2001, $46,000,000 shall be available only for traffic mitigation and other improvements to existing SR710 in South Pasadena, Pasadena and El Serano: Provided further, That, notwithstanding any other provision of law, the obligation limitation distributed for specific projects described herein shall remain available until expended and shall be in addition to the amount of any obligation limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.*

*FEDERAL-AID HIGHWAYS*

*(LIQUIDATION OF CONTRACT AUTHORIZATION)*

*(HIGHWAY TRUST FUND)*

*Notwithstanding any other provision of law, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $28,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.*

*EMERGENCY RELIEF PROGRAM*

*(HIGHWAY TRUST FUND)*

*For an additional amount for the Emergency Relief Program for emergency expenses resulting from floods and other natural disasters, as authorized by section 125 of title 23, United States Code, $720,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $720,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.*

*FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION*

*MOTOR CARRIER SAFETY*

*LIMITATION ON ADMINISTRATIVE EXPENSES*

*For necessary expenses for administration of motor carrier safety programs and motor carrier safety research, pursuant to section 104(a) of*

*title 23, United States Code, not to exceed $92,194,000 shall be paid in accordance with law from appropriations made available by this Act and from any available take-down balances to the Federal Motor Carrier Safety Administration, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: Provided, That such amounts shall be available to carry out the functions and operations of the Federal Motor Carrier Safety Administration.*

*NATIONAL MOTOR CARRIER SAFETY PROGRAM*

*(LIQUIDATION OF CONTRACT AUTHORIZATION)*

*(LIMITATION ON OBLIGATIONS)*

*(HIGHWAY TRUST FUND)*

*For payment of obligations incurred in carrying out 49 U.S.C. 31102, $177,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $177,000,000 for ''Motor Carrier Safety Grants''.*

*NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION*

*OPERATIONS AND RESEARCH*

*For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $116,876,000 of which $85,321,000 shall remain available until September 30, 2003: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect: Provided further, That none of the funds appropriated in this Act may be obligated or expended to purchase a vehicle to conduct New Car Assessment Program crash testing at a price that exceeds the manufacturer's suggested retail price, unless the Secretary submits a request for a waiver that is approved by the House and Senate Committees on Appropriations: Provided further, That the Department of Transportation shall fund a study with the National Academy of Sciences on whether the static stability factor is a scientifically valid measurement that presents practical, useful information to the public including a comparison of the static stability factor test versus a test with rollover metrics based on dynamic driving conditions that may induce rollover events: Provided further, That nothing in this provision prohibits NHTSA from completing action on its proposal to provide rollover rating information to the public while the National Academy of Sciences conducts this study: Provided further, That to the extent NHTSA continues action on its rollover ratings proposal during the study, the agency shall consider any available preliminary deliberations or conclusions available from the National Academy of Sciences before completing action on its proposal, and shall consider coordinating any final action on its proposal with the completion of the National Academy of Sciences study: Provided further, That the National Academy of Sciences shall complete this study and issue a report to the House and Senate Committees on Appropriations not later than nine months after the date of enactment of this Act: Provided further, That after the National Academy of Sciences submits its findings to the Congress and the National Highway Traffic Safety Administration, the National Highway Traffic Safety Administration shall formally review and respond within thirty days to the study findings and propose any appropriate revisions to the consumer information program based on that review.*

*OPERATIONS AND RESEARCH*

*(LIQUIDATION OF CONTRACT AUTHORIZATION)*

*(LIMITATION ON OBLIGATIONS)*

*(HIGHWAY TRUST FUND)*

*For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2001, are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.*

*NATIONAL DRIVER REGISTER*

*(HIGHWAY TRUST FUND)*

*For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, $2,000,000, to be derived from the Highway Trust Fund, and to remain available until expended.*

*HIGHWAY TRAFFIC SAFETY GRANTS*

*(LIQUIDATION OF CONTRACT AUTHORIZATION)*

*(LIMITATION ON OBLIGATIONS)*

*(HIGHWAY TRUST FUND)*

*Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 410, and 411 to remain available until expended, $213,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2001, are in excess of $213,000,000 for programs authorized under 23 U.S.C. 402, 405, 410, and 411 of which $155,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402, $13,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405, $36,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Grants'' under 23 U.S.C. 410, and $9,000,000 shall be for the ''State Highway Safety Data Grants'' under 23 U.S.C. 411: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: Provided further, That not to exceed $7,750,000 of the funds made available for section 402, not to exceed $650,000 of the funds made available for section 405, not to exceed $1,800,000 of the funds made available for section 410, and not to exceed $450,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: Provided further, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States.*

*FEDERAL RAILROAD ADMINISTRATION*

*SAFETY AND OPERATIONS*

*For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $101,717,000, of which $5,899,000 shall remain available until expended: Provided, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: Provided further, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.*

*RAILROAD RESEARCH AND DEVELOPMENT*

*For necessary expenses for railroad research and development, $25,325,000, to remain available until expended.*

*RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM*

*The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2001.*

*RHODE ISLAND RAIL DEVELOPMENT*

*For the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, $17,000,000 to be matched by the State of Rhode Island or its designee on a dollar-for-dollar basis and to remain available until expended.*

*NEXT GENERATION HIGH-SPEED RAIL*

*For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $25,100,000, to remain available until expended.*

*ALASKA RAILROAD REHABILITATION*

*To enable the Secretary of Transportation to make grants to the Alaska Railroad, $20,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.*

*WEST VIRGINIA RAIL DEVELOPMENT*

*For capital costs associated with track, signal, and crossover rehabilitation and improvements on the MARC Brunswick line in West Virginia, $15,000,000, to remain available until expended.*

*CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION*

*For necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), $521,476,000, to remain available until expended: Provided, That the Secretary shall not obligate more than $208,590,000 prior to September 30, 2001.*

*FEDERAL TRANSIT ADMINISTRATION*

*ADMINISTRATIVE EXPENSES*

*For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $12,800,000: Provided, That no more than $64,000,000 of budget authority shall be available for these purposes: Provided further, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $1,000,000 shall be transferred to the Department of Transportation's Office of Inspector General for costs associated with the audit and review of new fixed guideway systems: Provided further, That not to exceed $2,500,000 for the National Transit Database shall remain available until expended.*

*FORMULA GRANTS*

*For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $669,000,000, to remain available until expended: Provided, That no more than $3,345,000,000 of budget authority shall be available for these purposes: Provided*

*further, That of the funds provided under this heading, $60,000,000 shall be available for grants for the costs of planning, delivery, and temporary use of transit vehicles for special transportation needs and construction of temporary transportation facilities for the XIX Winter Olympiad and the VIII Paralympiad for the Disabled, to be held in Salt Lake City, Utah: Provided further, That in allocating the funds designated in the preceding proviso, the Secretary shall make grants only to the Utah Department of Transportation, and such grants shall not be subject to any local share requirement or limitation on operating assistance under this Act or the Federal Transit Act, as amended: Provided further, That notwithstanding section 3008 of Public Law 105–178, the $50,000,000 to carry out 49 U.S.C. 5308 shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under ''Federal Transit Administration, Capital investment grants''.*

*UNIVERSITY TRANSPORTATION RESEARCH*

*For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: Provided, That no more than $6,000,000 of budget authority shall be available for these purposes.*

*TRANSIT PLANNING AND RESEARCH*

*For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $22,200,000, to remain available until expended: Provided, That no more than $110,000,000 of budget authority shall be available for these purposes: Provided further, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)), $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315), $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), $52,113,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305), $10,886,400 is available for State planning (49 U.S.C. 5313(b)); and $29,500,000 is available for the national planning and research program (49 U.S.C. 5314).*

*TRUST FUND SHARE OF EXPENSES*

*(LIQUIDATION OF CONTRACT AUTHORIZATION)*

*(HIGHWAY TRUST FUND)*

*Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $5,016,600,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: Provided, That $2,676,000,000 shall be paid to the Federal Transit Administration's formula grants account: Provided further, That $87,800,000 shall be paid to the Federal Transit Administration's transit planning and research account: Provided further, That $51,200,000 shall be paid to the Federal Transit Administration's administrative expenses account: Provided further, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: Provided further, That $80,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: Provided further, That $2,116,800,000 shall be paid to the Federal Transit Administration's capital investment grants account.*

*CAPITAL INVESTMENT GRANTS*

*(INCLUDING TRANSFER OF FUNDS)*

*For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $529,200,000, to remain available until expended: Provided, That no more than $2,646,000,000 of budget authority shall be available for these purposes: Provided further, That notwithstanding any other provision of law, there shall be available for fixed guideway modernization, $1,058,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $529,200,000, together with $50,000,000 transferred from ''Federal Transit Administration, formula grants''; and there shall be available for new fixed guideway systems $1,058,400,000, together with $4,983,828 made available for the Pittsburgh airport busway project under Public Law 105–66, together with $1,488,750 made available for the Burlington to Gloucester, New Jersey line under Public Law 103–331, together with $20,521,470 previously appropriated for the Orlando Lynx light rail project remaining unobligated as of or deobligated after September 30, 2000; to be available as follows:*

*$10,400,000 for Alaska or Hawaii ferry projects;*

*$500,000 for the Albuquerque/Greater Albuquerque mass transit project;*

*$25,000,000 for the Atlanta, Georgia, North line extension project;*

*$1,000,000 for the Austin, Texas, capital metro light rail project;*

*$3,000,000 for the Baltimore central LRT double track project;*

*$5,000,000 for the Birmingham, Alabama, transit corridor;*

*$25,000,000 for the Boston South Boston Piers transitway project;*

*$1,000,000 for the Boston Urban Ring project;*

*$2,000,000 for the Burlington-Bennington (ABRB), Vermont, commuter rail project;*

*$1,000,000 for the Calais, Maine, branch line regional transit program;*

*$2,000,000 for the Canton-Akron-Cleveland commuter rail project;*

*$3,000,000 for the Central Florida commuter rail project;*

*$5,000,000 for the Charlotte, North Carolina, north-south corridor transitway projects;*

*$35,000,000 for the Chicago METRA commuter rail projects;*

*$15,000,000 for the Chicago Ravenswood and Douglas branch reconstruction projects;*

*$1,500,000 for the Clark County, Nevada, RTC fixed guideway project;*

*$4,000,000 for the Cleveland Euclid corridor improvement project;*

*$1,000,000 for the Colorado Roaring Fork Valley project;*

*$70,000,000 for the Dallas north central light rail extension project;*

*$3,000,000 for the Denver Southeast corridor project;*

*$20,200,000 for the Denver Southwest corridor project;*

*$500,000 for the Detroit, Michigan, metropolitan airport light rail project;*

*$50,000,000 for the Dulles corridor project;*

*$15,000,000 for the Fort Lauderdale, Florida, Tri-County commuter rail project;*

*$1,000,000 for the Galveston, Texas, rail trolley extension project;*

*$15,000,000 for the Girdwood to Wasilla, Alaska, commuter rail project;*

*$500,000 for the Harrisburg-Lancaster capital area transit corridor 1 commuter rail project;*

*$1,000,000 for the Hollister/Gilroy branch line rail extension project;*

*$2,500,000 for Honolulu, Hawaii, bus rapid transit project;*

*$2,500,000 for the Houston advanced transit project;*

*$10,750,000 for the Houston regional bus project;*

*$3,000,000 for the Indianapolis, Indiana, northeast-downtown corridor project;*

*$1,000,000 for the Johnson County, Kansas, I–35 commuter rail project;*

*$3,500,000 for Kansas City, Missouri, Southtown corridor project;*

*$4,000,000 for the Kenosha-Racine-Milwaukee rail extension project;*

*$3,000,000 for the Little Rock, Arkansas, river rail project;*

*$8,000,000 for the Long Island Railroad East Side access project;*

*$2,000,000 for the Los Angeles Mid-City and East Side corridors projects;*

*$50,000,000 for the Los Angeles North Hollywood extension project;*

*$3,000,000 for the Los Angeles-San Diego LOSSAN corridor project;*

*$2,000,000 for the Lowell, Massachusetts-Nashua, New Hampshire commuter rail project;*

*$10,000,000 for the MARC expansion projects—Penn-Camden lines connector and midday storage facility;*

*$1,000,000 for the Massachusetts North Shore corridor project;*

*$6,000,000 for the Memphis, Tennessee, medical center rail extension project;*

*$6,000,000 for the Nashville, Tennessee, regional commuter rail project;*

*$121,000,000 for the New Jersey Hudson Bergen project;*

*$7,000,000 for the Newark-Elizabeth rail link project;*

*$2,000,000 for the Northern Indiana south shore commuter rail project;*

*$1,000,000 for the Northwest New Jersey-Northeast Pennsylvania passenger rail project;*

*$10,000,000 for the Oceanside-Escondido, California, light rail extension project;*

*$2,000,000 for the Orange County, California, transitway project;*

*$10,000,000 for the Philadelphia-Reading SETPA Schuylkill Valley metro project;*

*$2,000,000 for the Philadelphia SEPTA Cross County metro project;*

*$10,000,000 for the Phoenix metropolitan area transit project;*

*$5,000,000 for the Pittsburgh North Shore-central business district corridor project;*

*$12,000,000 for the Pittsburgh stage II light rail project;*

*$7,500,000 for the Portland-Interstate MAX LRT extension project;*

*$2,000,000 for the Portland, Maine, marine highway program;*

*$5,000,000 for the Puget Sound RTA Sounder commuter rail project;*

*$10,000,000 for the Raleigh-Durham-Chapel Hill Triangle transit project;*

*$500,000 for the Rhode Island-Pawtucket and T.F. Green commuter rail and maintenance facility;*

*$35,200,000 for the Sacramento, California, south corridor LRT project;*

*$2,000,000 for the Salt Lake City-University light rail line project;*

*$1,000,000 for the San Bernardino, California, Metrolink project;*

*$31,500,000 for the San Diego Mission Valley East light rail project;*

*$80,000,000 for the San Francisco BART extension to the airport project;*

*$12,250,000 for the San Jose Tasman West light rail project;*

*$75,000,000 for the San Juan Tren Urbano project;*

*$1,500,000 for the Santa Fe-Eldorado, New Mexico, rail link project;*

*$50,000,000 for the Seattle, Washington, central link LRT project;*

*$4,000,000 for the Spokane, Washington, South Valley corridor light rail project;*

*$1,000,000 for the St. Louis, Missouri, MetroLink Cross County connector project;*

*$60,000,000 for the St. Louis-St. Clair MetroLink extension project;*

*$8,000,000 for the Stamford, Connecticut, fixed guideway corridor;*

*$6,000,000 for the Stockton, California, Altamont commuter rail project;*

*$5,000,000 for the Twin Cities Transitways projects;*

*$50,000,000 for the Twin Cities Transitways—Hiawatha corridor project;*

*$3,000,000 for the Virginia Railway Express commuter rail project;*

*$7,500,000 for the Washington Metro-Blue Line extension-Addison Road (Largo) project;*

*$2,000,000 for the West Trenton, New Jersey, rail project;*

*$2,500,000 for the Whitehall and St. George ferry terminal projects;*

*$5,000,000 for the Wilmington, Delaware, downtown transit corridor project; and*

*$1,000,000 for the Wilsonville to Washington County, Oregon, commuter rail project:*

*Provided further, That any funds previously appropriated for the Miami-Dade Transit east-west multimodal corridor project and the Miami Metro-Dade North 27th Avenue corridor project remaining unobligated as of or deobligated after September 30, 2000, are to be made available for the South Miami-Dade Busway Extension project: Provided further, That funds made available under the heading ''Capital investment grants'' in Division A, Section 101(g) of Public Law 105–277 for the ''Colorado-North Front Range corridor feasibility study'' are to be made available for ''Colorado-Eagle Airport to Avon light rail system feasibility study''; and that funds made available in Public Law 106–69 under ''Capital investment grants'' for buses and bus-related facilities that were designated for projects numbered 14 and 20 shall be made available to the State of Alabama for buses and bus-related facilities.*

*DISCRETIONARY GRANTS*

*(LIQUIDATION OF CONTRACT AUTHORIZATION)*

*(HIGHWAY TRUST FUND)*

*Notwithstanding any other provision of law, for payment of previous obligations incurred in carrying out 49 U.S.C. 5338(b), $350,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund.*

*JOB ACCESS AND REVERSE COMMUTE GRANTS*

*Notwithstanding section 3037(l)(3) of Public Law 105–178, as amended, for necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $20,000,000, to remain available until expended: Provided, That no more than $100,000,000 of budget authority shall be available for these purposes: Provided further, That up to $250,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and support and performance reviews of the Job Access and Reverse Commute Grants program.*

*SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION*

*SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION*

*The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.*

*OPERATIONS AND MAINTENANCE*

*(HARBOR MAINTENANCE TRUST FUND)*

*For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $13,004,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.*

*RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION*

*RESEARCH AND SPECIAL PROGRAMS*

*For expenses necessary to discharge the functions of the Research and Special Programs Administration, $36,373,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $4,707,000 shall remain available until September 30, 2003: Provided, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.*

*PIPELINE SAFETY*

*(PIPELINE SAFETY FUND)*

*(OIL SPILL LIABILITY TRUST FUND)*

*For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $47,044,000, of which $7,488,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2003; of which $36,556,000 shall be derived from the Pipeline Safety Fund, of which $23,837,000 shall remain available until September 30, 2003; and of which $3,000,000 shall be derived from amounts previously collected under 49 U.S.C. 60301: Provided, That amounts previously collected under 49 U.S.C. 60301 shall be available for damage prevention grants to States.*

*EMERGENCY PREPAREDNESS GRANTS*

*(EMERGENCY PREPAREDNESS FUND)*

*For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2003: Provided, That not more than $14,300,000 shall be made available for obligation in fiscal year 2001 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): Provided further, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.*

*OFFICE OF INSPECTOR GENERAL*

*SALARIES AND EXPENSES*

*For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $48,450,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3) to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.*

*SURFACE TRANSPORTATION BOARD*

*SALARIES AND EXPENSES*

*For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $17,954,000: Provided, That notwithstanding any other provision of law, not to exceed $900,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2001, to result in a final appropriation from the general fund estimated at no more than $17,054,000.*

*TITLE II*

*RELATED AGENCIES*

*ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD*

*SALARIES AND EXPENSES*

*For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $4,795,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.*

*NATIONAL TRANSPORTATION SAFETY BOARD*

*SALARIES AND EXPENSES*

*For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $62,942,000, of which not to exceed $2,000 may be used for official reception and representation expenses.*

*TITLE III—GENERAL PROVISIONS*

*(INCLUDING TRANSFERS OF FUNDS)*

*SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).*

*SEC. 302. Such sums as may be necessary for fiscal year 2001 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.*

*SEC. 303. Hereafter, funds appropriated under this or any other Act for expenditures by the Federal Aviation Administration shall be available: (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents; and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.*

*SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.*

*SEC. 305. None of the funds in this Act shall be available for salaries and expenses of more than 104 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision or political and Presidential appointees in an independent agency funded in this Act may be assigned on temporary detail outside the Department of Transportation or such independent agency.*

*SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.*

*SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.*

*SEC. 308. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.*

*SEC. 309. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provide in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.*

*(b) 18 U.S.C. 2725 is amended by:*

*In paragraph (2) striking the word ''and''; and inserting after paragraph 3:*

*''(4) 'highly restricted personal information' means an individual's photograph or image, social security number, medical or disability information; and*

*''(5) 'express consent' means consent in writing, including consent conveyed electronically that bears an electronic signature as defined in section 106(5) of Public Law 106–229.''*

*(c) 18 U.S.C. 2721(a) is amended to read as follows:*

*''(a) IN GENERAL.—A State department of motor vehicles, and any officer, employee, or contractor thereof, shall not knowingly disclose or otherwise make available to any person or entity:*

*''(1) personal information, as defined in 18 U.S.C. 2725(3), about any individual obtained by the department in connection with a motor vehicle record, except as provided in subsection (b) of this section; or*

*''(2) highly restricted personal information, as defined in 18 U.S.C. 2725(4), about any individual obtained by the department in connection with a motor vehicle record, without the express consent of the person to whom such information applies, except uses permitted in subsections (b)(1), (b)(4), (b)(6), and (b)(9): Provided, That subsection (a)(2) shall not in any way affect the use of organ donation information on an individual's driver's license or affect the administration of organ donation initiatives in the States.''*

*(d) 18 U.S.C. 2721(b) is amended by inserting before ''may be disclosed'' '', subject to subsection (a)(2),''.*

*(e) 18 U.S.C. 2721 is amended by inserting after subsection (d):*

*''(e) PROHIBITION ON CONDITIONS.—No State may condition or burden in any way the issuance of an individual's motor vehicle record as defined in 18 U.S.C. 2725(1) to obtain express consent. Nothing in this paragraph shall be construed to prohibit a State from charging an administrative fee for issuance of a motor vehicle record.''*

*(f) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.*

*SEC. 310. (a) For fiscal year 2001, the Secretary of Transportation shall—*

*(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a) of title 23, United States Code, and paragraph (7) of this section, for the highway use tax evasion program, and amounts provided under section 110 of title 23, United States Code, excluding $128,752,000 pursuant to subsection (e) of section 110 of title 23, as amended, and for the Bureau of Transportation Statistics;*

*(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;*

*(3) determine the ratio that—*

*(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to*

*(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;*

*(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) of section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;*

*(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year;*

*(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—*

*(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to*

*(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year; and*

*(7) Notwithstanding any other provision of law, after determining the amount of funds to be allocated to the surface transportation program, to the bridge program, to the congestion mitigation and air quality improvement program, and to the Interstate and National Highway System program, under section 110 of title 23, United States Code, deduct a sum, in an amount not to exceed 1⅙ percent of the sum made available to each program, to administer the provisions of law to be financed from appropriations for the Federal-aid highways program.*

*(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year).*

*(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943–1945).*

*(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.*

*(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.*

*(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.*

*SEC. 311. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.*

*SEC. 312. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.*

*SEC. 313. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.*

*SEC. 314. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration*

*(FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant. The Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.*

*SEC. 315. None of the funds in this Act shall be available to award a multiyear contract for production end items that: (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any 1 year of the contract; (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the Government's liability; or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: Provided, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.*

*SEC. 316. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under ''Federal Transit Administration, Capital investment grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2003, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.*

*SEC. 317. Notwithstanding any other provision of law, any funds appropriated before October 1, 2000, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.*

*SEC. 318. None of the funds in this Act may be used to compensate in excess of 335 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2001.*

*SEC. 319. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Transit Planning and Research'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.*

*SEC. 320. None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901 et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to the enactment of this section.*

*SEC. 321. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: Provided, That not more than $3,000,000 of the funds made available to Hawaii pursuant to 49 U.S.C. 5309(c)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry routes.*

*SEC. 322. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.*

*SEC. 323. None of the funds in this Act may be obligated or expended for employee training which: (a) does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties; (b) contains elements likely to induce high levels of emotional response or psychological stress in some participants; (c) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; (d) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; (e) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or (f) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.*

*SEC. 324. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegraph, telephone, letter, printed or written material, radio, television, video presentation, electronic communications, or other device, intended or designed to influence in any manner a Member of Congress or of a State legislature to favor or oppose by vote or otherwise, any legislation or appropriation by Congress or a State legislature after the introduction of any bill or resolution in Congress proposing such legislation or appropriation, or after the introduction of any bill or resolution in a State legislature proposing such legislation or appropriation: Provided, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress or to Congress, on the request of any Member, or to members of State legislature, or to a State legislature, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of business.*

*SEC. 325. (a) IN GENERAL.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).*

*(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—*

*(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.*

*(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.*

*(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.*

*SEC. 326. In addition to the funds limited in this Act, $54,963,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), shall be available for section 1069(y) of Public Law 102–240.*

*SEC. 327. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2001.*

*SEC. 328. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.*

*SEC. 329. For necessary expenses of the Amtrak Reform Council authorized under section 203 of Public Law 105–134, $750,000, to remain available until September 30, 2002: Provided, That the duties of the Amtrak Reform Council described in section 203(g)(1) of Public Law 105–134 shall include the identification of Amtrak routes which are candidates for closure or realignment, based on performance rankings developed by Amtrak which incorporate information on each route's fully allocated costs and ridership on core intercity passenger service, and which assume, for purposes of closure or realignment candidate identification, that Federal subsidies for Amtrak will decline over the 4-year period from fiscal year 1999 to fiscal year 2002: Provided further, That these closure or realignment recommendations shall be included in the Amtrak Reform Council's annual report to the Congress required by section 203(h) of Public Law 105–134.*

*SEC. 330. Item number 1473 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 311) is amended by striking ''Stony'' and inserting ''Commerce''.*

*SEC. 331. None of the funds in this Act may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: Provided, That no notification shall involve funds that are not available for obligation.*

*SEC. 332. Of the funds provided for fiscal year 2001 in section 232 of the Miscellaneous Appropriations Act, 2000, as enacted by section 1000(a)(5) of the Consolidated Appropriations Act, 2000, $20,000,000 shall be available only for fire and life safety improvements to enable the James A. Farley Post Office in New York City to be used as a train station and commercial center.*

*SEC. 333. None of the funds in this Act shall be available for planning, design, or construction of a light rail system in Houston, Texas.*

*SEC. 334. Section 3030(b) of the Transportation Equity Act for the 21st Century (Public Law*

*105–178) is amended by adding at the end the following:*

*''(72) Wilmington Downtown transit corridor.*

*''(73) Honolulu Bus Rapid Transit project.''.*

*SEC. 335. None of the funds appropriated or made available by this Act or any other Act shall be used (1) to adopt any proposed rule or proposed amendment to a rule contained in the Notice of Proposed Rulemaking issued on April 24, 2000 (Docket No. FMCSA–97–2350–953), (2) to adopt any rule or amendment to a rule similar in substance to a proposed rule or proposed amendment to a rule contained in such Notice, or (3) if any such proposed rule or proposed amendment to a rule has been adopted prior to enactment of this section, to enforce such rule or amendment to a rule: Provided, That nothing in this section shall apply to issuing and proceeding, through all stages of rulemaking other than adoption of a final rule, under subchapter II of chapter 5 of title 5, United States Code on a supplemental notice of proposed rulemaking to be issued in Docket No. FMCSA–97–2350–953 that contains proposed rules and proposed amendments to rules that take appropriate account of the information received for filing in the docket on the Notice of Proposed Rulemaking (Docket No. FMCSA–97–2350–953).*

*SEC. 336. Section 3038(e) of Public Law 105–178 is amended by striking ''50'' and inserting ''90''.*

*SEC. 337. Item number 273 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by striking ''Reconstruct I–235 and improve the interchange for access to the MLKing Parkway.'' and inserting ''Construction of the north-south segments of the Martin Luther King Jr. Parkway in Des Moines.''.*

*SEC. 338. Item number 328 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by inserting before ''of'' the following: ''or construction''.*

*SEC. 339. Section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 256) is amended—*

*(1) by striking item number 63, relating to Ohio; and*

*(2) in item number 186, relating to Ohio, by striking ''3.75'' and inserting ''7.5''.*

*SEC. 340. (a) Of the funds apportioned to the Commonwealth of Massachusetts under each of subsections (b)(1), (b)(2), (b)(3), and (b)(4) of section 104 and section 105 of title 23, United States Code, the Secretary shall withhold obligation of Federal funds and all project approvals for the Central Artery/Tunnel project in fiscal year 2001 and each fiscal year thereafter unless the Secretary of the Department of Transportation determines that the Commonwealth meets each of the following criteria:*

*(1) The Commonwealth is in full compliance with the partnership agreement that was executed on June 22, 2000, between the Federal Highway Administration, the Massachusetts Turnpike Authority, the Massachusetts Highway Department, and the Massachusetts Executive Office of Transportation and Construction.*

*(2) The Commonwealth is in full compliance with the balanced statewide program memorandum of understanding entered into by the Massachusetts Highway Department, the Executive Office of Transportation and Construction, and metropolitan planning organizations in the Commonwealth of Massachusetts.*

*(3) The Commonwealth of Massachusetts shall spend no less than $400,000,000 each year for construction activities and specific transportation projects as defined in the Balanced Statewide Program Memorandum of Understanding on projects other than the Central Artery/Tunnel project.*

*(b) After June 22, 2000, the Secretary of Transportation shall not approve new net advance construction for the Central Artery/Tunnel project in an amount greater than $222,000,000 and no conversion of advance construction to obligation authority shall cause the Federal share of funding for the Central Artery/Tunnel project to exceed $8,549,000,000.*

*(c) Of the funds apportioned to the Commonwealth of Massachusetts under each of subsections (b)(1), (b)(2), (b)(3), and (b)(4) of section 104 and section 105 of title 23, United States Code, the Secretary shall withhold obligation of Federal funds and all project approvals for the Central Artery/Tunnel project in fiscal year 2001 and each fiscal year thereafter until the Inspector General of the Department of Transportation finds the annual update of the Central Artery/Tunnel project finance plan consistent with Federal Highway Administration financial plan guidance and the Secretary of the Department of Transportation approves the annual update of the finance plan, except for fiscal year 2001 when approval of the annual update of the finance plan will not be required until December 1, 2000.*

*(d) Total Federal contributions to the Central Artery/Tunnel project shall not exceed $8,549,000,000.*

*(e) Should the Secretary withhold Federal funds apportioned to the Commonwealth of Massachusetts under subsections (b)(1), (b)(2), (b)(3), and (b)(4) of section 104 and section 105 of title 23, United States Code, for the Central Artery/Tunnel project in any fiscal year for noncompliance with this section, such funds shall be available to the Commonwealth of Massachusetts for projects other than the Central Artery/Tunnel project in that fiscal year.*

*(f) This section shall be in effect for each fiscal year in which any Federal funds are made available to construct the Central Artery/Tunnel project in Boston, Massachusetts.*

*(g) Notwithstanding the foregoing provisions of this section to the contrary, the Secretary is authorized to approve conversion of advance construction to obligation authority and otherwise make Federal funds available to the Commonwealth of Massachusetts without regard to the requirement of the section, other than subsection (d), if and only if to the extent necessary, as evidenced by a certificate of the Secretary of Administration and Finance of the Commonwealth of Massachusetts satisfactory to the Secretary, to enable the Commonwealth of Massachusetts to pay all or any portion of the principal amount of notes issued by the Commonwealth of Massachusetts pursuant to section 9 through 10D of chapter 11 of the Massachusetts acts of 1997, as amended, to finance costs of the Central Artery/Tunnel project in anticipation of the receipts of Federal funds: Provided, That no funds derived from the sale of grant anticipation notes shall be used to exceed the caps described in subsections (b) and (d).*

*SEC. 341. Section 3027(c)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 112 Stat. 2681–477), relating to services for elderly and persons with disabilities, is amended by striking ''$1,000,000'' and inserting ''$1,444,000''.*

*SEC. 342. Notwithstanding any other provision of law, unobligated balances from section 149(a)(45) and section 149(a)(63) of Public Law 100–17 and the Ebensburg Bypass Demonstration Project of Public Law 101–164 may be used for improvements along Route 56 in Cambria County, Pennsylvania, including the construction of a parking facility in the vicinity.*

*SEC. 343. None of the funds in this Act shall be used for the planning, development, or construction of California State Route 710 freeway extension project through South Pasadena, California.*

*SEC. 344. None of the funds made available in this Act may be used for engineering work related to an additional runway at New Orleans International Airport.*

*SEC. 345. Notwithstanding any other provision of law, up to $800,000 of unobligated balances from capital investment grants available for Fayette County, Pennsylvania intermodal facilities and buses in the Department of Transportation and Related Agencies Appropriations Act, 1999 (Public Law 105–277) and the Department of Transportation and Related Agencies Appropriations Act, 2000 (Public Law 106–69) may be made available for an intermodal parking facility in Cambria County, Pennsylvania.*

*SEC. 346. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.*

*SEC. 347. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Department of Transportation and Related Agencies that assumes revenues or reflects reductions from the previous year due to user fee proposals that have not been enacted into law prior to the submission of the budget unless such budget submission identifies which additional spending reductions should occur in the event the user fee proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2002 appropriations Act.*

*SEC. 348. In addition to the authority provided in section 636 of the Treasury, Postal Service, and General Government Appropriations Act, 1997, as included in Public Law 104–208, title I, section 101(f), as amended, beginning in fiscal year 2001 and thereafter, amounts appropriated for salaries and expenses for the Department of Transportation may be used to reimburse an employee whose position is that of safety inspector for not to exceed one-half the costs incurred by such employee for professional liability insurance. Any payment under this section shall be contingent upon the submission of such information or documentation as the Department may require.*

*SEC. 349. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation or weather reporting. The prohibition of funds in this section does not apply to negotiations between the Agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.*

*SEC. 350. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard ''Acquisition, construction, and improvements'' shall be available after the fifteenth day of any quarter of any fiscal year beginning after December 31, 2000, unless the Commandant of the Coast Guard first submits a quarterly report to the House and Senate Committees on Appropriations on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: Provided, That such reports shall include an acquisition schedule, estimated current and year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisition project: Provided further, That such reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition*

*project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction, and improvements account be fully funded: Provided further, That such reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: Provided further, That all information submitted in such reports shall be current as of the last day of the preceding quarter.*

*SEC. 351. Notwithstanding any other provision of law, beginning in fiscal year 2004, the Secretary shall withhold 2 percent of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if a State has not enacted and is not enforcing a provision described in section 163(a) of chapter 1 of title 23, United States Code; in fiscal year 2005, the Secretary shall withhold 4 percent of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if a State has not enacted and is not enforcing a provision described in section 163(a) of title 23, United States Code; in fiscal year 2006, the Secretary shall withhold 6 percent of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if a State has not enacted and is not enforcing a provision described in section 163(a) of title 23, United States Code; and beginning in fiscal year 2007 and in each fiscal year thereafter, the Secretary shall withhold 8 percent of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if a State has not enacted and is not enforcing a provision described in section 163(a) of title 23, United States Code. If within four years from the date that the apportionment for any State is reduced in accordance with this section the Secretary determines that such State has enacted and is enforcing a provision described in section 163(a) of chapter 1 of title 23, United States Code, the apportionment of such State shall be increased by an amount equal to such reduction. If at the end of such four-year period, any State has not enacted and is not enforcing a provision described in section 163(a) of title 23, United States Code, any amounts so withheld shall lapse.*

*SEC. 352. (a) IN GENERAL.—Notwithstanding any other provision of law, including the Surplus Property Act of 1944 (58 Stat. 765, chapter 479; 50 U.S.C. App. 1622 et seq.), the Secretary of Transportation (or the appropriate Federal officer) may waive, without charge, any of the terms contained in any deed of conveyance described in subsection (b) that restrict the use of any land described in such a deed that, as of the date of enactment of this Act, is not being used for the operation of an airport or for air traffic. A waiver made under the preceding sentence shall be deemed to be consistent with the requirements of section 47153 of title 49, United States Code.*

*(b) DEED OF CONVEYANCE.—A deed of conveyance referred to in subsection (a) is a deed of conveyance issued by the United States before the date of enactment of this Act for the conveyance of lands to a public institution of higher education in Oklahoma.*

*(c) USE OF LANDS SUBJECT TO WAIVER.—*

*(1) IN GENERAL.—Notwithstanding any other provision of law, the lands subject to a waiver under subsection (a) shall not be subject to any term, condition, reservation, or restriction that would otherwise apply to that land as a result of the conveyance of that land by the United States to the institution of higher education.*

*(2) USE OF LANDS.—An institution of higher education that is issued a waiver under subsection (a) may use revenues derived from the use, operation, or disposal of that land only for weather-related and educational purposes that include benefits for aviation.*

*(d) GRANTS.—*

*(1) IN GENERAL.—Notwithstanding any other provision of law, if an institution of higher education that is subject to a waiver under subsection (a) received financial assistance in the form of a grant from the Federal Aviation Administration or a predecessor agency before the date of enactment of this Act, then the Secretary of Transportation may waive the repayment of the outstanding amount of any grant that the institution of higher education would otherwise be required to pay.*

*(2) ELIGIBILITY TO RECEIVE SUBSEQUENT GRANTS.—Nothing in paragraph (1) shall affect the eligibility of an institution of higher education that is subject to that paragraph from receiving grants from the Secretary of Transportation under chapter 471 of title 49, United States Code, or under any other provision of law relating to financial assistance provided through the Federal Aviation Administration.*

*SEC. 353. The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended in item 1006 (112 Stat. 294) by striking ''Extend NW 86th Street from NW 70th Street'' and inserting ''Construct a road from State Highway 141''.*

*SEC. 354. For the purpose of constructing an underpass to improve access and enhance highway/rail safety and economic development along Star Landing Road in DeSoto County, Mississippi, the State of Mississippi may use funds previously allocated to it under the transportation enhancements program, if available.*

*SEC. 355. Section 1214 of Public Law 105–178, as amended, is further amended by adding a new subsection to read as follows:*

*''(s) Notwithstanding section 117 (c) of title 23, United States Code, for project number 1646 in section 1602 of Public Law 105–178, the non-Federal share of the project may be funded by Federal funds from an agency or agencies not part of the United States Department of Transportation.''.*

*SEC. 356. Hereafter, the New Jersey Transit commuter rail station to be located at the intersection of the Main/Bergen line and the Northeast Corridor line in the State of New Jersey shall be known and designated as the ''Frank R. Lautenberg Station'': Provided, That the Secretary of Transportation shall ensure that any and all applicable reference in law, map, regulation, documentation, and all appropriate signage shall make reference to the ''Frank R. Lautenberg Station''.*

*SEC. 357. None of the funds in this Act may be available for the planning, development or construction of a multi-lane, limited access expressway at section 800, Pennsylvania Route 202 in Bucks County, Pennsylvania.*

*SEC. 358. Item 131 in the table under ''Federal Transit Administration, Capital investment grants'' in Public Law 106–69 is amended by adding after ''buses'' the following: '', bus-related equipment and bus facilities''.*

*SEC. 359. Each executive agency shall establish a policy under which eligible employees of the agency may participate in telecommuting to the maximum extent possible without diminished employee performance. Not later than 6 months after the date of the enactment of this Act, the Director of the Office of Personnel Management shall provide that the requirements of this section are applied to 25 percent of the Federal workforce, and to an additional 25 percent of such workforce each year thereafter.*

*SEC. 360. Notwithstanding any other provision of law, new fixed guideway system funds available for the Jackson, Mississippi, Intermodal Corridor in the Department of Transportation and Related Agencies Appropriations Act, 1998, Public Law 105–66, may be made available for obligation during this fiscal year for studies to evaluate and define transportation alternatives for this project, including an intermodal facility at Jackson International Airport, and for related preliminary engineering, final design or construction.*

*SEC. 361. Notwithstanding any other provision of law, up to $499,000 of the funds made available in item 760 of section 1602 of the Transportation Equity Act for the 21st Century shall be available for corridor planning studies between western Baldwin County and Mobile Municipal Airport.*

*SEC. 362. Item number 78 in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) is amended by inserting ''Akron Innerbelt (State Route 59) corridor, Broadway viaduct replacement, and High Street viaduct replacement,'' after ''extension,''.*

*SEC. 363. Section 117(c) of title 23, United States Code, is amended by inserting before the period at the end of the following: ''; except that the Federal share on account of the project to be carried out under item 1419 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 309), relating to reconstruction of a road and causeway in Shiloh Military Park in Hardin County, Tennessee, shall be 100 percent of the total cost thereof''.*

*SEC. 364. Section 30118 of title 49, United States Code, is amended—*

*(1) in subsections (a), (b)(1), and (c), by inserting '', original equipment,'' before ''or replacement equipment'' each place it appears; and*

*(2) in subsection (c)—*

*(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;*

*(B) by striking ''A manufacturer'' and inserting the following: ''(1) IN GENERAL.—A manufacturer''; and*

*(C) by adding at the end the following:*

*''(2) DUTY OF MANUFACTURERS.—For the purposes of paragraph (1), a manufacturer of a motor vehicle, original equipment, or replacement equipment shall have a duty to review and consider information, including information received from any foreign source, to learn whether the vehicle or equipment contains a defect or does not comply with an applicable motor vehicle safety standard.''.*

*SEC. 365. Funds appropriated to the Federal Transit Administration under the heading ''Transit planning and research'' for international activities in Public Law 106–69 shall be transferred to and administered by the Agency for International Development for transportation needs in the frontline states to the Kosovo conflict, as determined to be appropriate by the Administrator of the Agency for International Development.*

*SEC. 366. Under the heading ''Discretionary Grants'' in Public Law 105–66, ''$4,000,000 for the Salt Lake City regional commuter system project;'' is amended to read ''$4,000,000 for the transit and other transportation-related portions of the Salt Lake City regional commuter system and Gateway intermodal terminal;''.*

*SEC. 367. Of the amounts to be made available in fiscal year 2001 under section 1404 (safety incentives to prevent operation of motor vehicles by intoxicated persons) of Public Law 105–178, $2,492,121 shall be made available to the Commonwealth of Kentucky for adopting a 0.08 blood alcohol content standard. Thereafter the remaining funds shall be distributed by formula to the eligible states, including Kentucky.*

*SEC. 368. Notwithstanding any other provision of law, the Secretary of Transportation shall waive repayment of any Federal-aid highway funds expended by the City of Spokane, Washington on the Lincoln Street Bridge Project.*

*SEC. 369. Items 218 and 219 in the table under ''Federal Transit Administration, Capital investment grants'' in Division A, section 101(g) of Public Law 105–277 and items 222 and 223 in the table under ''Federal Transit Administration,*

*Capital investment grants'' in Public Law 106–69 are amended by inserting ''and bus and bus facilities'' at the end of each item.*

*SEC. 370. Item number 6 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by inserting after ''Kaysville'', ''and within the amount provided, $2,000,000 for repair and reconstruction of the North Ogden Divide Highway''.*

*SEC. 371. Notwithstanding any other provision of law, States may use funds provided in this Act under section 402 of title 23, United States Code, to produce and place highway safety public service messages in television, radio, cinema, and print media, and on the Internet in accordance with guidance issued by the Secretary of Transportation. Any State that uses funds for such public service messages shall submit to the Secretary a report describing and assessing the effectiveness of the messages.*

*SEC. 372. Notwithstanding section 402 of the Department of Transportation and Related Agencies Appropriations Act, 1982 (49 U.S.C. 10903 nt), Mohall Railroad, Inc. may abandon track from milepost 5.25 near Granville, North Dakota, to milepost 35.0 at Lansford, North Dakota, and the track so abandoned shall not be counted against the 350 mile limitation contained in that section.*

*SEC. 373. Item number 163 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by inserting before the numeral ''which includes the study, design, and construction related to local street improvements needed to complement the extension of Kapkowski Road''.*

*SEC. 374. Item number 331 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 269) is amended by striking ''highway access'' and inserting ''highway and freight rail access''.*

*SEC. 375. For capital costs associated with track relocation, track construction and rehabilitation, highway-rail separation construction activities including right-of-way acquisition and utility relocation, and signal improvements in Muscle Shoals, Tuscumbia, and Sheffield, Alabama, $5,000,000 to the Alabama Department of Transportation, to remain available until expended: Provided, That obligation of federal funds is contingent upon a match of no less than 75 percent from non-federal sources.*

*SEC. 376. For capital costs associated with track acquisition and rehabilitation between Strasburg Junction and Shenandoah Caverns, Virginia, $1,000,000 to Valley Trains and Tours, to remain available until expended: Provided, That the obligation of federal funds is contingent upon an agreement with Norfolk Southern Corporation on track usage and financial support by the Commonwealth of Virginia.*

*SEC. 377. Item 1135 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 298) is amended by striking ''Replace Barton Road/M 14 interchange, Ann Arbor'' and inserting ''Conduct a study of all possible alternatives to the current M–14/Barton Drive interchange in Ann Arbor, including relocation of M–14/U.S. 23 from Maple Road to Plymouth Road, mass transit options, and other means of reducing commuter traffic and improving highway safety''.*

*SEC. 378. Notwithstanding any other provision of law, in addition to amounts made available in this Act or any other Act, the following sums shall be made available from the Highway Trust Fund (other than the Mass Transit Account): $50,000,000 for the intelligent transportation infrastructure program as authorized by section 5117(b)(3) of Public Law 105–178; $8,500,000 for construction of, and improvements to, 17th Avenue and 23rd Avenue highway ramps in Denver, Colorado; $1,000,000 for engineering, construction of, and improvements to, the Cascade Gateway Border Project in Whatcom County, Washington; $100,000,000 for construction of, and improvements to, Corridor D on the Appalachian development highway system in the State of West Virginia; $1,500,000 for construction of, and improvements to, the Alameda Corridor-East Gateway to American Trade corridor project, California; $4,000,000 for construction of, and improvements to, Avenue G viaduct and connector roads in Council Bluffs, Iowa; $34,100,000 for design and construction of the Birmingham, Alabama Northern Beltline; $13,500,000 for construction of, and improvements to, US 231 from Bowling Green to Scottsville, Kentucky; $150,000 for improvements to the Broad Street and Wyckoff Road intersection, including traffic light upgrades, in the Borough of Eatontown, New Jersey; $12,000,000 for construction of road expansion and improvements to, the Broad Street Parkway in Nashua, New Hampshire; $10,000,000 to construct interchanges US 281 at FM 2812, FM 162, FM 490, SP 122, and SH 186 in Texas; $12,500,000 to construct interchanges US 77 at Business 77 North, FM 3186, FM 490, SP 122, and SP 413 in Texas; $30,000,000 for construction of, and improvements to, the Cooper River Bridge in South Carolina; $100,000,000 for construction of, and improvements to, Corridor X on the Appalachian development highway system in the State of Alabama; $4,000,000 for construction, including related activities, of an interchange at County Highway J and US 10 and to upgrade a segment of US 10 to a four-lane highway in Portage County, Wisconsin; $5,000,000 for construction, including related activities, of the Craig Road overpass between I–15 and Lossee Road in the City of North Las Vegas, Nevada; $30,200,000 for construction of, and improvements to, bridges and other projects on the Dalton Highway, Alaska; $3,200,000 for improvements to Dayton Road in Ames, Iowa; $15,000,000 for construction of, and improvements to, the Detroit, Michigan Ambassador Bridge Gateway project; $24,000,000 for construction of, and improvements to, FAST Corridor in Washington; $10,000,000 for construction of, and improvements to, the Fort Washington Way reconfiguration project, Cincinnati, Ohio; $35,000,000 for construction of, and improvement to, the Four Bears Bridge in North Dakota; $50,000,000 for construction of, and improvements to, the Glenn Highway/George Parks Highway interchange in Alaska; $8,000,000 for preliminary design of the Interstate Route 69 Great River Bridge crossing the Mississippi at Bolivar County, Mississippi; $8,000,000 for reconstruction of, and other improvements to, Halls Mill Road in Freehold Township and Monmouth County, New Jersey; $4,500,000 for construction of, and improvements to, Hamakua-Hilo corridor road and bridge projects, Hawaii; $35,000,000 for construction, including related activities, of an extension of Highway 180 from the City of Mendota to I–5 in Fresno County, California; $10,000,000 to upgrade Highway 36 in Marion County, Missouri, to four-land divided highway; $9,750,000 for widening, relocation of, and other improvements to South Carolina Highway 5, including the removal and relocation of municipal utilities, between Interstate 85 in Cherokee County, South Carolina and Interstate 77 in York County, South Carolina; $10,000,000 for upgrading Highway 60 in Shannon and Carter counties, Missouri, to four-lane divided highway; $6,400,000 for Hoeven Valley corridor, Sioux City, road, intersection, and rail crossing improvements, in Iowa; $20,000,000 for environmental work, design, and construction of the Hoover Dam bypass four-lane bridge; $13,500,000 for construction of, and improvements to, I–15 between milepost 0 and milepost 16, from the Utah border to Deep Creek, Idaho; $10,000,000 for construction of, and improvements to, the I–15 Southbound project, Nevada; $10,000,000 for construction of, and improvements to, I–195 in Rhode Island; $6,400,000 for municipality relocation costs for I–235 in Polk County, Iowa; $12,000,000 for environmental work, preliminary survey and design, and reconstruction of I–35 from Des Moines to Ankeny, Iowa, $36,000,000 for construction, including related activities, of the I–39/US 51/SH 29 corridor (Wausau Beltline) in and around Wausau, Wisconsin; $94,000,000 for construction of, and improvements to, I–49 in the State of Arkansas; $18,400,000 for environmental work, preliminary survey and design of I–69 in Tennessee;; $10,000,000 for construction of, and improvements to, the I–80/US 395 interchange in Reno, Nevada; $2,800,000 for border crossing improvements on I–87, in New York; $8,000,000 for construction of, and improvements to, the I–95 to Transitway access project in Stamford, Connecticut; $4,000,000 for construction of, and improvements to, U.S. Department of Transportation structure numbered 289–961–H at FAS Route 37 in Illinois; $250,000 for improvements at the Rosedal Road and Provinceline Road intersection in the Township of Princeton, New Jersey; $1,200,000 for improvements to County Route 605 in Delaware Township and West Amwell Township, Hunterdon County, New Jersey; $2,500,000 for improvements to the Route 9 and Route 520 intersection in Marlboro Township, New Jersey; $5,000,000 for improvement to US 73 from State Avenue North to Marxen Road in Wyandotte County, Kansas; $5,000,000 for installation of sound barriers along the Route 309 Expressway between Limekiln Pike and State Route 63 in Montgomery County, Pennsylvania; $8,700,000 for construction, including related activities, of a new interchange on I–435 at Donahoo Road in Wyandotte County, Kansas; $15,000,000 for construction of, and improvements to, the intersection at 27th Street and Airport Road in Billings, Montana; $5,000,000 for construction of, and improvements to, Kahuku Bridges, Hawaii; $5,500,000 for construction of, and improvements to, the Kansas Lane Connector Road alignment project in Monroe, Louisiana; $4,000,000 for construction of, and improvements to, Kekaha, Kauai access roads, Hawaii; $10,000,000 for planning, environmental work, and preliminary engineering of highway, pedestrian vehicular, and bicycle access to the John F. Kennedy Center for the Performing Arts in the District of Columbia; $2,500,000 for construction of, and improvement to, Kihei Road, Hawaii; $10,000,000 for Lafayette Street access improvements from the US 202 Dannehower Bridge to the Pennsylvania Turnpike, including extension of Lafayette Street to the Conshohocken Road, intersection improvements and bridge, reconstruction in Norristown, Pennsylvania; $12,400,000 for widening and overlay/guard rail work on SR 789 between Lander and Hudson, Wyoming; $500,000 for reconstruction of Lewisville Road in Lawrence Township, New Jersey; $3,200,000 for construction of, and improvements to, the Martin Luther King, Jr. Bridge in Toledo, Ohio; $9,300,000 for construction of, and improvements to, the Midtown West intermodal ferry terminal, New York City, New York; $5,000,000 for construction, including related activities, of an extension of Mississippi Highway 44, including a bridge over the Pearl River, in Lawrence County, Mississippi; $13,000,000 for construction of, and improvements to, the Missouri River pedestrian crossing in Omaha, Nebraska; $5,000,000 for the NJCDC Training Facility Project in Paterson, New Jersey; $16,000,000 for construction of, and improvements to, North Shore Road in Swain County, North Carolina; $3,500,000 for construction of, and improvements to, the Norwich, Connecticut intermodal facility project; $1,500,000 for construction of, and improvements to, Padanaram and Little River Road bridge projects in Dartmouth, Massachusetts; $11,000,000 for reconstruction activities on the Potee Street Bridge in Baltimore, Maryland; $250,000 for reconstruction of Institute Street, Lockwood Avenue, First Street, Second Street,*

*Third Street, Ford Avenue, Liberty Street, and Bond Street in the Borough of Freehold, New Jersey; $4,200,000 for relocation and related construction activities thereto of MacArthur Boulevard in Oklahoma City, Oklahoma; $1,200,000 for grade crossing eliminations along Route 17 in Chemung County, New York; $4,000,000 for construction of, and improvements to, Route 2 between St. Johnsbury, Vermont and the New Hampshire State Line; $500,000 for improvements to Route 35 at Clinton Avenue and other intersections in the Borough of Eatontown, Mew Jersey; $500,000 for Route 35 corridor improvements, including signal upgrades, in the Borough of Eatontown, New Jersey; $2,600,000 for construction of, and improvements to, the Niangua Bridge on Route 5 in Camden County, Missouri; $1,000,000 for improvements to Route 641 in Hunterdon County, New Jersey; $25,000,000 for construction, including related activities, of the Route 7 North bypass in Brookfield, Connecticut; $6,000,000 for construction of, and improvements to, the Route 9 Bennington Bypass, Vermont; $5,000,000 for construction of, and improvements to, Saddle Road, Hawaii; $1,200,000 for reconstruction of School Road East in Marlboro Township, New Jersey; $29,000,000 for construction of, and improvements to, a Southeast Connector Route between I–90 and SD 79 in South Dakota; $5,000,000 for improvements, including traffic signal system upgrades, to State Route 99 in Shoreline, Washington; $500,000 for the Township of Princeton, New Jersey municipal complex road improvements, including improvements to the Valley, Mount Lucas, Terhune and Cherry Hill roadways in the Township of Princeton, New Jersey; $23,600,000 for construction of, and improvements to, US 12 between Aberdeen and I–29 in South Dakota; $40,000,000 for construction of, and improvements to, US 19 in Pinellas County, Florida; $25,000,000 for construction of, and improvements to, US 50 Parkersburg bypass in West Virginia; $10,000,000 for construction of, and improvements to, US 63 in Jonesboro, Arkansas; $5,000,000 for construction of, and improvements to, US 101 in Oregon; $4,000,000 for construction of, and improvements to, US 54 in Kansas; $100,000,000 for construction of, and improvements to, the US 82 bridge over the Mississippi River at Greenville, Mississippi; $10,000,000 for construction of, and improvements to, including widening, of US 95 between Laughlin Cutoff and Railroad Pass, Nevada; $1,000,000 for improvements to the Van Wyck Expressway, Queens County, New York; and $20,000,000 for widening US 53 from two lanes to four lanes from Minnesota Highway 169 north of Virginia, Minnesota to Cook, Minnesota; Provided, That the amounts appropriated in this section shall remain available until expended and shall not be subject to, or computed against, any obligation limitation or contract authority set forth in this Act or any other Act.*

*SEC. 379. (a) Section 412(a) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 627; 112 Stat. 159) is amended—*

*(1) in paragraph (1)—*

*(A) by striking ''There is'' and inserting the following:*

*''(A) HIGHWAY TRUST FUND.—There is''; and*

*(B) by adding at the end the following:*

*''(B) GENERAL FUND.—*

*''(i) IN GENERAL.—In addition to amounts made available under subparagraph (A), there is appropriated to pay the costs described in subparagraph (A) $600,000,000 for fiscal year 2001.*

*''(ii) CONDITION.—Notwithstanding any other provision of law, the additional funds made available by clause (i) shall be made available only when 1 or more of the Capital Region jurisdictions accepts conveyance from the Secretary of all right, title, and interest of the United States in and to the new Bridge.*

*''(iii) MANNER OF USE.—The use of the additional funds made available by clause (i) shall be subject to title 23, United States Code.'';*

*(2) in paragraph (2)—*

*(A) by striking ''Funds'' and inserting ''Except as provided in paragraph (3), funds''; and*

*(B) by striking ''this section'' and inserting ''paragraph (1)(A)''; and*

*(3) by striking ''Code; except that—'' and inserting the following: ''Code.*

*''(3) CONDITIONS.—With respect to funds authorized or appropriated by this section—''.*

*(b) Section 412 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 627; 112 Stat. 159) is amended by adding at the end the following:*

*''(d) LIMITATION ON FEDERAL CONTRIBUTION.—*

*''(1) IN GENERAL.—Except as provided in paragraph (2), the aggregate of the amounts made available from the Highway Trust Fund and the general fund of the Treasury under this section shall not exceed $1,500,000,000.*

*''(2) EXCLUDED AMOUNTS.—Amounts made available for the Project under section 110 of title 23, United States Code, shall be excluded from the limitation established by paragraph (1).''.*

*SEC. 380. Section 5309(g)(4) of title 49 United States Code is amended by inserting ''(A)'' after ''(4)'' and by adding at the end the following:*

*''(B) For fiscal year 2001 and thereafter, the amount equivalent to the last 2 fiscal years of funding authorized under section 5338(b) for new fixed guideway systems and extensions to existing fixed guideway systems referred to in subparagraph (A) shall be the amount equivalent to the last 3 fiscal years of such authorized funding.*

*''(C) Any increase in the total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements as a result of application of subparagraph (B) instead of subparagraph (A) shall be available as follows:*

*''(1) $269,100,000 for the Chicago, Illinois Metra commuter rail project, that consists of the following elements: the Kane County extension; the North Central double-tracking project; and the Southwest corridor extension.*

*''(2) $565,600,000 for the Chicago Transit Authority project that consists of the following elements: Ravenswood Branch station and line improvements and the Douglas Branch reconstruction project.*

*''(3) For new fixed guideways and extensions to existing fixed guideway systems other than for projects referred to in paragraphs (1) and (2); except that for fiscal year 2001, such increase under this paragraph shall not be available for allocation by the department or for making future obligations of the Government and contingent commitments until April 1, 2001.*

*''(D) Of the amount that would be available under subparagraph (A) if subparagraph (B) were not in effect and would have otherwise been allocated by the Federal Transit Administration to those projects referred to in subparagraphs (C)(1) and (C)(2) shall be available as follows:*

*''(1) $60,000,000 for the Minneapolis Hiawatha corridor light rail project, which shall be in addition to amounts otherwise allocated under subparagraph (A), for a total of $334,300,000.*

*''(2) $217,800,000 for the Dulles corridor bus rapid transit project, that consists of a light rail extension from the West Falls Church metrorail station to Tysons Corner, Virginia and bus rapid transit from Tysons Corner to the Dulles International Airport.*

*''(E) Any amount that would be available under subparagraph (A) if subparagraph (B) were not in effect and would have otherwise been allocated by the Federal Transit Administration to those projects referred to in subparagraphs (C)(1) and (C)(2), shall not be available for allocation by the department or for making future obligations of the Government and contingent commitments until April 1, 2001, except for those projects referred to in subparagraph (D)(1) and (D)(2).*

*''(F) Future obligations of the Government and contingent commitments made against the contingent commitment authority under section 3032(g)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 for the San Francisco BART to the Airport project for fiscal years 2002, 2003, 2004, 2005 and 2006 shall be charged against section 3032(g)(2) of the Intermodal Surface Transportation Efficiency Act of 1991.*

*''(G) Any amount that would be available under subparagraph (A) if subparagraph (F) were not in effect and would otherwise have been allocated by the Federal Transit Administration to the project in subparagraph (F) shall not be available for allocation by the department or for making future obligations of the Government and contingent commitments until April 1, 2001.''.*

*SEC. 381. Notwithstanding any other provision of law, within one week from the date of enactment of this Act, the Federal Transit Administrator shall sign a Full Funding Grant Agreement for the MOS–2 segment of the New Jersey Urban Core—Hudson Bergen project.*

*SEC. 382. None of the funds appropriated in this or any other Act may be used to adjust the boundary of the Point Retreat Light Station or to otherwise limit the property at the Point Retreat Light Station currently under lease to the Alaska Lighthouse Association: Provided, That any modifications to the boundary of the Point Retreat Light Station made after January 1, 1998 is hereby declared null and void.*

## *TITLE IV*

## *DEPARTMENT OF THE TREASURY*

### *BUREAU OF THE PUBLIC DEBT*

#### *GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT*

*For deposit of an additional amount into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $5,000,000,000.*

## *TITLE V*

## *DEPARTMENT OF THE TREASURY*

### *DEPARTMENTAL OFFICES*

#### *SALARIES AND EXPENSES*

*For an additional amount in support of the Nation's counterterrorism efforts, $6,424,000: Provided, That these funds shall be for establishing a new interagency National Terrorist Asset Tracking Center in the Office of Foreign Assets Control: Provided further, That these funds may be used to reimburse any Department of the Treasury organization for costs of providing support for this effort.*

#### *DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS*

*(INCLUDING TRANSFER OF FUNDS)*

*For an additional amount for the integrated Treasury wireless network, $15,000,000, to remain available until expended: Provided, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided: Provided further, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems.*

#### *EXPANDED ACCESS TO FINANCIAL SERVICES*

*(INCLUDING TRANSFER OF FUNDS)*

*For an additional amount to develop and implement programs to expand access to financial services for low- and moderate-income individuals, $8,000,000, to remain available until expended: Provided, That of these funds, such*

*sums as may be necessary may be transferred to accounts of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided.*

*FEDERAL LAW ENFORCEMENT TRAINING CENTER*

*SALARIES AND EXPENSES*

*For an additional amount to establish and operate a metropolitan area law enforcement training center for the Department of the Treasury, other Federal agencies, the United States Capitol Police, and the Washington, D.C., Metropolitan Police Department, $5,000,000: Provided, That the principal function of the center shall be for firearms and vehicle operation requalification: Provided further, That use of the center for training for other state and local law enforcement agencies may be provided on a space-available basis: Provided further, That the Federal Law Enforcement Training Center is authorized to obligate funds in anticipation of reimbursement from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That the costs of transportation to and from the center, ammunition, vehicles, and instruction at the center shall be funded either directly by participating law enforcement agencies, or through reimbursement of actual costs to this appropriation: Provided further, That of the funds provided, no more than $1,500,000 may be obligated until a funding plan for the center has been submitted to the Committees on Appropriations: Provided further, That all Federal property in the National Capital Region that is in the surplus property inventory of the General Services Administration shall be available for selection and use by the Secretary of the Treasury as the site of such a metropolitan area law enforcement training center. If the Secretary of the Treasury identifies a parcel of such property that is appropriate for use for such a center, the property shall not be treated as excess property or surplus property (as those terms are used in the Federal Property and Administrative Services Act of 1949) and administrative jurisdiction over the property shall be transferred to the Secretary for use for such a center.*

*ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES*

*For an additional amount for design and construction of a metropolitan area law enforcement training center, including firearms and vehicle operations requalification facilities, $25,000,000, to remain available until expended: Provided, That of the funds provided, no more than $3,000,000 may be obligated until a design and construction plan has been submitted to the Committees on Appropriations.*

*BUREAU OF ALCOHOL, TOBACCO AND FIREARMS*

*SALARIES AND EXPENSES*

*For an additional amount, $4,148,000, for participation in Joint Terrorism Task Forces.*

*UNITED STATES CUSTOMS SERVICE*

*SALARIES AND EXPENSES*

*For an additional amount, $18,934,000: Provided, That $10,000,000 shall be for technology and infrastructure along the northern border: Provided further, That $6,600,000 shall be for hiring counterterrorism agents for deployment along the northern border: Provided further, That none of the funds provided for the northern border shall be obligated until the Commissioner of the Customs Service submits for approval to the Committees on Appropriations a plan for the deployment of the resources and personnel: Provided further, That $2,334,000 shall be for participation in Joint Terrorism Task Forces.*

*INTERNAL REVENUE SERVICE*

*TAX LAW ENFORCEMENT*

*For an additional amount, $7,974,000: Provided, That $3,135,000 shall be in support of the money laundering strategy: Provided further, That $4,839,000 shall be for participation in Joint Terrorism Task Forces.*

*INFORMATION TECHNOLOGY INVESTMENTS*

*For necessary expenses of the Internal Revenue Service, $71,751,000, to remain available until September 30, 2003, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11 part 3; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.*

*STAFFING TAX ADMINISTRATION FOR BALANCE AND EQUITY*

*(INCLUDING TRANSFER OF FUNDS)*

*For necessary expenses of the Internal Revenue Service related to the hiring of new staff, $141,000,000: Provided, That these funds shall be transferred to the appropriations accounts for ''Processing, Assistance, and Management'', ''Tax Law Enforcement'', and ''Information Systems'' in accordance with a staffing plan approved by the Department of the Treasury and the Office of Management and Budget: Provided further, That none of these funds may be transferred or obligated until such staffing plan is submitted to, and approved by, the Committees on Appropriations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided.*

*UNITED STATES SECRET SERVICE*

*SALARIES AND EXPENSES*

*For an additional amount, $2,904,000, for participation in Joint Terrorism Task Forces.*

*EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT*

*OFFICE OF NATIONAL DRUG CONTROL POLICY*

*COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER*

*(INCLUDING TRANSFER OF FUNDS)*

*For an additional amount, $7,000,000: Provided, That $5,000,000 shall be available for continued operation of the technology transfer program: Provided further, That $2,000,000, to remain available until expended, shall be available for counternarcotics research and development projects, to be used for the continued development of a wireless interoperability communication project in Colorado.*

*UNANTICIPATED NEEDS*

*For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $3,500,000: Provided, That, of such amount, $2,500,000 shall become available on March 31, 2001, and shall be provided to the Elections Commission of the Commonwealth of Puerto Rico as a transfer to be used for objective, non-partisan citizens' education and a choice by voters regarding the islands' future status: Provided further, That none of the funds described in the preceding proviso may be obligated until 45 days after the Elections Commission of the Commonwealth of Puerto Rico submits to the Committees on Appropriations for approval an expenditure plan developed jointly by the Popular Democratic Party, the New Progressive Party, and the Puerto Rican Independence Party: Provided further, That the Elections Commission of the Commonwealth of Puerto Rico shall include the expenditure plan additional views from any party that does not agree with the plan.*

*INDEPENDENT AGENCIES*

*GENERAL SERVICES ADMINISTRATION*

*REAL PROPERTY ACTIVITIES*

*FEDERAL BUILDINGS FUND*

*LIMITATIONS ON AVAILABILITY OF REVENUE*

*(INCLUDING TRANSFER OF FUNDS)*

*For an additional amount to be deposited in, and to be used for the purposes of, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $11,350,000: Provided, That $3,000,000 shall be available for non-prospectus construction: Provided further, That $8,350,000, to remain available until expended, shall be available for repairs and alterations.*

*POLICY AND OPERATIONS*

*For an additional amount, $13,789,000 of which $2,060,000 shall be for the electronic government initiative, of which $2,000,000 shall be for the regulatory information service center, of which $2,000,000 shall be for facilitating post conveyance remediation to be performed by the City of Waltham, Massachusetts, of which $2,000,000 shall be for a grant to the Institute for Biomedical Science and Biotechnology, of which $2,000,000 shall be for a grant to the Center for Agricultural Policy and Trade Studies, of which $1,000,000 shall be for a grant to the Berwick, Pennsylvania Industrial Development Authority, of which $1,000,000 shall be a grant to Ewing-Lawrence Sewerage Authority in Ewing Township, New Jersey, of which $750,000 shall be for logistical support of the World Police and Fire Games in Indiana, and of which $979,000 shall be for base operations.*

*NATIONAL ARCHIVES AND RECORDS ADMINISTRATION*

*REPAIRS AND RESTORATION*

*For an additional amount for repairs to the John F. Kennedy Presidential Library, $6,610,000, to remain available until expended.*

*GENERAL PROVISIONS—THIS TITLE*

*SEC. 501. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF PERSONAL INFORMATION ON USE OF INTERNET.—None of the funds made available in the Treasury and General Government Appropriations Act, 2001 may be used by any Federal agency—*

*(1) to collect, review, or create any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any Federal government Internet site of the agency; or*

*(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.*

*(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to —*

*(1) any record of aggregate data that does not identify particular persons;*

*(2) any voluntary submission of personally identifiable information;*

*(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or*

*(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.*

*(c) RELATION TO OTHER PROVISION.—Section 644 of the Treasury and General Government Appropriations Act, 2001 (relating to Federal agency monitoring of personal information on use of the Internet) shall not have effect.*

*(d) DEFINITIONS.—For the purposes of this section:*

*(1) The term ''regulatory'' means agency actions to implement, interpret or enforce authorities provided in law.*

*(2) The term ''supervisory'' means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.*

*SEC. 502. (a) CLARIFICATION OF PERMISSIBLE USE OF FACSIMILE MACHINES AND ELECTRONIC MAIL TO FILE INDEPENDENT EXPENDITURE STATEMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:*

*''(d)(1) Any person who is required to file a statement under subsection (c) of this section, except statements required to be filed electronically pursuant to subsection (a)(11)(A)(i) may file the statement by facsimile device or electronic mail, in accordance with such regulations as the Commission may promulgate.*

*''(2) The Commission shall make a document which is filed electronically with the Commission pursuant to this paragraph accessible to the public on the Internet not later than 24 hours after the document is received by the Commission.*

*''(3) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying the documents covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.''.*

*(b) TREATMENT OF LINES OF CREDIT OBTAINED BY CANDIDATES AS COMMERCIALLY REASONABLE LOANS.—Section 301(8)(B) of such Act of 1971 (2 U.S.C. 431(8)(B)) is amended—*

*(1) by striking ''and'' at the end of clause (xiii);*

*(2) by striking the period at the end of clause (xiv) and inserting ''; and''; and*

*(3) by adding at the end the following new clause:*

*''(xv) any loan of money derived from an advance on a candidate's brokerage account, credit card, home equity line of credit, or other line of credit available to the candidate, if such loan is made in accordance with applicable law and under commercially reasonable terms and if the person making such loan makes loans derived from an advance on the candidate's brokerage account, credit card, home equity line of credit, or other line of credit in the normal course of the person's business.''.*

*(c) REQUIRING ACTUAL RECEIPT OF CERTAIN INDEPENDENT EXPENDITURE REPORTS WITHIN 24 HOURS.—*

*(1) IN GENERAL.—Section 304(c)(2) of such Act (2 U.S.C. 434(c)(2)) is amended in the matter following subparagraph (C)—*

*(A) by striking ''shall be reported'' and inserting ''shall be filed''; and*

*(B) by adding at the end the following new sentence: ''Notwithstanding subsection (a)(5), the time at which the statement under this subsection is received by the Secretary, the Commission, or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.''.*

*(2) CONFORMING AMENDMENT.—Section 304(a)(5) of such Act (2 U.S.C. 434(a)(5)) is amended by striking ''or (4)(A)(ii)'' and inserting ''or (4)(A)(ii), or the second sentence of subsection (c)(2)''.*

*(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after January 2001.*

*SEC. 503. Of the amounts provided to the Office of National Drug Control Policy for fiscal year 2001 for the anti-doping efforts of the United States Olympic Committee, the Director of such Office shall make direct payment of $3,300,000 to The U.S. Anti-Doping Agency, Incorporated, for the conduct of anti-doping activities: Provided, That these funds shall be provided not later than 30 days after the date of the enactment of this Act: Provided further, That of the funds made available for this effort, The U.S. Anti-Doping Agency shall have the sole authority to obligate these funds for the promotion of anti-doping efforts relating to United States athletes in the Olympic, Pan American, and Paralympic Games.*

*SEC. 504. Section 640 of the Treasury and General Government Appropriations Act, 2001 (relating to Civil Service Retirement System) shall not have effect.*

*SEC. 505. (a) CIVIL SERVICE RETIREMENT SYSTEM.—The table under section 8334(c) of title 5, United States Code, is amended—*

*(1) in the matter relating to an employee by striking:*

| | |
|---|---|
| ''7.5 ..... | January 1, 2001, to December 31, 2002. |
| 7 ..... | After December 31, 2002.'' |

*and inserting the following:*

| | |
|---|---|
| ''7 ..... | After December 31, 2000.''; |

*(2) in the matter relating to a Member or employee for Congressional employee service by striking:*

| | |
|---|---|
| ''8 ..... | January 1, 2001, to December 31, 2002. |
| 7.5 ..... | After December 31, 2002.'' |

*and inserting the following:*

| | |
|---|---|
| ''7.5 ..... | After December 31, 2000.''; |

*(3) in the matter relating to a law enforcement officer for law enforcement service and firefighter for firefighter service by striking:*

| | |
|---|---|
| ''8 ..... | January 1, 2001, to December 31, 2002. |
| 7.5 ..... | After December 31, 2002.'' |

*and inserting the following:*

| | |
|---|---|
| ''7.5 ..... | After December 31, 2000.''; |

*(4) in the matter relating to a bankruptcy judge by striking:*

| | |
|---|---|
| ''8.5 ..... | January 1, 2001, to December 31, 2002. |
| 8 ..... | After December 31, 2002.'' |

*and inserting the following:*

| | |
|---|---|
| ''8 ..... | After December 31, 2000.''; |

*(5) in the matter relating to a judge of the United States Court of Appeals for the Armed Forces for service as a judge of that court by striking:*

| | |
|---|---|
| ''8.5 ..... | January 1, 2001, to December 31, 2002. |
| 8 ..... | After December 31, 2002.'' |

*and inserting the following:*

| | |
|---|---|
| ''8 ..... | After December 31, 2000.''; |

*(6) in the matter relating to a United States magistrate by striking:*

| | |
|---|---|
| ''8.5 ..... | January 1, 2001, to December 31, 2002. |
| 8 ..... | After December 31, 2002.'' |

*and inserting the following:*

| | |
|---|---|
| ''8 ..... | After December 31, 2000.''; |

*(7) in the matter relating to a Court of Federal Claims judge by striking:*

| | |
|---|---|
| ''8.5 ..... | January 1, 2001, to December 31, 2002. |
| 8 ..... | After December 31, 2002.'' |

*and inserting the following:*

| | |
|---|---|
| ''8 ..... | After December 31, 2000.''; |

*(8) in the matter relating to a member of the Capitol Police by striking:*

| | |
|---|---|
| ''8 ..... | January 1, 2001, to December 31, 2002. |
| 7.5 ..... | After December 31, 2002.'' |

*and inserting the following:*

| | |
|---|---|
| ''7.5 ..... | After December 31, 2000.''; |

*and*

*(9) in the matter relating to a nuclear materials courier by striking:*

| | |
|---|---|
| ''8 ..... | January 1, 2001 to December 31, 2002. |
| 7.5 ..... | After December 31, 2002.'' |

*and inserting the following:*

| | |
|---|---|
| ''7.5 ..... | After December 31, 2000.''. |

*(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—*

*(1) IN GENERAL.—Section 8422(a) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:*

*''(3) The applicable percentage under this paragraph for civilian service shall be as follows:*

| | | |
|---|---|---|
| ''Employee ..... | 7 ..... | January 1, 1987, to December 31, 1998. |
| | 7.25 ..... | January 1, 1999, to December 31, 1999. |
| | 7.4 ..... | January 1, 2000, to December 31, 2000. |
| | 7 ..... | After December 31, 2000. |
| Congressional employee. | 7.5 ..... | January 1, 1987, to December 31, 1998. |
| | 7.75 ..... | January 1, 1999, to December 31, 1999. |
| | 7.9 ..... | January 1, 2000, to December 31, 2000. |
| | 7.5 ..... | After December 31, 2000. |
| Member ..... | 7.5 ..... | January 1, 1987, to December 31, 1998. |
| | 7.75 ..... | January 1, 1999, to December 31, 1999. |
| | 7.9 ..... | January 1, 2000, to December 31, 2000. |
| | 8 ..... | January 1, 2001, to December 31, 2002. |
| | 7.5 ..... | After December 31, 2002. |
| Law enforcement officer, firefighter, member of the Capitol Police, or air traffic controller. | 7.5 ..... | January 1, 1987, to December 31, 1998. |
| | 7.75 ..... | January 1, 1999, to December 31, 1999. |
| | 7.9 ..... | January 1, 2000, to December 31, 2000. |
| | 7.5 ..... | After December 31, 2000. |
| Nuclear materials courier. | 7 ..... | January 1, 1987, to October 16, 1998. |
| | 7.5 ..... | October 17, 1998, to December 31, 1998. |
| | 7.75 ..... | January 1, 1999, to December 31, 1999. |
| | 7.9 ..... | January 1, 2000, to December 31, 2000. |
| | 7.5 ..... | After December 31, 2000.''. |

*(2) MILITARY SERVICE.—Section 8422(e)(6) of title 5, United States Code, is amended—*

*(A) in subparagraph (A), by inserting ''and'' after the semicolon;*

*(B) in subparagraph (B), by striking ''; and'' and inserting a period; and*

(C) by striking subparagraph (C).

(3) VOLUNTEER SERVICE.—Section 8422(f)(4) of title 5, United States Code, is amended—

(A) in subparagraph (A), by inserting ''and'' after the semicolon;

(B) in subparagraph (B), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (C).

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Section 7001(c)(2) of the Balanced Budget Act of 1997 (50 U.S.C. 2021 note) is amended—

(A) in the matter before the colon, by striking ''December 31, 2002'' and inserting ''December 31, 2000''; and

(B) in the matter after the colon, by striking all that follows ''December 31, 2000.''.

(2) MILITARY SERVICE.—Section 252(h)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2082(h)(1)(A)), is amended—

(A) in the matter before the colon, by striking ''December 31, 2002'' and inserting ''December 31, 2000''; and

(B) in the matter after the colon, by striking all that follows ''December 31, 2000.''.

(d) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Section 7001(d)(2) of the Balanced Budget Act of 1997 (22 U.S.C. 4045 note) is amended—

(A) in subparagraph (A)—

(i) in the matter before the colon, by striking ''December 31, 2002'' and inserting ''December 31, 2000''; and

(ii) in the matter after the colon, by striking all that follows ''December 31, 2000.''; and

(B) in subparagraph (B)—

(i) in the matter before the colon, by striking ''December 31, 2002'' and inserting ''December 31, 2000''; and

(ii) in the matter after the colon, by striking all that follows ''December 31, 2000.''.

(2) CONFORMING AMENDMENT.—Section 805(d)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4045(d)(1)) is amended, in the table in the matter following subparagraph (B), by striking:

| | |
|---|---|
| ''January 1, 2001, through December 31, 2002, inclusive. | 7.5 |
| After December 31, 2002 .. | 7'' |

and inserting the following:

| | |
|---|---|
| ''After December 31, 2000 | 7''. |

(e) FOREIGN SERVICE PENSION SYSTEM.—

(1) IN GENERAL.—Section 856(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4071e(a)(2)) is amended by striking all that follows ''December 31, 2000.'' and inserting the following:

''7.5 ..... After December 31, 2000.''.

(2) VOLUNTEER SERVICE.—Section 854(c)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4071c(c)(1)) is amended—

(A) in the matter before the colon, by striking ''December 31, 2002'' and inserting ''December 31, 2000''; and

(B) in the matter after the colon, by striking all that follows ''December 31, 2000.''.

(f) CIVIL SERVICE RETIREMENT SYSTEM.—Notwithstanding section 8334 (a)(1) or (k)(1) of title 5, United States Code, during the period beginning on October 1, 2002, through December 31, 2002, each employing agency (other than the United States Postal Service or the Metropolitan Washington Airports Authority) shall contribute—

(1) 7.5 percent of the basic pay of an employee;

(2) 8 percent of the basic pay of a congressional employee, a law enforcement officer, a member of the Capitol police, a firefighter, or a nuclear materials courier; and

(3) 8.5 percent of the basic pay of a Member of Congress, a Court of Federal Claims judge, a United States magistrate, a judge of the United States Court of Appeals for the Armed Forces, or a bankruptcy judge,

in lieu of the agency contributions otherwise required under section 8334(a)(1) of such title 5.

(g) CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.—Notwithstanding section 211(a)(2) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2021(a)(2)), during the period beginning on October 1, 2002, through December 31, 2002, the Central Intelligence Agency shall contribute 7.5 percent of the basic pay of an employee participating in the Central Intelligence Agency Retirement and Disability System in lieu of the agency contribution otherwise required under section 211(a)(2) of such Act.

(h) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—Notwithstanding any provision of section 805(a) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)), during the period beginning on October 1, 2002, through December 31, 2002, each agency employing a participant in the Foreign Service Retirement and Disability System shall contribute to the Foreign Service Retirement and Disability Fund—

(1) 7.5 percent of the basic pay of each participant covered under section 805(a)(1) of such Act participating in the Foreign Service Retirement and Disability System; and

(2) 8 percent of the basic pay of each participant covered under paragraph (2) or (3) of section 805(a) of such Act participating in the Foreign Service Retirement and Disability System,

in lieu of the agency contribution otherwise required under section 805(a) of such Act.

(i) The amendments made by this section shall take effect upon the close of calendar year 2000, and shall apply thereafter.

SEC. 506. Of the amount provided to the United States Secret Service for fiscal year 2001 and specified for activities related to investigations of exploited children, $2,000,000 shall be available to the United States Secret Service for forensic and related support of investigations of missing and exploited children and shall remain available until September 30, 2001.

SEC. 507. (a) Section 108 of the Legislative Branch Appropriations Act, 2001 is amended to read as follows:

''SEC. 108. CHIEF ADMINISTRATIVE OFFICER.—(a) IN GENERAL.—There shall be within the Capitol Police an Office of Administration to be headed by a Chief Administrative Officer as follows:

''(1) Not later than 60 days after the date of the enactment of this Act, the Chief Administrative Officer shall be appointed by the Chief of the Capitol Police after consultation with the Capitol Police Board and the Comptroller General, and shall report to and serve at the pleasure of the Chief of the Capitol Police.

''(2) The Comptroller General shall evaluate the performance of the Chief Administrative Officer in carrying out the duties and responsibilities of the Office of Administration as outlined in this section. The Comptroller General shall meet with the Chief of the Capitol Police and the Capitol Police Board at least quarterly to provide an analysis of the performance of the Chief Administrative Officer. The Comptroller General shall report the results of the evaluation to the Chief of the Capitol Police, the Capitol Police Board, the Committees on Appropriations of the House of Representatives and Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

''(3) The Chief of the Capitol Police shall appoint as Chief Administrative Officer an individual with the knowledge and skills necessary to carry out the responsibilities for budgeting, financial management, information technology, and human resource management described in this section.

''(4) The Chief Administrative Officer shall receive basic pay at a rate determined by the Capitol Police Board, but not to exceed the annual rate of basic pay payable for ES–2 of the Senior Executive Service, as established under subchapter VIII of chapter 53 of title 5, United States Code (taking into account any comparability payments made under section 5304(h) of such title).

''(5) The Capitol Police shall reimburse from available appropriations any costs incurred by the Comptroller General under this section, which shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended.

''(b) RESPONSIBILITIES.—The Chief Administrative Officer shall have the following areas of responsibility:

''(1) BUDGETING.—The Chief Administrative Officer shall—

''(A) prepare and submit to the Capitol Police Board an annual budget for the Capitol Police; and

''(B) execute the budget and monitor through periodic examinations the execution of the Capitol Police budget in relation to actual obligations and expenditures.

''(2) FINANCIAL MANAGEMENT.—The Chief Administrative Officer shall—

''(A) oversee all financial management activities relating to the programs and operations of the Capitol Police;

''(B) develop and maintain an integrated accounting and financial system for the Capitol Police, including financial reporting and internal controls, which—

''(i) complies with applicable accounting principles, standards, and requirements, and internal control standards;

''(ii) complies with any other requirements applicable to such systems; and

''(iii) provides for—

''(I) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to financial information needs of the Capitol Police;

''(II) the development and reporting of cost information;

''(III) the integration of accounting and budgeting information; and

''(IV) the systematic measurement of performance;

''(C) direct, manage, and provide policy guidance and oversight of Capitol Police financial management personnel, activities, and operations, including—

''(i) the recruitment, selection, and training of personnel to carry out Capitol Police financial management functions; and

''(ii) the implementation of Capitol Police asset management systems, including systems for cash management, debt collection, and property and inventory management and control; and

''(D) shall require annual financial statements for the Capitol Police and provide for an annual audit of the financial statements by an independent public accountant in accordance with generally accepted government auditing standards.

''(3) INFORMATION TECHNOLOGY.—The Chief Administrative Officer shall—

''(A) direct, coordinate, and oversee the acquisition, use, and management of information technology by the Capitol Police;

''(B) promote and oversee the use of information technology to improve the efficiency and effectiveness of programs of the Capitol Police; and

''(C) establish and enforce information technology principles, guidelines, and objectives, including developing and maintaining an information technology architecture for the Capitol Police.

''(4) HUMAN RESOURCES.—The Chief Administrative Officer shall—

''(A) direct, coordinate, and oversee human resources management activities of the Capitol Police;

''(B) develop and monitor payroll and time and attendance systems and employee services; and

*''(C) develop and monitor processes for recruiting, selecting, appraising, and promoting employees.*

*''(c) ADMINISTRATIVE PROVISIONS.—*

*''(1) PERSONNEL.—The Chief Administrative Officer is authorized to select, appoint, employ, and discharge such officers and employees as may be necessary to carry out the functions, powers, and duties of the Office of Administration, but shall not have the authority to hire or discharge uniformed and operational police force personnel.*

*''(2) RESOURCES OF OTHER AGENCIES.—The Chief Administrative Officer may utilize resources of another agency on a reimbursable basis to be paid from available appropriations of the Capitol Police.*

*''(d) PLAN.—No later than 180 days after appointment, the Chief Administrative Officer shall prepare and submit to the Chief of the Capitol Police, the Capitol Police Board, and the Comptroller General, a plan—*

*''(1) describing the policies, procedures, and actions the Chief Administrative Officer will take in carrying out the responsibilities assigned under this section;*

*''(2) identifying and defining responsibilities and roles of all offices, bureaus, and divisions of the Capitol Police for budgeting, financial management, information technology, and human resources management; and*

*''(3) detailing mechanisms for ensuring that the offices, bureaus, and divisions perform their responsibilities and roles in a coordinated and integrated manner.*

*''(e) REPORT.—No later than September 30, 2001, the Chief Administrative Officer shall prepare and submit to the Chief of the Capitol Police, the Capitol Police Board, and the Comptroller General, a report on the Chief Administrative Officer's progress in implementing the plan described in subsection (d) and recommendations to improve the budgeting, financial, information technology, and human resources management of the Capitol Police, including organizational, accounting and administrative control, and personnel changes.*

*''(f) SUBMISSION TO COMMITTEES.—The Chief of the Capitol Police shall submit the plan required in subsection (d) and the report required in subsection (e) to the Committees on Appropriations of the House of Representatives and of the Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.*

*''(g) TERMINATION OF ROLE.—As of October 1, 2002, the role of the Comptroller General, as established by this section, will cease.''.*

*(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2001.*

*This Act may be cited as the ''Department of Transportation and Related Agencies Appropriations Act, 2001''.*

Following is explanatory language on H.R. 5394, as introduced on October 5, 2000.

The conferees on H.R. 4475 agree with the matter included in H.R. 5394 and enacted in this conference report by reference and the following description of it. This bill was developed through negotiations by the conferees on the differences in H.R. 4475. References in the following description to the ''conference agreement'' means the matter included in the introduced bill enacted by this conference report.

CONGRESSIONAL DIRECTIVES

The conferees agree that Executive Branch propensities cannot substitute for Congress' own statements concerning the best evidence of Congressional intentions; that is, the official reports of the Congress. The committee of conference approves report language included by the House (House Report 106–622) or the Senate (Senate Report 106–309 accompanying the companion measure S. 2720) that is not changed by the conference. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

PROGRAM, PROJECT, AND ACTIVITY

During fiscal year 2001, for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended, with respect to funds provided for the Department of Transportation and related agencies, the terms ''program, project, and activity'' shall mean any item for which a dollar amount is contained in an appropriations Act (including joint resolutions providing continuing appropriations) or accompanying reports of the House and Senate Committees on Appropriations, or accompanying conference reports and joint explanatory statements of the committee of conference. In addition, the reductions made pursuant to any sequestration order to funds appropriated for ''Federal Aviation Administration, Facilities and equipment'' and for ''Coast Guard, Acquisition, construction, and improvements'' shall be applied equally to each ''budget item'' that is listed under said accounts in the budget justifications submitted to the House and Senate Committees on Appropriations as modified by subsequent appropriations Acts and accompanying committee reports, conference reports, or joint explanatory statements of the committee of conference. The conferees recognize that adjustments to the above allocations may be required due to changing program requirements or priorities. The conferees expect any such adjustment, if required, to be accomplished only through the normal reprogramming process.

STAFFING INCREASES PROVIDED BY CONGRESS

The conferees direct the Department of Transportation to fill expeditiously any positions added in the conference agreement, without regard to agency-specific staffing targets which may have been previously established to meet the mandated government-wide staffing reductions.

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

The conference agreement provides a total of $63,245,000 for salaries and expenses of the various offices comprising the office of the secretary. Though both the House and Senate had proposed to provide separate appropriations for the individual offices within the office of the secretary, the conference agreement provides a single, consolidated appropriation. The conferees believe that the new administration may wish to reorganize the offices of the secretary to delete redundant and duplicative activities that may be performed by other elements of the department or may be of limited benefit to the office of the secretary; a consolidated appropriation for the salaries and expenses for the offices within the office of the secretary will provide the new secretary greater flexibility to reorganize the office.

The following table summarizes the fiscal year 2001 appropriation for each OST office:

| | *Conference agreement* |
|---|---|
| Immediate Office of the Secretary | $1,827,000 |
| Immediate Office of the Deputy Secretary | 587,000 |
| Office of the General Counsel | 9,972,000 |
| Office of the Assistant Secretary for Policy | 3,011,000 |
| Office of the Assistant Secretary for Aviation and International Affairs | 7,289,000 |
| Office of the Assistant Secretary for Budget and Programs | 7,362,000 |
| Office of the Assistant Secretary for Governmental Affairs | 2,150,000 |
| Office of the Assistant Secretary for Administration | 19,020,000 |
| Office of Public Affairs | 1,674,000 |
| Executive Secretariat | 1,181,000 |
| Board of Contract Appeals | 496,000 |
| Office of Small and Disadvantaged Business Utilization | 1,192,000 |
| Office of Intelligence and Security | 1,262,000 |
| Office of the Chief Information Officer | 6,222,000 |
| Total, salaries and expenses, office of the secretary | 63,245,000 |

*Reprogramming guidelines.*—While providing a consolidation of office-by-office appropriations for OST, the conferees still want to ensure that adequate Congressional oversight and control is maintained over these expenses. Therefore, the Secretary of Transportation is directed to notify the House and Senate Committees on Appropriations in writing of any change in funding greater than five percent from the office-by-office levels approved by Congress for this appropriation. The Secretary is further directed not to make such a change without the approval of the House and Senate Committees on Appropriations.

The conference agreement includes a provision that limits the availability of funds appropriated under this heading to no more than 52 percent and not more than 224 full-time equivalent staff years funded through the end of the second quarter of fiscal year 2001.

*Reception and representation activities.*—The conference agreement includes a provision that increases to $60,000 the amount of funds to be available for official reception and representation activities. The conference agreement includes a provision, as proposed by the Senate, that limits to $15,000 the amount of funds that may be obligated for official reception and representation costs prior to January 20, 2001.

*Monthly reporting requirement.*—The conferees direct the office of the secretary to report monthly on the status of all outstanding reports and reporting requirements, including the status of delinquent Congressional mandated or requested reports and an estimated completion and delivery date.

*Administrative directives.*—The conferees direct that the department submit its fiscal year 2002 congressional justification materials for the salaries and expenses of the offices of the secretary at the same level of detail provided in the Congressional justifications presented in fiscal year 2001.

The conferees direct that assessments charged by the office of the secretary to the modal administrations shall be for administrative activities, not policy initiatives.

*Immediate office of the secretary.*—The conference agreement provides a total of $1,827,000 for expenses of the immediate office of the secretary for fiscal year 2001. Funds to support a second deputy chief of staff or a contractor to perform similar duties are deleted by this agreement (−$150,000).

*Office of the general counsel.*—The conference agreement provides a total of $9,972,000 for expenses of the office of the general counsel. Within the funds provided, no more than 5 FTEs and $500,000 shall be

available to support the department's proposed ''Accessibility for All America'' initiative. Further, the conference agreement provides sufficient resources for advisory or referral activities related to aviation competition guidelines on the part of the department.

*Office of aviation and international affairs.*—The conference agreement disallows funding as proposed by the House for a new position of special assistant to the assistant secretary for aviation and international affairs (−$120,000). Funding is provided to hire up to two additional transportation industry analysts in fiscal year 2001.

The conferees are aware of, and applaud, the department's efforts to promote foreign air carrier service to and through Alaska. Alaska is uniquely positioned as an international air cargo hub for efficient sorting and consolidation of cargo moving between multiple United States and foreign points. The conferees encourage the department to explore using Alaska as a testing ground for even greater liberalization of foreign and domestic air carriers' rights to carry international air cargo on route legs between Alaska and other United States points. Such liberalization would optimize the geographic advantage of Alaska for air cargo transfer. In addition, such steps would also optimize the flexibility that the department has sought for Alaska as an international aviation hub. Without vigorous initiative on the part of the department, the United States stands to lose to foreign airports the economic activity for labor, industry, and consumers that increased domestic and foreign transfer authority could generate for the United States.

*Office of the assistant secretary for budget and programs.*—A total of $7,362,000 is provided for the office of the assistant secretary for budget and programs. Within the funds provided, not more than $100,000 is available for workforce training activities to supplement existing training expenditures.

*Office of the assistant secretary for administration.*—Consistent with the actions of both the House and Senate, the conference agreement does not provide funding for employee development training (−$1,160,000); however, limited funds have been provided to supplement existing training activities, as discussed in the preceding paragraph.

*Office of intelligence and security.*—Funding provided for the office of intelligence and security totals $1,262,000 and excludes resources for infrastructure protection activities. The conference agreement includes funds for these activities within amounts appropriated to the Research and Special Programs Administration.

*Office of the chief information officer.*—The conference agreement provides a total of $6,222,000 for salaries and expenses of the office of the chief information officer (CIO). Funding is not provided to implement in fiscal year 2002 a pilot project that has yet to be defined or determined by the department's architecture working group. Such funding should be considered in the context of the department's fiscal year 2002 appropriations request.

The conferees concur with the directions of the House that no major information technology (IT) procurement within the department occur until after a review by the CIO has been conducted to determine system deficiencies, vulnerabilities, compatibility with, and relative need of such systems compared to other departmental systems requirements. Furthermore, the conferees direct the CIO to approve all IT and telecommunications infrastructure items and expenditures for all systems that are nonmode specific (e.g., common grants systems).

*Office of intermodalism.*—Funding for the office of intermodalism is provided within amounts made available to the Federal Highway Administration, as proposed by the House.

*Fractional ownership demonstration program.*—The conferees encourage the Secretary of Transportation to execute a demonstration program, to be conducted for a period of not to exceed eighteen months, of the fractional ownership concept for performing administrative support flight missions. The purpose of this demonstration is to determine whether cost savings, increased operational flexibility, and aircraft availability can be realized by DOT through fractional ownership compared to in-house ownership of aircraft. This demonstration shall be competitive, and encompass a suite of aircraft covering a majority of the department's support missions, including those by the Coast Guard, FAA, and NASA (to the extent those aircraft are currently operated by the FAA). The Secretary is directed to report the results of this project to the House and Senate Committees on Appropriations within three months of completing the evaluation. If the Secretary does not conduct such an evaluation, the Secretary is directed to submit a report to the House and Senate Committees on Appropriations providing a detailed explanation of that decision.

OFFICE OF CIVIL RIGHTS

The conference agreement provides $8,140,000 for the office of civil rights as proposed by the House instead of $8,000,000 as proposed by the Senate.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

The conference agreement provides $11,000,000 for transportation planning, research, and development instead of $3,300,000 as proposed by the House and $5,300,000 as proposed by the Senate. The conferees, however, agree with the reductions from the budget request proposed by the House. Funding provided under this heading shall be available for the following activities:

| | |
|---|---|
| 2001 Special Winter Olympics | $1,400,000 |
| Ensuring consumer information and choice in the airline industry | 1,000,000 |
| Transportation management planning for the Salt Lake City Winter Olympic Games (section 1223 of TEA21) | 2,000,000 |
| Automotive workforce training | 3,000,000 |

The conferees encourage the secretary and each of the modal administrations to work with the National Center for Missing and Exploited Children and the transportation industry to identify and implement initiatives to maximize the transportation sector's involvement in the effort to relocate missing children.

*Transportation management planning for the Salt Lake City 2002 Winter Olympic Games.*—The conference agreement includes $2,000,000 for transportation management planning for the Salt Lake City Winter Olympic Games, as authorized under section 1223(c) of TEA21. These funds shall be available for planning activities and related temporary and permanent transportation infrastructure investments based on the transportation management plan approved by the Secretary.

*Radionavigation and positioning initiatives.*—No funding is provided for additional study activities described under ''GPS vulnerability study follow-on requirements'' and ''technical support of GPS spectrum protection and coordination'' of the congressional justification as additional funding and guidance is provided for similar initiatives and activities elsewhere in the department. Reprogramming requests in this area will be reviewed if submitted and justified appropriately.

*Automotive workforce training.*—The conference agreement includes $3,000,000 for development and implementation of a workforce training program designed for specific issues related to the automotive manufacturing industry.

*Telework.*—The Secretary shall conduct an assessment of the existing practices and infrastructure involved with telework efforts in the greater New York metropolitan area and determine if a telework program, supported by the federal government, could provide significant incentives for increasing the use of telework, thereby reducing vehicle miles traveled and improving air quality. The assessment should identify representatives from local government, environmental organizations and transportation agencies who would comprise a New York City design team for implementing a telework program. Within six months, the Secretary shall report to Congress on the findings of this study. To carry out these activities, the conference agreement includes $300,000.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

The conference agreement includes a limitation of $126,887,000 on activities of the transportation administrative service center (TASC) instead of $119,387,000 as proposed by the House and $173,278,000 as proposed by the Senate. The conferees concur in the recommendations of the House to disallow the proposed transfer of the National Oceanic and Atmospheric Administration's Office of Aeronautical Charting and Cartography to the TASC (−$43,963,000) and to disallow proposed new staffing increases (−$461,000). The increase of $7,500,000 above the House-passed level has been provided to accommodate solely the anticipated increased workload stemming from creation of the Federal Motor Carrier Safety Administration.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

The conference agreement includes a limitation on guaranteed loans of $13,775,000, as proposed by the House, instead of a limitation of $13,775,000 on direct loans as proposed by the Senate. Further, the conference agreement provides subsidy and administrative costs totaling $1,900,000, as proposed by both the House and the Senate.

MINORITY BUSINESS OUTREACH

The conference agreement provides $3,000,000 for minority business outreach activities, as proposed by both the House and the Senate.

COAST GUARD

OPERATING EXPENSES

The conference agreement provides $3,192,000,000 for Coast Guard operating expenses as proposed by the House instead of $3,039,460,000 as proposed by the Senate. The agreement specifies that $341,000,000 of the total is available only for defense-related activities, as proposed by the House, instead of $641,000,000 proposed by the Senate. The agreement does not include language proposed by the Senate which would have allowed a transfer of up to $100,000,000 from the FAA's operating budget to augment the Coast Guard's drug interdiction activities or OST's Office of Intelligence and Security. The bill also does not include language proposed by the Senate which would have required the Coast Guard to reimburse the Office of Inspector General for Coast Guard-related audits and investigations.

*Specific adjustments.*—The following table summarizes the House and Senate's proposed adjustments to the Coast Guard's budget request and the final conference agreement:

| Item and recommendation | House recommended | Senate recommended | Conference agreement |
|---|---|---|---|
| Repricing of civilian PC&B | +$2,051,000 | | |
| Polar icebreaker reimbursement | +3,800,000 | +$7,734,000 | +7,734,000 |
| International Maritime Information Safety System (IMISS)—defer | −398,000 | −398,000 | −398,000 |
| MTS leadership and coordination—defer | −801,000 | −801,000 | −801,000 |
| CG workstation support—defer | −750,000 | | |
| NTIA fees—defer increase | −426,000 | | |
| ''One DOT'' initiatives—defer | −304,000 | | −304,000 |
| Aviation detachment support—defer | −3,904,000 | | −3,904,000 |
| Nonpay COLA—smaller increase | −6,268,000 | | −1,363,000 |
| Military pay and benefits | | −1,004,000 | |
| Military health care | | −105,000 | |
| Permanent change of station | | −8,785,000 | −3,000,000 |
| Training and education | | −7,484,000 | −2,065,000 |
| Atlantic area command | | −193,000 | −193,000 |
| Headquarters directorates | | −125,000 | – |
| Headquarters-managed units | | −1,760,000 | −706,000 |
| Aircraft maintenance | | −13,075,000 | |
| Electronic maintenance | | −1,500,000 | |
| Shore facility maintenance | | −5,000,000 | −2,000,000 |
| Vessel maintenance | | −4,315,000 | |
| Undistributed reduction | | −122,729,000 | |
| Total | −7,000,000 | −159,540,000 | −7,000,000 |

*Pilot project on occupational and health hazards of Coast Guard personnel.*—The conferees agree to provide $1,000,000 for the pilot project, proposed by the Senate, regarding the unique occupational and health hazards of Coast Guard personnel. This project shall be conducted in coordination with Tulane University and the University of Alabama—Birmingham.

*Boatracs systems.*—The conferees understand that the Coast Guard has purchased several ''boatracs'' systems in an effort to address communications problems within the eighth district. This text communications system is often the only form of communication between the district headquarters and cutters on patrol performing search and rescue missions. This system could be used as an interim measure, before full implementation of the National Distress and Response System Modernization Project, which could save lives by providing consistent and reliable communications among Coast Guard assets. The Coast Guard is encouraged to evaluate the boatracs system on this basis during fiscal year 2001.

*Assessment of progress to replace single hull tanker fleet with double hull ships.*—The conferees direct the United States Coast Guard, in consultation with the Maritime Administration, to assess the status of replacement of single hull tank vessels with double hull tank vessels, and report the findings of this assessment to the House and Senate Committees on Appropriations. This report should include: (1) a list of double hull vessels and their carrying capacity in the U.S.-flag fleet; (2) a list of single hull vessels and their carrying capacity and the year in which each single hull vessel is scheduled to be phased out of service under the Oil Pollution Act; and (3) the amount of oil transported each year by domestic U.S.-flag tank vessels to meet the energy needs of the United States. This report shall be submitted by February 1, 2001.

*Search and rescue station staffing.*—The conferees are concerned that, in the wake of the National Transportation Safety Board report on the sinking of the sailboat Morning Dew, the Coast Guard has still not implemented needed staffing improvements at the nation's search and rescue (SAR) stations. Even though a recent Coast Guard analysis concluded that an additional 109 personnel were needed at these centers, the Coast Guard advised the House that the service ''does not believe additional operation center staffing is required in fiscal year 2001 and has not requested any be provided''. The conferees reiterate the concerns expressed in the House report regarding deficiencies in the Coast Guard's search and rescue posture, and strongly encourage the service to address the personnel shortfalls at search and rescue stations within the funding levels provided for fiscal year 2001. In addition, the conferees direct the Office of Inspector General, in consultation with the National Transportation Safety Board, to conduct a thorough review of readiness of the nation's SAR stations, including personnel shortfalls, equipment adequacy, training adequacy, and the relative support for SAR programs and activities in the Coast Guard command structure. The conferees direct that this report be completed and submitted to the appropriate committees of the Congress no later than March 1, 2001.

*Indonesian Coast Guard.*—The conferees do not agree with direction in the Senate report for the Coast Guard to work with representatives of the Indonesian government on officer training and to study turning over surplus vessels to improve the capability of the Indonesian Coast Guard.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conference agreement includes $415,000,000 for acquisition, construction, and improvement programs of the Coast Guard instead of $515,000,000 as proposed by the House and $407,747,660 as proposed by the Senate. Consistent with past years and the House and Senate bills, the conference agreement distributes funds in the bill by budget activity.

*Great Lakes Icebreaker.*—No procurement funding or direction is provided in this Act for the Great Lakes Icebreaker (Mackinaw replacement) project, as the full estimated cost of this vessel has been provided in prior appropriations Acts.

A table showing the distribution of this appropriation by project as included in the fiscal year 2001 House bill, Senate bill, and the conference agreement follows:

| Program Name | House recommended | Senate recommended | Conference agreement |
|---|---|---|---|
| **Vessels:** | **252,640,000** | **145,936,660** | **156,450,000** |
| Survey and design - cutters and boats | 500,000 | 500,000 | 500,000 |
| Seagoing buoy tender (WLB) replacement | 120,990,000 | 82,486,660 | 118,000,000 |
| Polar icebreaker - USCGC Healy | 1,000,000 | 1,000,000 | 1,000,000 |
| Configuration management | 3,600,000 | 3,600,000 | 3,600,000 |
| Surface search radar replacement project | 1,150,000 | 1,150,000 | 1,150,000 |
| Polar class icebreaker reliability improvement program | 4,500,000 | 4,500,000 | 4,500,000 |
| Mackinaw replacement | 110,000,000 | 40,000,000 | 0 |
| 87-Foot Patrol Boat (WPB) Replacement | 7,000,000 | 7,000,000 | 22,000,000 |
| Alex Haley Conversion Project - Phase II | 1,400,000 | 3,200,000 | 3,200,000 |
| Over-The-Horizon Cutter Boats | 1,500,000 | 1,500,000 | 1,500,000 |
| Coast Guard Patrol Craft (WPC) Conversion Project | 1,000,000 | 1,000,000 | 1,000,000 |
| **Aircraft:** | **43,650,000** | **41,650,000** | **37,650,000** |
| HH-65A helicopter mission computer replacement | 3,650,000 | 3,650,000 | 3,650,000 |
| HH-65 LTS-101 Engine Life Cycle Cost Reduction | 1,000,000 | 11,000,000 | 7,000,000 |
| Aviation Simulator Modernization Project | 3,000,000 | 3,000,000 | 3,000,000 |
| Coast Guard Cutter Healy Aviation Support | 36,000,000 | 24,000,000 | 24,000,000 |
| **Other Equipment:** | **60,113,000** | **54,304,000** | **60,113,000** |
| Fleet logistics system | 5,500,000 | 5,500,000 | 5,500,000 |
| Ports and waterways safety system (PAWSS) | 6,100,000 | 7,550,000 | 6,100,000 |
| Marine information for safety and law enforcement (MISLE) | 8,500,000 | 8,500,000 | 8,500,000 |
| Aviation logistics management information system (ALMIS) | 1,100,000 | 1,100,000 | 1,100,000 |
| National distress system modernization | 23,800,000 | 22,000,000 | 23,800,000 |
| Personnel MIS/Jt uniform military pay system | 2,000,000 | 2,000,000 | 2,000,000 |
| Local notice to mariners automation | 600,000 | 600,000 | 600,000 |
| Defense message system implementation | 2,471,000 | 2,471,000 | 2,471,000 |
| Commercial satellite communications | 5,459,000 | 0 | 5,459,000 |
| Global Maritime Distress and Safety System (GMDSS) | 3,083,000 | 3,083,000 | 3,083,000 |
| Search and Rescue Capabilities Enhancement Project | 1,500,000 | 1,500,000 | 1,500,000 |
| **Shore Facilities and Aids to Navigation:** | **61,606,000** | **68,406,000** | **63,336,000** |
| Survey and design - shore projects | 7,000,000 | 7,000,000 | 7,000,000 |
| Minor AC&I shore construction projects | 8,000,000 | 8,000,000 | 5,330,000 |
| Housing | 12,400,000 | 12,400,000 | 10,000,000 |
| Waterways ATON projects | 4,706,000 | 4,706,000 | 4,706,000 |
| Air Station Kodiak, AK - renovate hanger | 8,200,000 | 8,200,000 | 8,200,000 |
| Transportation Improvements - Coast Guard Island, Alameda, CA | 8,000,000 | 8,000,000 | 8,000,000 |
| Coast Guard MEC Waterfront Improvements - Portsmouth, VA | 2,400,000 | 2,400,000 | 2,400,000 |
| Modernize Coast Guard Facilities - Phase 1 - Cape May, NJ | 5,800,000 | 5,800,000 | 5,800,000 |
| Rebuild Coast Guard Station, Port Huron, MI - Phase 1 | 1,300,000 | 1,300,000 | 1,300,000 |
| Modernize Air Station Port Angeles Hangar, Port Angeles, WA | 3,800,000 | 3,800,000 | 3,800,000 |
| Homeporting pier construction - Homer, AK | 0 | 5,800,000 | 5,800,000 |
| Helipad modernization - Craig, AK | 0 | 1,000,000 | 1,000,000 |
| **Personnel and Related Support:** | **54,691,000** | **55,151,000** | **55,151,000** |
| Direct personnel costs | 53,691,000 | 54,151,000 | 54,151,000 |
| Core acquisition costs | 1,000,000 | 1,000,000 | 1,000,000 |
| **Integrated Deepwater Systems:** | **42,300,000** | **42,300,000** | **42,300,000** |
| ***Total appropriation*** | **515,000,000** | **407,747,660** | **415,000,000** |

ENVIRONMENTAL COMPLIANCE AND RESTORATION

The conference agreement includes $16,700,000 for environmental compliance and restoration as proposed by both the House and Senate.

ALTERATION OF BRIDGES

The conference agreement includes $15,500,000 for alteration of bridges deemed hazardous to marine navigation as proposed by the Senate instead of $14,740,000 proposed by the House. The conference agreement distributes these funds as follows:

| *Bridge and location* | *Conference agreement* |
|---|---|
| New Orleans, LA, Florida Avenue RR/HW Bridge | $3,925,000 |
| Brunswick, GA, Sidney Lanier Highway Bridge | 3,000,000 |
| Charleston, SC, Limehouse Bridge | 2,000,000 |
| Mobile, AL, Fourteen Mile Bridge | 3,000,000 |
| Morris, IL, EJ&E Railroad Bridge | 3,000,000 |
| Oshkosh, WI, Fox River Bridge | 575,000 |
| Total | 15,500,000 |

*Florida Avenue Bridge.*—The conferees agree to provide $3,925,000 for this project, and direct that $500,000 of this funding shall be made available to the Port of New Orleans to cover the federal portion of a study of the feasibility of development of the Millenium Port in south Louisiana.

*Fox River Bridge.*—Funding of $575,000 is provided for removal of the bridge across the Fox River at mile point 56.9 in Oshkosh, Wisconsin.

RETIRED PAY

The conference agreement includes $778,000,000 for Coast Guard retired pay as proposed by both the House and the Senate. This is scored as a mandatory program for federal budget purposes. The conference agreement deletes language proposed by the House authorizing these funds for the payment of fifteen-year career status bonuses. The conferees do not believe that retention bonuses paid to active duty personnel are consistent with the purposes of this program, and have seen no evidence that these payments constitute mandatory expenditures of the Coast Guard, as are the other elements of this mandatory appropriation. Sufficient funding is provided under ''Operating expenses'' for payment of these bonuses to qualified personnel.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $80,375,000 for reserve training as proposed by the House instead of $80,371,000 as proposed by the Senate. The agreement allows the Reserves to reimburse the Coast Guard operating account up to $22,000,000 for Coast Guard support of Reserve activities, as proposed by the Senate, instead of $21,500,000 as proposed by the House.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

The conference agreement provides $21,320,000 for Coast Guard research, development, test, and evaluation as proposed by the Senate instead of $19,691,000 as proposed by the House. The conferees agree that within the funding provided, $500,000 is to address ship ballast water exchange issues, instead of $1,000,000 as proposed by the Senate.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

The conference agreement provides $6,544,235,000 for operating expenses of the Federal Aviation Administration as proposed by the House instead of $6,350,250,000 as proposed by the Senate. These funds are in addition to amounts made available as a mandatory appropriation of user fees in the Federal Aviation Administration Reauthorization Act of 1996 (Public Law 104–264). Of the total amount provided, $4,414,869,000 is to be derived from the airport and airway trust fund, consistent with Public Law 106–181. The total funding provided is $569,235,000 (9.5 percent) above the fiscal year 2000 enacted level.

*Contract tower program funding.*—The conference agreement provides $55,300,000 for the contract tower program, which is the amount assumed in the budget estimate. FAA is directed not to reprogram these funds to any other activity or to reduce them to satisfy budget shortfalls which may develop throughout the fiscal year. In addition, the conference agreement includes $5,000,000 for the contract tower cost-sharing program.

*Contract tower program extension.*—The conferees agree with Senate direction to the FAA Administrator to submit the overdue report on this program, but do not agree with the Senate direction that this report should include a timeline for expanding the program. In addition, the report should address recent findings and recommendations of the DOT Inspector General regarding expansion of the contract tower program.

*Criteria for contract tower program eligibility.*—The conferees believe that FAA's contract tower program has worked well from both the government's perspective and the users' perspective. Through this program, many aircraft are able to operate more efficiently and safely into airports with contract towers, where FAA-operated towers would otherwise not be available due to prohibitive costs. The conferees are concerned, however, that the traffic counts used to establish eligibility for the contract tower program, and for establishment of certain navigation aids, are erroneous in that certain part 121 operations, including regional jets, are not being classified as air carrier operations. After promulgation of FAA's ''one level of safety'' rule, the conferees believe that such a distinction is no longer justified. The FAA is urged to change promptly its traffic count methodology to conform to the changes in operator classification brought about by the one level of safety rulemaking.

*Specific designations for the contract tower program.*—The conferees do not agree with Senate direction to include certain airports in the contract tower program. However, the conferees understand that the Boca Raton, Olive Branch, Henderson, and Tupelo Municipal airports are eligible for this program, and encourage FAA to include those airports in the program if they meet eligibility criteria.

*Implementation of the whistleblower protection program.*—The conferees direct that, not later than eighteen months after enactment of this Act, the Secretary of Transportation, in conjunction with the Secretary of Labor, report to the House and Senate Committees on Appropriations on measures to assure effective implementation of section 519 of Public Law 106–181. This report shall include a description of the initial implementation of the whistleblower protection program and recommendations to strengthen the enforcement of such provisions. The study shall be performed by a firm with recent experience analyzing employee protection provisions in the transportation sector.

*Civil aviation security activities and operations.*—Continuing reports of the General Accounting Office, the DOT Office of Inspector General, and the Surveys and Investigations staff of the House Appropriations Committee highlight a number of serious problems in FAA's civil aviation security activities which need to be addressed. A lack of strong management and planning has led to a haphazard and minimal deployment of explosive detection systems at our nation's airports, as well as underutilization of the machines which are deployed; specifications for bomb detection equipment driven by political considerations rather than security expertise; unnecessary tension between FAA and airport security officials in some locations; and lack of management attention and corrective action after field tests, including safety issues raised by FAA's special ''red team'' conducting undercover assessments at major airports. The conferees cannot provide the entire funding increase requested by this organization in the face of these continuing problems, and expects FAA to address these management issues expeditiously. The conference agreement also directs FAA to submit a comprehensive strategic plan for the civil aviation security program, as proposed by the Senate. The FAA is encouraged to include comprehensive details in this plan regarding specific goals and objectives for the program for each of the next five years.

*GPS implementation and procedures.*—The conferees agree to transfer to this account $2,200,000 from ''Facilities and equipment''. This funding was budgeted for the development of GPS approach procedures as part of the GPS wide area augmentation system (WAAS) program. However, this activity is apparently not related to development of WAAS, but is a routine operating expense of the agency. As such, these expenditures should be contained in the agency's operating budget. In addition, the conference agreement includes $3,000,000 only for implementation of a navigation database with internet access for users.

*Administration of potential shortfall due to EAS transfer.*—The conferees do not agree with House direction specifying that any shortfall in operations funding due to transfer of funds to the essential air service (EAS) program should be borne by the ''Facilities and equipment'' appropriation.

*Regulation of flight crew operating environment.*—The conferees are pleased that the FAA and the Occupational Safety and Health Administration (OSHA) recently initiated a joint effort to consider whether OSHA workplace safety standards can be applied to airline crewmembers during flight operations. Enhancing workplace safety for flight crewmembers is, of course, desirable. While the conferees recognize the importance of FAA and OSHA working together to ensure that one agency does not unnecessarily block application of the other's regulations, the conferees believe it is imperative that FAA maintain exclusive responsibility for the regulation and enforcement of policies which affect the safety of flight operations. If, in the FAA's view, an OSHA-proposed workplace safety and health regulation would compromise the safe operation of aircraft, in the overriding interest of aviation safety, the FAA's view should predominate.

*Airspace redesign.*—The conference agreement includes $8,500,000 for the New York/New Jersey airspace redesign and concurs in the directive of the Senate regarding the reprogramming of these funds.

The following table compares the conference agreement to the levels proposed in the House and Senate bills by budget activity:

FAA Operations
Conference Agreement
Fiscal Year 2001

**AIR TRAFFIC SERVICES:**

| Item | House | Senate | Conference |
|---|---|---|---|
| Budget estimate: | $5,210,434,000 | $5,210,434,000 | $5,210,434,000 |
| Adjustments to estimate: | | | |
| Contract security guard services | -1,725,000 | --- | -1,725,000 |
| ADTN 2000 | -5,000,000 | --- | -5,000,000 |
| NADIN | -1,750,000 | --- | -1,750,000 |
| FTS 2001 | -3,550,000 | --- | -3,550,000 |
| PCS maintenance personnel | -1,000,000 | --- | -1,000,000 |
| Regional admin telecomm | -7,948,000 | --- | -7,948,000 |
| Infrastructure maintenance | -7,739,000 | --- | -7,739,000 |
| Centennial of Flt Commission | +750,000 | --- | +750,000 |
| Contract tower cost sharing | +5,000,000 | +5,000,000 | +5,000,000 |
| MARC | +2,000,000 | --- | +2,000,000 |
| NAS handoff | --- | -65,726,000 | --- |
| RMMS expansion – Texas | --- | +350,000 | +350,000 |
| Lawton, OK air traffic services | --- | +1,500,000 | +1,500,000 |
| ATIS training contract | --- | +7,505,300 | +3,752,000 |
| General reduction | | -106,161,700 | --- |
| Transfer authority from AIP | --- | [120,000,000] | --- |
| GPS implementation/procedures | --- | --- | +5,200,000 |
| **Amount recommended:** | **$5,183,177,000** | **$5,039,391,000** | **5,200,274,000** |

**AVIATION REGULATION AND CERTIFICATION:**

| Item | House | Senate | Conference |
|---|---|---|---|
| Budget estimate: | $691,979,000 | $691,979,000 | $691,979,000 |
| Adjustments to estimate: | | | |
| training initiative | +3,000,000 | --- | +3,000,000 |
| **Amount recommended:** | **694,979,000** | **691,979,000** | **694,979,000** |

**CIVIL AVIATION SECURITY:**

| Item | House | Senate | Conference |
|---|---|---|---|
| Budget estimate: | $144,328,000 | $144,328,000 | $144,328,000 |
| Adjustments to estimate: | | | |
| Allow smaller increase | --- | -5,866,000 | -5,026,600 |
| **Amount recommended:** | **144,328,000** | **138,462,000** | **139,301,400** |

**RESEARCH AND ACQUISITION:**

| Item | House | Senate | Conference |
|---|---|---|---|
| Budget estimate: | $196,497,000 | $196,497,000 | $196,497,000 |
| Adjustments to estimate: | | | |
| Next generation e-mail | -5,000,000 | [1]-4,918,000 | -5,000,000 |
| Telco bandwith expansion | -1,509,000 | -1,509,000 | -1,509,000 |
| Allow smaller increase | --- | -7,669,000 | --- |
| **Amount recommended:** | **189,988,000** | **182,401,000** | **189,988,000** |

**COMMERCIAL SPACE TRANSPORTATION:**

| Item | House | Senate | Conference |
|---|---|---|---|
| Budget estimate: | $12,607,000 | $12,607,000 | $12,607,000 |
| Adjustments to estimate: | | | |
| Allow smaller increase | --- | -2,607,000 | -607,000 |
| **Amount recommended:** | **12,607,000** | **10,000,000** | **12,000,000** |

**REGIONAL COORDINATION:**

| Item | House | Senate | Conference |
|---|---|---|---|
| Budget estimate: | [2]$99,347,000 | $99,347,000 | $99,347,000 |
| Adjustments to budget estimate | --- | --- | --- |
| **Amount recommended:** | **99,347,000** | **99,347,000** | **99,347,000** |

**HUMAN RESOURCES:**

| Item | House | Senate | Conference |
|---|---|---|---|
| Budget estimate: | $60,364,000 | $60,364,000 | $60,364,000 |
| Adjustments to estimate: | | | |
| IPPS replacement | -2,000,000 | --- | --- |
| Allow smaller increase | --- | -10,458,000 | -5,500,000 |
| **Amount recommended:** | **58,364,000** | **49,906,000** | **54,864,000** |

**FINANCIAL SERVICES:**

| Item | House | Senate | Conference |
|---|---|---|---|
| Budget estimate: | $63,263,000 | $63,263,000 | $63,263,000 |
| Adjustments to estimate: | | | |
| DELPHI implementation | -7,000,000 | -6,900,000 | -7,000,000 |
| Cost accounting system | -2,000,000 | -1,864,000 | -1,900,000 |
| Asset management | -5,556,000 | -2,556,000 | -4,000,000 |
| Allow smaller increase | --- | -8,943,000 | -1,919,400 |
| **Amount recommended:** | **48,707,000** | **43,000,000** | **48,443,600** |

**STAFF OFFICES:**

| Item | House | Senate | Conference |
|---|---|---|---|
| Budget estimate: | $336,390,000 | $336,390,000 | $336,390,000 |
| Adjustments to estimate: | | | |
| Transfer to other budget activities | -222,974,000 | -222,974,000 | -222,974,000 |
| Office of chief counsel staffing | -453,000 | --- | -453,000 |
| Employee development activities | -225,000 | --- | -225,000 |
| Allow smaller increase | --- | -17,652,000 | -7,700,000 |
| **Amount recommended:** | **112,738,000** | **95,764,000** | **105,038,000** |

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement provides $2,656,765,000 for facilities and equipment as proposed by the House and the Senate. This is the level authorized by Public Law 106–181, and represents an increase of $581,765,000 (28 percent) above the fiscal year 2000 enacted level.

The following table provides a breakdown of the House and Senate bills and the conference agreement by program:

Facilities and Equipment
Conference Agreement
Fiscal Year 2001

| Program Name | House recommended | Senate recommended | Conference agreement |
|---|---|---|---|
| **ENGINEERING DEVELOPMENT, TEST AND EVALUATION:** | | | |
| ADVANCED TECHNOLOGY DEVELOPMENT & PROTOTYPING | 50,000,000 | 45,848,000 | 56,480,000 |
| SAFE FLIGHT 21 | 25,000,000 | 35,000,000 | 35,000,000 |
| **SUBTOTAL - ADV DEV/PROTOTYPING** | **75,000,000** | **80,848,000** | **91,480,000** |
| AVIATION WEATHER SERVICES IMPROVEMENTS | 15,400,000 | 15,400,000 | 18,400,000 |
| EN ROUTE AUTOMATION | 14,600,000 | 14,600,000 | 14,600,000 |
| OCEANIC AUTOMATION SYSTEM | 75,000,000 | 51,970,000 | 51,970,000 |
| AERONAUTICAL DATA LINK (ADL) APPLICATIONS | 30,200,000 | 30,200,000 | 30,200,000 |
| NEXT GENERATION VHF A/G COMMUNICATION SYSTEM | 12,300,000 | 12,300,000 | 12,300,000 |
| FREE FLIGHT PHASE ONE | 173,800,000 | 175,800,000 | 177,800,000 |
| FREE FLIGHT PHASE TWO | 25,000,000 | 25,000,000 | 15,000,000 |
| **SUBTOTAL - EN ROUTE PROGRAMS** | **346,300,000** | **325,270,000** | **320,270,000** |
| TERMINAL AUTOMATION (STARS) | 114,850,000 | 116,850,000 | 117,000,000 |
| **SUBTOTAL - TERMINAL PROGRAMS** | **114,850,000** | **116,850,000** | **117,000,000** |
| LOCAL AREA AUGMENTATION SYSTEM FOR GPS (LAAS) | 31,000,000 | 37,000,000 | 37,000,000 |
| WIDE AREA AUGMENTATION SYSTEM (WAAS) | 75,000,000 | 0 | 74,800,000 |
| **SUBTOTAL - LANDING/NAVAIDS** | **106,000,000** | **37,000,000** | **111,800,000** |
| NAS IMPROVEMENT OF SYSTEM SUPPORT LABORATORY | 2,162,000 | 2,162,000 | 2,162,000 |
| TECHNICAL CENTER FACILITIES | 8,795,500 | 8,795,000 | 8,795,000 |
| TECHNICAL CENTER INFRASTRUCTURE SUSTAINMENT | 2,726,000 | 2,726,000 | 2,726,000 |
| **SUBTOTAL, RDT&E EQUIPMENT AND FACILITIES** | **13,683,500** | **13,683,000** | **13,683,000** |
| ***TOTAL ACTIVITY 1*** | ***655,833,500*** | ***573,651,000*** | ***654,233,000*** |
| **AIR TRAFFIC CONTROL FACILITIES AND EQUIPMENT:** | | | |
| EN ROUTE AUTOMATION | 122,200,000 | 122,200,000 | 122,200,000 |
| NEXT GENERATION WEATHER RADAR (NEXRAD) | 4,100,000 | 4,100,000 | 4,100,000 |
| AIR TRAFFIC OPERATIONS MANAGEMENT | 940,000 | 940,000 | 940,000 |
| WEATHER AND RADAR PROCESSOR (WARP) | 24,710,000 | 24,710,000 | 20,000,000 |
| AERONAUTICAL DATA LINK (ADL) APPLICATIONS | 1,200,000 | 1,200,000 | 1,200,000 |
| ARTCC BUILDING IMPROVEMENTS/PLANT IMPROVEMENTS | 58,000,000 | 58,950,000 | 58,950,000 |
| VOICE SWITCHING AND CONTROL SYSTEM (VSCS) | 0 | 0 | 2,700,000 |
| AIR TRAFFIC MANAGEMENT | 25,944,000 | 25,944,000 | 25,944,000 |
| CRITICAL COMMUNICATIONS SUPPORT | 1,880,000 | 1,880,000 | 1,880,000 |
| AIR/GROUND COMMUNICATION INFRASTRUCTURE | 16,074,000 | 16,074,000 | 16,074,000 |
| VOLCANO MONITOR | 0 | 2,000,000 | 2,000,000 |
| ATC BEACON INTERROGATOR (ATCBI) REPLACEMENT | 77,612,000 | 77,612,000 | 75,612,000 |
| ATC EN ROUTE RADAR FACILITIES | 2,844,000 | 2,844,000 | 2,844,000 |
| EN ROUTE COMMS AND CONTROL FACILITIES IMPROVEMENT | 7,631,000 | 7,631,000 | 7,631,000 |
| AVIATION WEATHER SERVICES IMPROVEMENTS | 8,218,000 | 8,218,000 | 8,218,000 |
| FAA TELECOMMUNICATIONS INFRASTRUCTURE | 29,400,000 | 29,400,000 | 29,400,000 |
| NATIONWIDE DIFFERENTIAL GPS | 0 | 0 | 6,000,000 |
| **SUBTOTAL - EN ROUTE PROGRAMS** | **380,753,000** | **383,703,000** | **385,693,000** |
| AIRPORT SURFACE DETECTION EQUIPMENT (ASDE) | 4,000,000 | 1,500,000 | 4,000,000 |
| AIRPORT SURFACE DETECTION EQUIPMENT (ASDE-X) | 15,000,000 | 8,400,000 | 8,400,000 |
| TERMINAL DOPPLER WEATHER RADAR (TDWR) - PROVIDE | 5,100,000 | 5,100,000 | 5,100,000 |
| TERMINAL AUTOMATION (STARS) | 75,550,000 | 75,550,000 | 75,550,000 |
| TERMINAL AIR TRAFFIC CONTROL FACILITIES REPLACEMENT | 140,000,000 | 117,100,000 | 145,492,606 |
| CONTROL TOWER/TRACON FACILITIES - IMPROVE | 41,759,672 | 40,259,672 | 41,759,672 |
| TERMINAL VOICE SWITCH REPLACEMENT (TVSR)/ETVS | 15,000,000 | 10,900,000 | 14,000,000 |
| EMPLOYEE SAFETY/OSHA AND ENVIRONMENTAL COMPLIANCE | 28,400,000 | 28,400,000 | 28,400,000 |

Facilities and Equipment
Conference Agreement
Fiscal Year 2001

| Program Name | House recommended | Senate recommended | Conference agreement |
|---|---|---|---|
| HOUSTON AREA AIR TRAFFIC SYSTEM | 0 | 0 | 12,000,000 |
| NEW AUSTIN AIRPORT AT BERGSTROM | 2,500,000 | 2,500,000 | 2,500,000 |
| POTOMAC METROPLEX | 32,100,000 | 25,800,000 | 25,800,000 |
| NORTHERN CALIFORNIA METROPLEX | 6,000,000 | 6,000,000 | 6,000,000 |
| ATLANTA METROPLEX | 3,400,000 | 3,400,000 | 3,400,000 |
| NAS INFRASTRUCTURE MANAGEMENT SYSTEM (NIMS) | 13,100,000 | 13,100,000 | 13,100,000 |
| AIRPORT SURVEILLANCE RADAR (ASR-9) | 11,122,000 | 17,000,000 | 11,122,000 |
| AIRPORT MOVEMENT AREA SAFETY SYSTEM (AMASS) | 20,650,000 | 20,650,000 | 20,650,000 |
| VOICE RECORDER REPLACEMENT PROGRAM | 2,632,000 | 3,632,000 | 3,632,000 |
| TERMINAL DIGITAL RADAR (ASR-11) | 69,690,000 | 75,000,000 | 69,690,000 |
| WEATHER SYSTEMS PROCESSOR | 22,400,000 | 22,400,000 | 22,400,000 |
| DOD/FAA ATC FACILITIES TRANSFER | 2,600,000 | 2,600,000 | 2,600,000 |
| PRECISION RUNWAY MONITORS | 2,000,000 | 17,000,000 | 2,000,000 |
| TERMINAL RADAR (ASR) - IMPROVE | 3,233,600 | 3,233,000 | 3,233,000 |
| TERMINAL COMMUNICATIONS IMPROVEMENTS | 1,250,700 | 1,550,700 | 1,550,700 |
| MODE S - PROVIDE | 1,974,000 | 1,974,000 | 1,974,000 |
| TERMINAL APPLIED ENGINEERING | 6,700,000 | 6,700,000 | 6,700,000 |
| **SUBTOTAL - TERMINAL PROGRAMS** | **526,161,972** | **509,749,372** | **531,053,978** |
| | | | |
| AUTOMATED SURFACE OBSERVING SYSTEM (ASOS) | 8,213,900 | 13,213,900 | 11,500,000 |
| OASIS | 23,100,000 | 23,100,000 | 23,100,000 |
| WEATHER MESSAGE SWITCHING CENTER REPLACEMENT | 2,500,000 | 2,500,000 | 2,500,000 |
| FLIGHT SERVICE FACILITIES IMPROVEMENT | 1,277,500 | 1,277,500 | 1,277,500 |
| FLIGHT SERVICE STATION SWITCH MODERNIZATION | 6,000,000 | 6,000,000 | 6,000,000 |
| FLIGHT SERVICE STATION MODERNIZATION | 4,000,000 | 4,000,000 | 4,000,000 |
| **SUBTOTAL - FLIGHT SERVICE PROGRAMS** | **45,091,400** | **50,091,400** | **48,377,500** |
| | | | |
| VOR | 2,632,000 | 2,632,000 | 2,632,000 |
| NEXT GENERATION NAVIGATION/LANDING SYSTEMS | 0 | 164,400,000 | 0 |
| INSTRUMENT LANDING SYSTEM (ILS) - ESTABLISH/UPGRADE | 62,000,000 | 0 | 85,000,000 |
| ILS - REPLACE MARK 1A, 1B, AND 1C | 1,000,000 | 0 | 1,000,000 |
| TRANSPONDER LANDING SYSTEM (TLS) | 3,000,000 | 0 | 3,000,000 |
| LOW LEVEL WINDSHEAR ALERT SYSTEM (LLWAS) | 5,734,000 | 5,734,000 | 5,734,000 |
| RUNWAY VISUAL RANGE (RVR) | 9,000,000 | 3,000,000 | 8,000,000 |
| NDB SUSTAIN | 940,000 | 940,000 | 940,000 |
| NAVIGATIONAL AND LANDING AIDS - IMPROVE | 2,955,922 | 2,955,922 | 2,955,922 |
| ILS - REPLACE GRN-27 | 1,000,000 | 1,000,000 | 1,000,000 |
| APPROACH LIGHTING SYSTEM IMPROVEMENT (ALSIP) | 26,100,000 | 21,450,000 | 30,000,000 |
| PRECISION APPROACH PATH INDICATORS (PAPI) | 6,000,000 | 6,000,000 | 6,000,000 |
| DISTANCE MEASURING EQUIPMENT (DME) | 1,128,000 | 1,128,000 | 1,428,000 |
| VISUAL NAVAIDS | 2,820,000 | 2,820,000 | 2,820,000 |
| GULF OF MEXICO OFFSHORE PROGRAM | 1,900,000 | 1,900,000 | 1,900,000 |
| LORAN-C UPGRADE/MODERNIZATION | 25,000,000 | 0 | 25,000,000 |
| **SUBTOTAL - LANDING AND NAVIGATIONAL AIDS** | **151,209,922** | **213,959,922** | **177,409,922** |
| | | | |
| ALASKAN NAS INTERFACILITY COMM SYSTEM (ANICS) | 5,000,000 | 7,200,000 | 6,000,000 |
| FUEL STORAGE TANK REPLACEMENT AND MONITORING | 10,500,000 | 10,500,000 | 10,500,000 |
| FAA BUILDINGS AND EQUIPMENT - IMPROVE/MODERNIZE | 10,000,000 | 10,000,000 | 10,000,000 |
| ELECTRICAL POWER SYSTEMS - SUSTAIN/SUPPORT | 28,200,000 | 28,200,000 | 28,200,000 |
| AIR NAVAIDS AND ATC FACILITIES (LOCAL PROJECTS) | 1,880,000 | 1,880,000 | 1,880,000 |
| AIRCRAFT RELATED EQUIPMENT PROGRAM | 6,000,000 | 6,000,000 | 6,000,000 |
| COMPUTER AIDED ENG GRAPHICS (CAEG) REPLACEMENT | 2,600,000 | 2,600,000 | 2,600,000 |
| CABLE LOOP SYSTEMS | 5,400,000 | 0 | 5,400,000 |
| **SUBTOTAL - OTHER ATC FACILITIES** | **69,580,000** | **66,380,000** | **70,580,000** |
| ***TOTAL ACTIVITY 2*** | ***1,172,796,294*** | ***1,223,883,694*** | ***1,213,114,400*** |
| | | | |
| **NON-ATC FACILITIES AND EQUIPMENT:** | | | |

Facilities and Equipment
Conference Agreement
Fiscal Year 2001

| Program Name | House recommended | Senate recommended | Conference agreement |
|---|---|---|---|
| | | | |
| NAS MANAGEMENT AUTOMATION PROGRAM (NASMAP) | 1,034,000 | 1,034,000 | 1,034,000 |
| HAZARDOUS MATERIALS MANAGEMENT | 22,600,000 | 22,600,000 | 22,600,000 |
| AVIATION SAFETY ANALYSIS SYSTEM (ASAS) | 15,980,000 | 15,980,000 | 15,980,000 |
| OPERATIONAL DATA MANAGEMENT SYSTEM (ODMS) | 1,000,000 | 1,000,000 | 1,000,000 |
| LOGISTICS SUPPORT SYSTEM AND FACILITIES | 7,500,000 | 7,500,000 | 7,500,000 |
| TEST EQUIPMENT - MAINTENANCE SUPPORT | 940,000 | 940,000 | 940,000 |
| INTEGRATED FLIGHT QUALITY ASSURANCE | 2,200,000 | 2,200,000 | 2,200,000 |
| SAFETY PERFORMANCE ANALYSIS SUBSYSTEM (SPAS) | 2,400,000 | 2,400,000 | 2,400,000 |
| NATIONAL AVIATION SAFETY DATA CENTER | 1,800,000 | 1,800,000 | 1,800,000 |
| NAS RECOVERY COMMUNICATIONS (RCOM) | 4,700,000 | 4,700,000 | 4,700,000 |
| PERFORMANCE ENHANCEMENT SYSTEM | 2,500,000 | 2,500,000 | 2,500,000 |
| EXPLOSIVE DETECTION TECHNOLOGY | 136,417,606 | 99,500,000 | 99,500,000 |
| FACILITY SECURITY RISK MANAGEMENT | 19,339,000 | 19,339,000 | 19,339,000 |
| INFORMATION SECURITY | 11,200,000 | 11,200,000 | 11,200,000 |
| **SUBTOTAL - SUPPORT EQUIPMENT** | **229,610,606** | **192,693,000** | **192,693,000** |
| | | | |
| AERONAUTICAL CENTER INFRASTRUCTURE MODERNIZATION | 7,200,000 | 7,200,000 | 7,200,000 |
| NATIONAL AIRSPACE SYSTEM (NAS) TRAINING FACILITIES | 1,880,000 | 1,880,000 | 1,880,000 |
| DISTANCE LEARNING | 2,162,000 | 2,162,000 | 2,162,000 |
| **SUBTOTAL - TRAINING EQUIPMENT & FACILITIES** | **11,242,000** | **11,242,000** | **11,242,000** |
| ***TOTAL ACTIVITY 3*** | ***240,852,606*** | ***203,935,000*** | ***203,935,000*** |
| | | | |
| **MISSION SUPPORT:** | | | |
| | | | |
| SYSTEM ENGINEERING AND DEVELOPMENT SUPPORT | 24,711,000 | 24,711,000 | 24,711,000 |
| PROGRAM SUPPORT LEASES | 33,800,000 | 33,800,000 | 33,800,000 |
| LOGISTICS SUPPORT SERVICES | 6,300,000 | 6,300,000 | 6,300,000 |
| MIKE MONRONEY AERONAUTICAL CENTER - LEASE | 14,000,000 | 14,000,000 | 14,000,000 |
| IN-PLANT NAS CONTRACT SUPPORT SERVICES | 2,619,000 | 2,619,000 | 2,619,000 |
| TRANSITION ENGINEERING SUPPORT | 37,539,000 | 37,539,000 | 37,539,000 |
| FREQUENCY AND SPECTRUM ENGINEERING - PROVIDE | 2,900,000 | 2,900,000 | 2,900,000 |
| PERMANENT CHANGE OF STATION MOVES | 26,400,000 | 26,400,000 | 26,400,000 |
| FAA SYSTEM ARCHITECTURE | 1,000,000 | 3,534,000 | 1,000,000 |
| TECHNICAL SERVICES SUPPORT CONTRACT (TSSC) | 44,911,000 | 44,911,000 | 44,911,000 |
| RESOURCE TRACKING PROGRAM | 3,450,000 | 3,450,000 | 3,450,000 |
| CENTER FOR ADVANCED AVIATION SYSTEM DEV. (MITRE) | 67,000,000 | 68,400,000 | 65,200,000 |
| NATIONAL AIRSPACE SYSTEM IMPLEMENTATION | 0 | 63,578,706 | 0 |
| ***TOTAL ACTIVITY 4*** | ***264,630,000*** | ***332,142,706*** | ***262,830,000*** |
| | | | |
| **PERSONNEL AND RELATED EXPENSES:** | | | |
| | | | |
| PERSONNEL AND RELATED EXPENSES | 322,652,600 | 322,652,600 | 322,652,600 |
| ***TOTAL ACTIVITY 5*** | ***322,652,600*** | ***322,652,600*** | ***322,652,600*** |
| | | | |
| ***TOTAL*** | **2,656,765,000** | **2,656,265,000** | **2,656,765,000** |

*Advanced technology development and prototyping.*—The conference agreement includes $56,480,000 for advanced technology development and prototyping, to be distributed as follows:

| Item | House recommended | Senate recommended | Conference agreement |
|---|---|---|---|
| Items in budget | $40,620,000 | $28,868,000 | $40,000,000 |
| Airport research | 7,380,000 | 7,380,000 | 7,380,000 |
| Concrete pavement research | 2,000,000 | 2,000,000 | 2,000,000 |
| UWB/GPS | 0 | 2,600,000 | 2,600,000 |
| GPS anti-jamming | 0 | 1,000,000 | 1,000,000 |
| Runway incursion activities | 0 | 0 | 3,500,000 |
| Total | 50,000,000 | 45,848,000 | 56,480,000 |

The conference agreement includes $5,000,000 for the runway incursion reduction program, compared to $1,500,000 in the budget estimate. The additional funds are needed to address nationwide technology initiatives recommended by the National Runway Safety Summit in June 2000, and should not be reprogrammed to any other project or activity. Of the funds provided under ''Airport research'', $2,000,000 is for airfield pavement improvement activities authorized under sections 905 and 743 of Public Law 106–181.

The $2,600,000 for ultra-wide band (UWB)/GPS work is provided to assess the vulnerability of aviation uses of the GPS signal to interference from electronic devices. New initiatives in this area should be coordinated with all appropriate stakeholders in industry, the National Telecommunications and Information Agency, the Department of Defense, the U.S. Congress, and the Federal Communications Commission. In addition, $1,000,000 is available for anti-jamming initiatives, to improve the resilience of the GPS signal to jamming through improved antennae, signal processing technology, or other means.

*Safe flight 21.*—The conference agreement provides $35,000,000 for the safe flight 21 program, as proposed by the Senate, and agrees to the Senate's allocation of those additional funds. The conferees direct that, of the funds provided for the Ohio Valley portion of this program, not less than $1,000,000 shall be for a safety study assessing the relative safety benefits of ADS-B technology, including an assessment of the use of ADS-B for conflict detection and resolution. In addition, the conferees encourage FAA to schedule a near-term evaluation of the potential use of ADS-B technology to address the runway incursion problem.

*Aviation weather services improvements.*—The additional $3,000,000 provided for this program is to support the collaborative effort between FAA and NOAA's National Severe Storms Laboratory to continue research and testing of phased array radar technology and to incorporate airport/aircraft tracking and weather information. Funding of $10,000,000 was provided for this program in the Department of Defense Appropriations Act, 2000.

*Aeronautical datalink applications.*—The conferees do not agree with Senate direction regarding the qualifications for a contractor for air-to-ground communications.

*Static transfer switches.*—The conferees understand that the FAA administrator has identified funding to complete procurement under the existing contract to supply en route centers with static transfer switches. These switches enable the centers to switch in back-up power quickly enough to prevent computers from ''crashing,'' and replace equipment which lacks this important capability. The conferees support funding for this procurement.

*Free flight phase one.*—Of the funds provided for this program, $3,000,000 is to implement the departure spacing program (DSP) to support Dulles International Airport, as proposed by the House, and $4,500,000 is for the program proposed by the Senate to implement DSP for the New York/New Jersey metropolitan area. The amount provided includes the sums necessary for the installation of bar-coded strips at the airports identified in the Senate report. DSP funds should not be reprogrammed to other regions or activities.

*Terminal automation.*—The conference agreement provides $117,000,000 for this program, instead of $114,850,000 proposed by the House and $116,850,000 proposed by the Senate. Funding is included to install and commission DBRITE systems at Mid-Delta Airport in Mississippi, and at Gainesville Regional and Boca Raton airports in Florida. The conferees understand that existing DBRITE systems are available for redeployment to new sites as a result of other modernization activities.

*Distance measuring equipment (DME).*—The amount provided above the request for this program shall be for the installation of DME on runway 11 at Newark International Airport.

*En route communications and control facilities.*—Of the funds provided, $3,200,000 is only for relocation of RTR–A and RTR–D radar facilities at Lambert-St. Louis International Airport in Missouri.

*Air traffic control tower and Tracon improvements.*—Of the funds provided, $1,500,000 is to continue the cable loop relocation project at Lambert-St. Louis International Airport in Missouri.

*Instrument landing system establishment/upgrade.*—Funding provided for instrument landing systems (ILS) shall be distributed as follows:

| *Location* | *Amount* |
|---|---|
| Activities in President's budget | $16,000,000 |
| National replacement program (categories I/II/III) | 22,325,000 |
| Lonesome Pine Airport, VA | 1,000,000 |
| Jimmy Stewart Airport, PA | 855,000 |
| Lafayette Regional Airport, LA | 1,000,000 |
| Statesboro-Bulloch County Airport, GA | 1,797,000 |
| Buffalo Niagara, NY (ILS/MALSR) | 3,798,000 |
| Searcy Airport, AR | 2,000,000 |
| Dulles International, VA (DME) | 300,000 |
| Wichita MidContinent, KS | 1,100,000 |
| Colonel James Jabara Airport, KS | 1,100,000 |
| Cleveland Hopkins International, OH | 4,000,000 |
| Orlando International, FL (install category III) | 2,000,000 |
| Meridian/Key Field, MS | 2,000,000 |
| Atlanta Hartsfield International, GA (5th runway) | 4,000,000 |
| Evanston Airport, WY | 2,500,000 |
| Muscatine Municipal Airport, IA | 1,600,000 |
| Kalealoa Airport, HI | 2,300,000 |
| Decatur Airport, AL | 1,000,000 |
| Gulf Shores Municipal, AL | 1,300,000 |
| Lehigh Valley International, PA | 2,000,000 |
| Klawock Airport, AK | 1,000,000 |
| Mexico Airport, MO | 2,000,000 |
| Harry Browne Airport, MI | 1,000,000 |
| Wexford County Airport, MI | 1,500,000 |
| London-Corbin Airport, KY | 2,000,000 |
| Somerset Airport, KY (localizer/NDB) | 500,000 |
| Newport News-Williamsburg Airport, VA | 2,000,000 |
| Sierra Blanca Regional Airport, NM | 350,000 |
| Minneapolis-St. Paul International, MN (localizer/glideslope) | 675,000 |
| Total | 85,000,000 |

The FAA recently signed a multiyear contract for additional instrument landing systems. The conferees direct FAA to initiate no less than two ILS demonstration projects which permit the manufacturer and airports expedited and full procurement, project management, and installation authority. This type of ''turnkey'' approach will allow an assessment of the potential for added cost savings and schedule efficiencies compared to traditional FAA acquisitions.

*Runway visual range.*—Of the $8,000,000 provided for this program, $1,300,000 is for items cited in the Senate report, $250,000 is for RVR equipment at the Minneapolis-St. Paul International Airport in Minnesota, and $5,000,000 is for continued acquisition of next generation RVR systems.

*Voice switching and control system (VSCS).*—The conference agreement provides $2,700,000 in this budget line for activities to address the audio clipping, automatic gain control, and tone notching problems found in FAA voice switches. The funding is designed, in part, to address recommendations of FAA's AOS–510 organization in Oklahoma City concerning the rapid deployment voice switch (RDVS), as well as provide solutions for these problems in the ICSS, ETVS, and VSCS switching systems. The conferees understand that a single, commercial-off-the-shelf system may be available to address these problems in all of the systems mentioned.

*Precision runway monitors.*—The conference agreement does not include funding to install a precision runway monitor (PRM) at Newark International Airport as proposed by the Senate. The conferees recognize that the procurement of this equipment is premature at this time. The conferees note, however, that one of the Administrator's new ''choke point'' initiatives includes measures to increase the efficiency of air traffic flows and reduce airspace complexity for aircraft destined to New York and New Jersey. This initiative will facilitate the development of arrival procedures at Newark International that could reduce ATC delays once a PRM with accompanying LDA and glideslope is installed. As such, the conferees direct the Administrator to continue to work with the relevant aviation authorities in the region toward the installation of a PRM and LDA with glideslope at Newark International Airport once the ''choke points'' initiative is fully implemented. Toward that end, the conferees expect the Administrator to continue to work toward the completion of all necessary environmental analyses so that this installation can take place as soon as possible.

*Terminal voice switch replacement.*—The conferees agree to provide $14,000,000 for this program, and direct FAA not to reprogram any of those resources without Congressional approval.

*Houston area air traffic system.*—The conference agreement includes $12,000,000 in initial funding for the Houston area air traffic system (HAATS). These funds shall be under administrative control of the FAA Southwest Region, which is the charter holder for this important capacity enhancement program. Funds are intended for instrument landing systems and other facilities and equipment necessary to carry out the program, and shall not be reprogrammed without Congressional approval. The conferees are aware that FAA has approved the record of decision for a major capacity expansion at

Houston area airports. To ensure that the required navigation and landing aids, radar positions, and related equipment is provided in a timely manner, FAA established a special charter for this program, giving overall program responsibility to the Southwest Region. This is similar to past charter programs in Dallas, Atlanta, Austin, and Northern Virginia. In the case of Houston, however, the FAA has neglected to provide funding for the program. The conference agreement corrects this oversight.

*Low-cost airport surface detection equipment.*—The conferees agree to provide $8,400,000 for the low-cost airport surface detection equipment (ASDE) program as proposed by the Senate, instead of $15,000,000 as proposed by the House, and do not agree with House direction regarding contracting strategies for this program. The conferees agree with the House that runway incursions are an urgent safety issue which should be rapidly addressed, in part, through the application of modern technology. Disappointingly, however, the FAA has not put forward a viable or affordable program worthy of Congressional support. In response to Congressional direction to develop a low-cost alternative to today's ASDE–3 system, the agency proposes one twice as expensive and designed for lower-activity airports. In response to direction requiring ten systems in the field by September 2002, the agency proposes one reaching that capability three years later. In addition to these programmatic concerns, the conferees are not convinced of the agency's commitment to this program. Although the FAA Administrator announced in June 2000 that 25 low-cost ASDE systems would be acquired, the agency's five-year capital plan submitted two months later provides less than half the resources necessary to accomplish that goal. In addition, the agency has steadfastly refused to support the additional funding recommended by the House for the coming fiscal year. The conferees cannot responsibly provide additional first-year funding for this program until the agency demonstrates the long-term commitment of resources and the leadership needed to carry it to fruition. In lieu of funds for an acquisition which the agency does not yet support, the conferees have provided an additional $3,500,000 in advanced development funds for runway incursion technology initiatives.

*Terminal air traffic control facilities replacement.*—The conference agreement includes $145,492,606 for replacement of air traffic control towers and other terminal facilities. The agreement distributes these funds as follows:

| *Location* | *Amount* |
|---|---|
| Vero Beach, FL | $5,600,000 |
| Albert Whitted, FL | 75,000 |
| Dayton International, OH | 4,000,000 |
| WK Kellogg, MI | 2,000,000 |
| Sky Harbor, AZ | 9,000,000 |
| Cleveland, OH | 3,000,000 |
| Richmond, VA | 5,700,000 |
| Martin State, MD | 1,000,000 |
| Medford, OR | 1,000,000 |
| Billings Logan, MT | 2,000,000 |
| Grand Canyon, AZ | 267,000 |
| Missoula, MT | 500,000 |
| Pangborn, WA | 1,000,000 |
| Paine Field, WA | 1,000,000 |
| McArthur Airport, NY | 750,000 |
| Rogue Valley, OR | 1,425,500 |
| Fort Wayne, IN | 2,000,000 |
| Cheyenne, WY | 1,450,000 |
| Morristown, NJ | 2,500,000 |
| Oakland, CA | 23,912,347 |
| LaGuardia, NY | 23,440,000 |
| Boston, MA | 24,936,914 |
| Savannah, GA | 7,741,015 |
| Topeka, KS | 4,361,840 |
| St. Louis, MO | 3,317,000 |
| Newark, NJ | 2,407,500 |
| I05Location | *Amount* |
| Roanoke, VA | 2,140,000 |
| Birmingham, AL | 1,359,540 |
| Pt. Columbus, OH | 1,000,000 |
| Wilkes-Barre, PA | 959,200 |
| Houston Hobby, TX | 818,550 |
| Champaign, IL | 749,000 |
| Little Rock, AR | 642,000 |
| Bedford, MA | 535,000 |
| Newburgh, NY | 1,000,000 |
| Merrill Field, AK | 321,000 |
| Wilmington, DE | 305,000 |
| Salina, KS | 267,500 |
| N. Las Vegas, NV | 214,000 |
| Orlando, FL | 177,900 |
| Atlanta, GA | 167,900 |
| Chantilly, VA | 75,000 |
| Gulfport, MS | 75,000 |
| Kalamazoo, MI | 75,000 |
| Deer Valley, AZ | 75,000 |
| Broomfield, CO | 75,000 |
| Miami, FL | 51,900 |
| Seattle, WA | 25,000 |
| Total | 145,492,606 |

*Richmond airport traffic control tower, VA.*—The Richmond International Airport is in the midst of a terminal expansion program which requires a new airport control tower to be operational by 2002. While the FAA supports construction of a new tower, the agency estimates that, using its normal procedures, the agency would not complete the tower until the year 2004, delaying the capacity expansion program by two years. Since Richmond believes it can meet the schedule if it manages this project, the conferees direct FAA to explore construction of the replacement tower under a construction agreement or other transaction authority with the Richmond International Airport, pursuant to which the airport would construct the tower, using predominantly FAA funding, and FAA would own, operate, and maintain the facility.

*Morristown airport traffic control tower, NJ.*—The conference agreement includes $2,500,000 for the construction of a replacement air traffic control tower at the Morristown, New Jersey airport. The conferees recognize that the current tower is deteriorating rapidly and needs to be replaced as soon as possible. Toward that end, the conferees direct the FAA Administrator to enter into a reimbursable agreement with the airport through which the remaining construction costs borne by the airport will be reimbursed by the FAA over the next few years.

*Airport surveillance radar (ASR–9).*—The conferees provide $11,122,000 for this program as proposed by the House, of which $4,000,000 is for the radar system specified in the House report for Palm Springs Airport in California. The conferees agree not to specify additional systems for acquisition at this time, but direct the FAA to initiate or continue preliminary site surveys and other necessary studies for locations cited in the Senate report as well as Cherry Capital Airport in Michigan, Gainesville Regional Airport in Florida, and Jackson Hole Airport in Wyoming. Funds for these studies may be derived either from this budget line or from funds provided for terminal digital radar (ASR–11) implementation. The conferees understand that the FAA has committed to installing a TARDIS unit at the Gainesville Regional Airport and direct the FAA to move expeditiously to install this equipment as an interim solution to the airport's radar needs. In addition, $2,400,000 of the funding provided is for removal and relocation of the existing ASR–9 radar system at Lambert-St. Louis International Airport in Missouri.

*Puget Sound radar shortcomings.*—The conferees direct the FAA Administrator to conduct a study assessing the best means of correcting shortcomings related to deficient radar coverage in the southern Puget Sound airspace in the State of Washington.

*Voice recorder replacement program.*—The conference agreement provides $3,632,000 for this program as proposed by the Senate instead of $2,632,000 as proposed by the House. With these additional funds, the FAA is directed to conduct the study cited in the Senate report regarding deployable flight data recorders and support the FAA Technical Center's ''integrated aircraft data collection and reporting'' project to develop an improved method of collecting, storing, and analyzing critical aircraft flight data by ground-based means.

*Automated surface observing system (ASOS).*—The conferees agree to provide $11,500,000 for this program instead of $8,213,900 proposed by the House and $13,213,900 proposed by the Senate. Of the funds provided, $80,000 is for installation of an automated weather observing system at Monticello Airport in Wayne County, Kentucky and $100,000 is for installation of an AWOS III system at Dexter Airport in Arkadelphia, Arkansas. Funding is also included for installation of an automated weather sensor system (AWSS) for Owensboro-Daviess County Airport in Kentucky.

*Approach lighting system improvement program (ALSIP).*—The conference agreement provides $30,000,000 for this program, to be distributed as follows:

| Location | House | Senate | Agreement |
|---|---|---|---|
| Activities in President's budget | $1,040,000 | $1,100,000 | $1,040,000 |
| ALSF–2 acquisition | 9,575,000 | | 3,400,000 |
| MALSR acquisition | 3,500,000 | | 2,025,000 |
| ALSIP Newport & North Bend, OR | 4,000,000 | 3,500,000 | 3,500,000 |
| ALSF–2 Cleveland Intl, OH | 3,000,000 | | 3,000,000 |
| ALSF–2 Minneapolis-St. Paul Intl, MN | | | 1,500,000 |
| MALSR Starkville, MS | 560,000 | | 560,000 |
| MALSR, Millington, TN | 425,000 | | 425,000 |
| MALSR install runway 34L, Salt Lake City, UT | 3,000,000 | 3,000,000 | 3,000,000 |
| MALSR/REIL Monroe Cty, NC | 1,000,000 | | 1,000,000 |
| Meridian/Key Field MALSR, MS | | 2,300,000 | 2,300,000 |
| Atlanta Hartsfield, GA | | 2,300,000 | 1,500,000 |
| Juneau Airport, AK | | 2,000,000 | 1,500,000 |
| Las Cruces International, NM | | 2,750,000 | 1,600,000 |
| Bethel Airport, AK | | 2,000,000 | 1,500,000 |
| Saginaw MBS Intl, MI | | 500,000 | 500,000 |
| MALSR, Baton Rouge, LA | | 2,000,000 | 1,500,000 |
| Taxiway lighting system, Gadsden Airport Industrial Park, AL | | | 150,000 |
| Total | 26,100,000 | 21,450,000 | 30,000,000 |

*Aviation access, remote locations in Alaska.*—The conferees note that most remote Alaska villages do not have access to hospitals or clinics because they are not connected to the road system. Therefore, they must rely on aircraft medevacs in the event of a medical emergency. The conferees have been informed that an air evacuation of a heart attack victim was delayed for three days because the village of Hoonah lacked navigational aids, and that medevacs in winter months are restricted to just a few hours of daylight because communities lack runway lights. The Administrator is directed to work with the Indian Health Service and the Coast Guard to determine the extent of this problem, and similar access problems in other remote communities, and make recommendations to the House and Senate Committees on Appropriations by March 1, 2001 on what steps should be taken.

*Explosive detection systems.*—The conferees agree to provide $99,500,000 for the acquisition and deployment of explosive detection

systems at airports as proposed by the Senate instead of $136,417,606 as proposed by the House. The conference agreement distributes funds as shown below:

| Activity | FY 2001 budget estimate | Conference agreement |
|---|---|---|
| Bulk EDS systems | $31,200,000 | $40,000,000 |
| Trace detection systems | 15,200,000 | 12,000,000 |
| Threat image projection (TIP) systems | 25,320,000 | 22,000,000 |
| Threat containment units | 750,000 | ..... |
| Computer-based training (CBT) systems | ..... | 2,000,000 |
| System integration | 25,030,000 | 21,500,000 |
| SAFPAS | ..... | 2,000,000 |
| Total | 97,500,000 | 99,500,000 |

*Bulk explosive detection systems.*—The conferees agree with the concern of the House that FAA has not been successful at developing a viable second source for the acquisition of bulk EDS systems, several years after the program was initiated. Competition among vendors is critical for minimizing government costs and lowering technical risk, and FAA's lack of enthusiasm for second source development continues to be disappointing. A recent investigation of the House Appropriations Committee's Surveys and Investigations staff concluded that FAA has failed to use consistent criteria in evaluating different vendors; has failed to formally document test criteria and the basis for test decisions; and has applied different performance standards to different vendors. Some vendors have been allowed to deploy equipment to airports without FAA certification; some have been required to receive certification; and still others have not been approved until completion of post-certification operational tests. In all, it is clear that FAA has neither effectively promoted competition nor evaluated different vendors fairly against a single performance and testing standard. This has resulted in a single vendor receiving contracts for an overwhelming majority of systems, several years after attempts were begun to develop a second source. The conferees will not continue to provide funding for these important machines unless a level playing field is established. Although the conference agreement includes $40,000,000 for bulk explosive detection systems, an increase of $8,800,000 above the budget estimate, the conferees direct that these funds shall be made available in equal amounts to procure explosive detection systems from both certified sources. Further, the FAA shall not unduly delay contract awards to either vendor, by ensuring that the timing of contract awards to the two vendors are paired to the greatest extent practicable.

*Strategic Alliance for Passenger Airline Safety.*—As proposed by the Senate, the conference agreement includes $2,000,000 for the Strategic Alliance for Passenger Airline Safety (SAFPAS) to conduct development, integration, evaluation, and testing of the concept of remote airline passenger check-in and baggage drop-off. If successful, this could enhance airline passenger check-in efficiency as well as enhance security by distributing the baggage screening load across time and locations, allow for a more measured flow of baggage and more time per bag for screening. This could also reduce the pressure at airport security checkpoints by reducing the number of bags being presented immediately before flight departures.

*Center for advanced aviation systems development.*—Within the amount made available for this activity, adequate funding has been provided to continue development of flight management system procedures for Newark and Teterboro airports, New Jersey.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement provides $187,000,000 for FAA research, engineering, and development instead of $184,366,000 as proposed by the House and $183,343,000 as proposed by the Senate.

The following table shows the distribution of funds in the House and Senate bills and the conference agreement:

Research, Engineering and Development
Conference Agreement
Fiscal Year 2001

| Program Name | House recommended | Senate recommended | Conference agreement |
|---|---|---|---|
| | | | |
| **System Development and Infrastructure** | **17,425,000** | **14,595,000** | **17,414,000** |
| System planning & resource management | 1,350,000 | 1,164,000 | 1,164,000 |
| Technical laboratory facility | 11,075,000 | 13,431,000 | 12,250,000 |
| Center for Advanced Aviation System Development | 5,000,000 | 0 | 4,000,000 |
| Information security | 0 | 0 | 0 |
| | | | |
| **Weather** | **27,789,000** | **24,839,000** | **24,806,000** |
| National laboratory program | 16,398,000 | 16,648,000 | 16,615,000 |
| In-house support | 4,391,000 | 4,391,000 | 4,391,000 |
| Center for Wind, Ice & Fog | 700,000 | 700,000 | 700,000 |
| Juneau, AK | 3,100,000 | 3,100,000 | 3,100,000 |
| SOCRATES | 3,200,000 | 0 | 0 |
| | | | |
| **Aircraft Safety Technology** | **58,880,000** | **62,979,000** | **62,679,000** |
| Aircraft systems fire safety | 5,451,000 | 4,750,000 | 4,750,000 |
| Advanced materials/structural safety | 2,797,000 | 2,797,000 | 2,797,000 |
| Propulsion and fuel systems | 7,700,000 | 7,200,000 | 8,200,000 |
| Flight safety/atmospheric hazards research | 4,109,000 | 4,109,000 | 4,109,000 |
| Aging aircraft | 29,384,000 | 34,684,000 | 33,384,000 |
| Aircraft catastrophic failure prevention research | 2,782,000 | 2,782,000 | 2,782,000 |
| Aviation safety risk analysis | 6,657,000 | 6,657,000 | 6,657,000 |
| | | | |
| **System Security Technology** | **49,374,000** | **54,520,000** | **54,520,000** |
| Explosives and weapons detection | 37,460,000 | 42,606,000 | 42,606,000 |
| Aircraft hardening | 4,307,000 | 4,307,000 | 4,307,000 |
| Airport security technology integration | 2,462,000 | 2,462,000 | 2,462,000 |
| Aviation security human factors | 5,145,000 | 5,145,000 | 5,145,000 |
| | | | |
| **Human Factors & Aviation Medicine** | **26,050,000** | **22,929,000** | **24,100,000** |
| Flight deck/maintenance/system integration human factors | 10,100,000 | 10,100,000 | 10,100,000 |
| Air traffic control/airway facilities human factors | 9,950,000 | 8,000,000 | 8,000,000 |
| Aeromedical research | 6,000,000 | 4,829,000 | 6,000,000 |
| | | | |
| **Environment and Energy** | **4,848,000** | **3,481,000** | **3,481,000** |
| | | | |
| Total appropriation | 184,366,000 | 183,343,000 | 187,000,000 |

*Security research*.—The conferees encourage FAA's research organization to work with the OST Office of Intelligence and Security to consider FAA financial support of aviation-related activities conducted through that office. The Office of Intelligence and Security is tasked with certain responsibilities regarding critical infrastructure protection and awareness. Since the large majority of DOT's critical infrastructure is in the FAA, it may be appropriate for the agency to support these activities financially.

*Strobe light evaluation*.—The conferees direct FAA to provide, out of available funds, up to $500,000 to conduct a test program comparing how various runway approach lighting systems affect a pilot's visual effectiveness during the landing phase. FAA data indicate that ''steady burning'' approach lights can cause temporary changes in pilot visual acuity, which can affect the ability of the pilot to determine objects at a distance.

*Propulsion and fuel systems*.—Of the funds provided, $1,500,000 is for the minimum octane fuel research cited in the House report and $1,500,000 is for the Specialty Metals Processing Consortium cited in the Senate report.

*Explosives and weapons detection*.—The conference agreement includes $42,606,000 as proposed by the Senate instead of $37,460,000 as proposed by the House and included in the budget estimate. Of this amount, $6,000,000 is to continue development of the pulsed fast neutron analysis (PFNA) cargo inspection system, as proposed by the Senate. No funds are allocated to the Safe Skies initiative. Further, the conference agreement provides $1,000,000 for the FAA to fund dual use X-ray technology development at Huntsville International Airport, Alabama, to facilitate the movement of large amounts of palletized cargo through scanning systems with very high levels of contraband and threat detection.

*Aging aircraft*.—The conference agreement provides $33,384,000 for this program instead of $29,384,000 as proposed by the House and $34,684,000 as proposed by the Senate. Of the funds provided, $5,000,000 is for the National Institute for Aviation Research. The conferees have included an increase of $1,000,000 above the budget request for the Center for Aviation Systems Reliability (CASR); $1,000,000 above the budget request for activities of the engine titanium consortium effort; and $10,000,000 for the activities of the Airworthiness Assurance Center of Excellence, including research at the non-destructive inspection validation center.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes a liquidating cash appropriation of $3,200,000,000, as proposed by the House and the Senate.

*Obligation limitation*.—The conferees agree to an obligation limitation of $3,200,000,000 for the ''Grants-in-aid for airports'' program as proposed by the House and the Senate. This is the amount authorized by Public Law 106–181.

*High priority projects*.—Of the funds covered by the obligation limitation in this bill, the conferees direct FAA to provide not less than the following funding levels, out of available discretionary resources, for the following projects in the corresponding amounts:

| Airport | Project | Allocation |
|---|---|---|
| | | |
| Aberdeen Regional Airport | Capital improvements | $2,500,000 |
| Abilene Regional Airport | Terminal expansion, taxiway B extension, runway 17L and other improvements | 2,000,000 |
| Akron-Canton Regional | Roadway redesign relating to extension of runway 1/19 | 2,600,000 |
| Akron-Canton Regional | Design runway 1/19 safety upgrades and extension | 1,100,000 |
| Akutan SPB | Runway extensiom and improvements | 1,200,000 |
| Albany City Airport | Extension of runway 10/28 | 4,900,000 |
| Alliance Airport | Runway extension | 8,000,000 |
| Angoon | Master plan | 500,000 |
| Asheville Regional | Various improvements | 2,500,000 |
| Atka Airport | Extension | 1,500,000 |
| Atlantic City International Airport | Terminal, runway and taxiway improvements | 5,000,000 |
| Austin Straubel Airport | Apron area expansion and taxiway construction | 3,500,000 |
| Autauga County Airport | Runway extension, taxiway, lights, parking apron | 1,000,000 |
| Baltimore-Washington International | Taxiway, ramp and other airfield improvements | 5,000,000 |
| Bay Minette Municipal | Runway extension, etc | 4,500,000 |
| Billings-Logan International Airport | Commuter aircraft parking ramp, commercial air freight parking lot | 1,500,000 |
| Birmingham International Airport | Various improvements | 5,000,000 |
| Bishop Airport, CA | Utility/infrastructure improvements | 4,100,000 |
| Bishop Airport, MI | Relocate VOR navigational aid to allow taxiway extension | 500,000 |
| Boeing Field | Runway and taxiway improvements | 2,000,000 |
| Brazoria County | Runway extension | 500,000 |
| Bush InterContinental Airport | Fuel cell airport demonstration project for airline GSE | 2,000,000 |
| Capital Airport | Rehabilitation of taxiway A | 900,000 |
| Charlottesville-Albemarle Airport | Extension of runway safety area | 4,300,000 |
| Chattanooga Lovell Field | Relocate taxiway to safety standard | 4,500,000 |
| Cherry Capital Airport | New passenger terminal | 5,300,000 |
| Chippewa Valley Regional Airport | Runway reconstruction and taxiway upgrade | 2,300,000 |
| Clayton Municipal Airpark | Extend runway 2/20 | 700,000 |
| Cynthiana-Harrision County Airport | Airport development | 450,000 |
| Danville Regional | Apron expansion, etc. | 3,200,000 |
| Decatur (Pryor Field Regional) | Runway and taxiway improvements | 1,000,000 |
| DeKalb Taylor Municipal | Runway construction; taxiway extension; related | 500,000 |
| Detroit City Airport | Land acquisition and property relocation projects | 1,000,000 |
| Detroit Lakes Municipal Airport | Various improvements | 1,600,000 |
| Dillingham Airport | Master plan, cross-runway | 500,000 |
| Dothan Airport | Various improvements | 2,000,000 |
| Du Page Airport | Runway extension and widening; taxiway construction; etc | 5,200,000 |
| Eastern West Virginia Regional | Rehabilitation of runway 17/35 and terminal improvements | 2,500,000 |
| Edward F. Knapp State | Runway reconstruction and construction of parallel taxiway | 2,000,000 |
| Erie International Airport | Extension, study, etc. | 3,000,000 |
| Estill County Airport | Airport development | 250,000 |
| Fairbanks International Airport | Various improvements | 1,000,000 |
| Fairhope Municipal Airport | New runway and other improvements | 2,000,000 |
| Fayette County Airport | Various improvements | 1,500,000 |
| Felts Field | Runway rehabilitation | 1,800,000 |
| Frances Gabreski Airport | Lighting and other improvements | 600,000 |
| Franklin County | Feasibility study for new airport | 90,000 |
| Freeman Municipal Airport | Reconstruction of taxiways and aprons | 500,000 |
| Front Royal - Warren County Airport | Emergency equipment | 200,000 |
| Gadsden Municipal Airport | Various improvements | 600,000 |
| Gary Regional Airport | Various improvements | 500,000 |
| Gerald R. Ford International | Noise mitigation & runway resurface | 2,000,000 |
| Glacier Park International Airport | Rehabilitation of runways A, B, C and D | 500,000 |
| Gnoss Field Airport | Runway extension environmental assessment | 325,000 |

| Airport | Project | Allocation |
|---|---|---|
| | | |
| Grant County Airport | Construct parallel taxiway and lighting | 500,000 |
| Great Falls International Airport | Runway upgrades | 2,500,000 |
| Great Falls International Airport | Drainage improvements | 500,000 |
| Greenbrier Valley Airport | Construct general aviation apron and other improvements | 800,000 |
| Greenville Municipal Airport | Runway extension | 2,000,000 |
| Gulfport-Biloxi Regional Airport | General aviation relocation, ramp space construction, and cargo expansion | 2,000,000 |
| Harlan County Airport | Runway extension | 350,000 |
| Hayward Municipal Airport | Runway, taxiway, apron reconstruction/runway lighting upgrade | 1,800,000 |
| Helena Regional Airport | Parallel taxiway repaving | 1,000,000 |
| Henry E. Rohlsen Airport | Extension of runway 9-27 and parallel taxiway | 1,000,000 |
| Henry Tift Meyers Airport | Runway rehabilitation, resurfacing, and lighting systems | 1,900,000 |
| Hoonah Airport | Runway lighting and safety improvements | 1,000,000 |
| Houston Southwest | Master plan update/EIS/feasibility studies | 500,000 |
| Huntsville International - Jones Field | Taxiway C connector, runway extension, noise mitigation and land acquisition | 1,000,000 |
| Jackson County Airport, WV | Install perimeter fencing | 400,000 |
| Jackson International Airport | Design and construction of the air cargo apron | 1,000,000 |
| Jimmy Stewart Airport | Runway extension and related improvements | 500,000 |
| Juneau International | Maintenance facility hanger for snow removal equipment | 1,500,000 |
| Kee Field Airport | Rehabilitate runway 7/25, runway safety improvements and lighting | 500,000 |
| Kelly USA, TX | Air cargo study | 200,000 |
| Kenai Municipal Airport | Construct ARFF and SRE building (Phase I) | 1,000,000 |
| Lafayette Regional Airport | Runway, taxiway, landing and lighting system, and equipment improvements | 3,000,000 |
| Lambert - St. Louis International Airport | Runway and other improvements under phase 2 of W-1W modernization plan | 10,000,000 |
| Lanai | Runway extension | 3,600,000 |
| Lawrence Municipal Airport | Runway reconstruction, apron, taxiway and lighting improvement projects | 3,000,000 |
| Lee County Airport, VA | Site preparation for replacement airport | 500,000 |
| Lee's Summit Municipal Airport | Land acquisition to extend runway/runway protection zone | 500,000 |
| Leesburg Regional Airport | Emergency equipment | 200,000 |
| Logan County Airport, WV | Construct parallel taxiway to runway 6 | 600,000 |
| Luray Caverns Airport | Automated weather observation system | 180,000 |
| March Airfield | Civilian refueling system | 5,000,000 |
| Marion County - Rankin Fite | Runway extension | 1,000,000 |
| Marion/Crittenden County Airport | Master plan | 80,000 |
| Marshall County Airport | Rehabilitate runway 6/24 | 550,000 |
| Mason County Airport | Construct SRE building | 500,000 |
| Mercer County Airport | Improve and expand terminal building | 2,000,000 |
| Millington Airport | Infrastructure improvement projects | 500,000 |
| Mingo County Airport | Rehabilitate runway 6/24 | 500,000 |
| Minneapolis-St. Paul International | Noise mitigation for the west side of the north/south runway | 10,000,000 |
| Minot International Airport | Rehabilitate runway 13/31 | 4,000,000 |
| Missoula International Airport | Various improvements | 750,000 |
| Mobile Downtown | Resurface/lengthen runway; ILS upgrade; other improvements | 5,000,000 |
| Mobile Regional Airport | Land acquisition | 5,000,000 |
| Monroe Airport, NC | Apron expansion, etc. | 2,000,000 |
| Monroe County, AL | Reseal runway, etc | 550,000 |
| Monroe County Airport, IN | Land acquisition | 2,000,000 |
| Montgomery Regional - Dannelly Field | Passenger terminal construction and improvements | 6,000,000 |
| Moorhead Municipal Airport | Runway improvements/extension, lighting, parallel runway extension | 1,600,000 |

| Airport | Project | Allocation |
|---|---|---|
| | | |
| Morgantown Municipal Airport | Install perimeter fencing and other improvements | 450,000 |
| Napa County Airport | Runway, taxiway, and ramp maintenance; master plan; taxiway project | 500,000 |
| New Market Airport | Safety equipment | 65,000 |
| New Orleans International | Environmental assessment of north/south runway and land acquisition to relocate the Iafrate Business Park | 1,000,000 |
| Newton City-County, KS | Land acquisition – ILS related | 579,000 |
| Newton City-County, KS | Runway strengthen-repave | 2,500,000 |
| Niagara Falls International Airport | Taxiway D rehabilitation | 1,000,000 |
| Nome Airport | Remove airport obstructions | 2,000,000 |
| Oakland/Pontiac Airport | Land acquisition in runway protection zone | 2,000,000 |
| Ogden-Hinckley, Provo Municipal, Tooele Valley, Heber City Municipal / Russ McDonald Field | General aviation capital projects for Olympics | 1,500,000 |
| Ohio University Airport | Runway extension | 1,000,000 |
| Olive Branch Airport | Various improvements | 3,000,000 |
| Ontario International Airport | Cargo Demand study | 100,000 |
| Palmer Municipal Airport | Various improvements | 500,000 |
| Palwaukee Airport | Construction of east side taxiway parallel to runway 16/34 | 1,700,000 |
| Perry County Municipal Airport, IN | Runway extension | 480,000 |
| Pickaway County Memorial | Runway/taxiway lighting | 423,000 |
| Pittsfield Municipal and Harriman-West airports | Land acquisition, environmental assessment, and design work | 1,500,000 |
| Ponca City Regional Airport | Runway extension | 3,000,000 |
| Port Columbus International Airport | Apron reconstruction and glycol retention and treatment systems | 2,360,000 |
| Princeton-Caldwell County Airport | Runway extension and overlay | 200,000 |
| Quillayute Airport | Various improvements | 656,000 |
| Raleigh County Memorial Airport, WV | Rehabilitate runway 1/19 and taxiway lighting | 1,200,000 |
| Richard B. Russell Airport | Taxiway expansion and improvements and apron overlay | 700,000 |
| Robert Gray Army Airfield | Taxiway, apron and terminal projects | 3,300,000 |
| Roberts Field | Terminal and taxiway improvements | 3,500,000 |
| Rock County Airport, WI | Runway reconstruction and extension | 1,500,000 |
| Rockingham-Hamlet | Parallel taxiway, etc. | 1,122,000 |
| Rota International, CNMI | Runway resurfacing | 1,250,000 |
| Rutland State | Various improvements | 200,000 |
| Salt Lake City International Airport | Enhanced security system for Olympics | 1,000,000 |
| San Bernardino International | Various improvements | 1,000,000 |
| San Luis Obispo County | Taxiway M construction | 590,000 |
| Santa Maria Public/Hancock Field | Taxiway L construction | 650,000 |
| Searcy Municipal Airport | Runway extension and widening and taxiway relocation | 5,000,000 |
| Sky Harbor International Airport | Reconstruction and extension of north runway | 2,000,000 |
| Somerset-Pulaski County Airport | Property acquisition | 1,500,000 |
| Southern California Logistics Airport | Various improvements | 2,000,000 |
| Southern Illinois Airport | Runway safety area improvements | 1,584,000 |
| Springfield-Branson Regional Airport | Various improvements | 4,000,000 |
| St Petersburg-Clearwater International | Runway expansion, etc. | 7,600,000 |
| St. Cloud Regional Airport | Runway construction | 2,000,000 |
| Stillwater Municipal Airport | Runway lengthening | 1,000,000 |
| Sugar Land Municipal | Land acquisition; construct taxiway | 2,000,000 |
| Syracuse Hancock International Airport | Improvements to the aircraft rescue and fire fighting building | 2,000,000 |
| Taos Municipal Airport | Taxiway, apron, and various other improvements | 800,000 |
| Theodore F. Green State | Various improvement projects | 1,000,000 |
| Toledo Express Airport | Taxiway and apron improvement projects | 2,000,000 |
| Tomahawk Regional Airport | Runway, taxiway, apron reconstruction/runway lighting upgrade | 950,000 |
| Tulip City Airport | Land acquisition for runway extension | 1,000,000 |

| Airport | Project | Allocation |
|---|---|---|
| | | |
| Tunica Municipal Airport | Various improvements | 2,000,000 |
| Unalaska Airport | Extend runway safety area (phase 2) and LDA | 2,000,000 |
| Walker County Airport - Bevill Field | Various improvements | 1,000,000 |
| Washington Dulles International | ARFF facility | 1,685,000 |
| Westmoreland City, PA | Land acquisition | 900,000 |
| Wilkes-Barre/Scranton International | Joseph M. McDade terminal | 3,000,000 |
| William H. Morse State | Various improvements | 1,000,000 |
| Winchester Regional Airport | Security equipment and systems | 370,000 |
| Wood County / Gill Robb Wilson Field | Rehabilitate terminal apron, terminal drainage, SRE equipment, master plan and other improvements | 1,500,000 |
| Youngstown-Warren | EIS for runway extension | 2,500,000 |
| | | |

The conferees further direct that the specific funding allocated above shall not diminish or prejudice the application of a specific airport or geographic region to receive other AIP discretionary grants or multiyear letters of intent.

*Cleveland Hopkins International Airport, OH.*—The conferees are aware of the need for further noise mitigation at Cleveland Hopkins International Airport and of the City of Cleveland's residential sound insulation program to address this issue. Although the city is currently limited to caps for residential and institutional noise set-aside funding, it is expected that these caps will be withdrawn by the FAA because of the significant increase being made available in noise set-aside funding. Accordingly, the conferees urge FAA to give strong consideration to the city's request for multi-year noise set-aside funding to address sound insulation needs for homes and facilities around the airport.

*Minneapolis-St. Paul International Airport, MN.*—The conferees provide $10,000,000 for noise mitigation activities for the westside of the new Minneapolis-St. Paul International Airport north/south runway, pending FAA's review of the noise impacts of the project.

*Denver noise mitigation study.*—In House report 105–648, the House Committee on Appropriations instructed FAA to work with the Denver International Airport Study Coordination Group, the DIA noise abatement office, and other affected Colorado communities to identify measures, including changes in flight patterns, which would reduce aircraft noise. In addition to considering average noise levels (particularly in communities with average noise levels over 65 LDN), the FAA was instructed to address the specific altitude of Colorado communities. The conferees urge FAA to continue to work with these entities to resolve their concerns. The conferees direct FAA to provide a letter report detailing its findings and recommended actions to the House and Senate Committees on Appropriations no later than August 1, 2001.

*Wilkes-Barre/Scranton International Airport, PA.*—The conference agreement provides discretionary funding of $3,000,000 only for the Joseph M. McDade terminal facility at the Wilkes-Barre/Scranton International Airport in Pennsylvania.

*Letters of intent.*—The conferees urge the FAA to award letters of intent for multiyear capital projects at the following airports:

*Location:*

Memphis International, TN
Lambert-St. Louis International, MO
Clearwater-St. Petersburg International, FL
Piedmont Triad International, NC
Anchorage International, AK
George Bush Intercontinental, TX
Orlando International, FL
Baltimore-Washington International, MD
Hartsfield-Atlanta International, GA
Alliance Airport, TX
Oakland Pontiac International, MI
North Las Vegas, NV
Cherry Capital Airport, MI

*Houston area letter of intent.*—The conferees urge FAA to give priority consideration to the letter of intent application from the City of Houston. The city has proposed a major expansion of airside capacity, with positive effects on system delay and a favorable benefit-cost ratio, as part of a larger airport expansion program largely financed by locally-generated funds.

*Lambert-St. Louis International Airport.*—The conferees encourage the FAA Administrator to award a supplemental letter of intent for Lambert-St. Louis International Airport in Missouri and include within the conference agreement $10,000,000 in discretionary funding for the new W–1W runway and related improvements at this airport.

*Piedmont Triad International Airport runway project.*—The Conferees direct the FAA to give full and immediate consideration to the Piedmont Triad Airport Authority's application for a letter of intent for construction of a parallel runway (5L–23R) and related improvements. These improvements will provide substantial capacity, safety and economic benefits and will facilitate committed expansion of operations at the airport.

*Hartsfield-Atlanta International Airport.*—The conferees are aware of the capacity and safety benefits that will accrue from the addition of a fifth runway at Hartsfield-Atlanta International Airport. The conferees direct FAA to give full and immediate consideration to the airport authority's application for a letter of intent for construction of a fifth runway.

*GPS approach development.*—The confererence agreement does not include the Senate's direction to make available $4,500,000 of administrative funds only for the development of GPS approaches. Funding for this activity is provided in other appropriations.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement includes a rescission of unused contract authority totaling $579,000,000, as proposed by both the House and the Senate. These funds are above the annual obligation ceiling for fiscal year 2000, and remain unavailable to the program.

AVIATION INSURANCE REVOLVING FUND

The conference agreement retains language authorizing expenditures and investments from the Aviation Insurance Revolving Fund for aviation insurance activities, as proposed by both the House and the Senate. This provision has been carried in appropriations Acts for many years.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement limits administrative expenses of the Federal Highway Administration (FHWA) to $295,119,000, instead of $290,115,000 as proposed by the House and $386,658,000 as proposed by the Senate.

The conference agreement provides that certain sums be made available under section 104(a) of title 23, U.S.C. to carry out specified activities, as follows: $4,000,000 shall be available for commercial remote sensing products and spatial information technologies under section 5113 of Public Law 105–178, as amended; $10,000,000 shall be available for the national historic covered bridge preservation program under section 1224 of Public Law 105–178, as amended; $5,000,000 shall be available for the construction and improvement of the Alabama State Docks; $10,000,000 shall be available to Auburn University for the Center for Transportation Technology; $7,500,000 shall be made available for ''Child Passenger Protection Education Grants'' under section 2003(b) of Public Law 105–178, as amended; and $25,000,000 shall be available for the transportation and community and system preservation program under section 1221 of Public Law 105–178, as amended.

The recommended distribution by program and activity of the funding provided for FHWA's administrative expenses is as follows:

| | |
|---|---|
| FHWA administrative expenses | $315,834,000 |
| Undistributed reduction in administrative expenses | −1,000,000 |
| Defer information technology increases pending CIO review | −2,400,000 |
| Defer increases for workplace development | −4,330,000 |
| Delete funding requested for rural transportation planning initiatives | −1,000,000 |
| Eliminate funding for climate change center | −1,000,000 |
| Deny funding for national rural development partnership program | −500,000 |
| Delete funding for the Garret A. Morgan program | −688,000 |
| Delete funding for 2 new FTE for small and disadvantaged business activities | −230,000 |
| Deny funding for development of regional transportation plan for the Mississippi River Delta initiative | −1,000,000 |
| Delete funding for ''working better together'' activities | −500,000 |
| Provide $1,000,000 for the office of intermodalism | −317,000 |
| Deny increases for technology transfer and sharing activities | −5,000,000 |
| Disallow funds for the national personal transportation survey | −4,750,000 |
| Congestion mitigation and suburban mobility initiative | +2,000,000 |

*National personal transportation survey.*—The conference agreement does not include additional resources for the national personal transportation survey within FHWA's limitation on administrative expenses. Funds have been provided within policy research and the Bureau of Transportation Statistics to continue the national personal transportation survey in fiscal year 2001.

*International trade data systems.*—The conference agreement includes $1,620,000, as requested, for international trade data systems. The conferees agree with the direction of the House to provide the House and Senate Committees on Appropriations by February 1, 2001 a detailed cost estimate for the development and deployment of the complete system, including cost sharing by other participating federal, state and local agencies, and a schedule for full deployment. The conferees encourage the FHWA within the funds provided for this activity to conduct a study on transportation issues emerging from NAFTA with the University of Texas at El Paso and Dowling College of Long Island, New York, and to work with the Arctic Council to identify opportunities for international cooperation and development in the circumpolar region.

*Research and development administrative expenses.*—The level provided for administrative expenses of the FHWA shall include funding, as proposed by the House, to support various administrative activities that were requested within the research and technology programs.

*Inspector General cost reimbursements.*—The conference agreement provides up to $3,524,000 for Inspector General audit cost reimbursements. These funds are transferred from FHWA's administrative takedown as authorized under section 104(a) of title 23 to the office of the inspector general.

*Corporate average fuel economy.*—Up to $1,000,000 is provided under this heading to conduct a study of corporate average fuel economy standards. This study is more fully discussed under ''National Highway Traffic Safety Administration, Operations and research.''

*Dual logos on interstate signs.*—The conferees understand that in response to the establishment of shared facilities for restaurants and other services along interstate

highways, there is growing interest in the placement of dual logos on interstate signs to provide information to the traveling public. The Commonwealth of Kentucky is considering a demonstration project that would allow for the use of dual logos in one slot on interstates marking gas, food and lodging facilities. The conferees believe this proposal has merit and direct the FHWA to approve Kentucky's request, should it be submitted.

*New Jersey turnpike tremley point interchange.*—The conferees are aware of a proposal to construct a new truck-only interchange at exit 12A of the New Jersey Turnpike to provide commercial vehicle access and to alleviate congestion in Linden, New Jersey. The conferees stand in support of this initiative and encourage the appropriate transportation officials in the State of New Jersey to expedite construction of this critically needed congestion mitigation project.

*Chesapeake and Delaware Canal.*—The conferees direct the Secretary of the Army, acting through the Chief of Engineers, to remove lead-based paint from the St. Georges Bridge in Delaware, to repaint the bridge, and to conduct an assessment for rehabilitation of the bridge using available ''Operations and maintenance'' general funds from Energy and Water Development Appropriations Acts.

LIMITATION ON TRANSPORTATION RESEARCH

The conference agreement deletes the limitation on transportation research of $437,250,000 proposed by the House. Funding for transportation research programs and activities is included within the overall limitation on federal-aid highways, as proposed by the Senate.

FEDERAL-AID HIGHWAYS

The conference agreement limits obligations for the federal-aid highways program to $29,661,806,000 as proposed by both the House and the Senate. The conference agreement also includes the following limitations within the overall limitation on obligations for the federal-aid highways program as proposed by the Senate: $437,250,000 for transportation research; $25,000,000 for the magnetic levitation transportation technology deployment program; $31,000,000 for the Bureau of Transportation Statistics; and $218,000,000 for intelligent transportation systems. Within the funds provided for magnetic levitation, not to exceed $1,000,000 shall be available to the Federal Railroad Administration for administrative expenses associated with the program; not to exceed $1,500,000 shall be available to the Federal Railroad Administration for ''Safety and operations''; and not more than $1,000,000 shall be available for low-speed magnetic levitation research and development. The House bill contained no similar sub-limitations.

The conference agreement also includes a provision which, after deducting $156,486,491 for high priority projects; $25,000,000 for the Indian reservation roads program; $18,467,857 for the Woodrow Wilson Bridge; $10,000,000 for commercial driver's license program under motor carrier safety grants; and $1,735,039 for the Alaska Highway, distributes revenue aligned budget authority directly to the states consistent with each state's individual guaranteed share under section 1105 of Public Law 105–178. This approach is similar to the policy enacted for fiscal year 2000 and maximizes the resources flowing to individual states.

The conference agreement includes several provisions that stipulate how funds apportioned under section 110 of title 23, U.S.C. to the states of Oklahoma, Mississippi, New York, Nebraska, Alabama and California are to be allocated within those states. The FHWA is directed to ensure that the state departments of transportation of these states in no way diminish their annual planned expenditures from their regular federal-aid apportionment on the projects specified in this conference agreement.

*Commonwealth of Kentucky.*—The conferees expect the Kentucky Transportation Cabinet to pre-finance the right-of-way phase for the Pennyrile Parkway Extension from Hopkinsville to I–24 in Christian County, which is to be funded from the state's annual allotment of federal national highway system funds.

*Environmental streamlining pilot program.*—The conferees direct the Secretary of Transportation to designate the New Hampshire I–93 corridor project (from Manchester to Salem) as an environmental streamlining pilot project to demonstrate timely identification and resolution of issues, flexible mitigation strategies, and balanced decision-making. The conferees further expect the FHWA's New Hampshire Division Administrator, the Federal Transit Administration's Region 1 Administrator, the U.S. Environmental Protection Agency's Region 1 Administrator, the U.S. Army Corps of Engineers Northeast District Engineer, and the Fish and Wildlife Service Regional Director to serve on this project's board of directors and as principal partners for the duration of this project. This pilot may serve as a model for the application of ''project partnering'' to implement section 1309 of the Transportation Equity Act for the 21st Century (112 Stat. 232–234).

SURFACE TRANSPORTATION RESEARCH

Within the funds provided for surface transportation research, the conference agreement includes $66,000,000 for highway research and development for the following activities:

| | |
|---|---|
| Safety | $15,000,000 |
| Pavements | 15,000,000 |
| Structures | 15,000,000 |
| Environment | 6,200,000 |
| Policy | 4,600,000 |
| Planning and real estate | 4,100,000 |
| Advanced research | 900,000 |
| Highway operations and asset management | 5,200,000 |
| Total | 66,000,000 |

Within the funds provided for highway research and development, the conferees encourage the FHWA to provide up to $250,000 for continuation of the PM–10 study.

*Safety.*—The conference agreement includes $15,000,000 for safety research. FHWA is required to implement a comprehensive research and technology program that will ensure safety R&D and deployment activities receive at least the same amount of funds that were provided in fiscal year 2000. Within the funds provided for safety research, the conferees encourage the FHWA to expand its efforts to improve traffic safety at various types of intersections. In addition, the conferees encourage the FHWA to provide: up to $500,000 to explore traffic striping technology improvements which enhance reflectivity in heavy rain; up to $2,000,000 to determine the effectiveness of Freezefree anti-icing systems; up to $2,000,000 for cooperative research at the Western Washington University Vehicle Research Institute for safety and related initiatives; and up to $500,000 for rural bridge safety research in cooperation with the Vermont Agency of Transportation. Lastly, the conferees encourage the FHWA to provide up to $1,800,000 to the Transportation Research Institute at the George Washington University for multi-modal crash analysis, simulation, and modeling for occupant protection and human survivability; and for advanced research into improving performance and safety of transportation networks, including but not limited to information, communications, command and control, and logistics at the physical, operational and information levels.

*Pavements.*—The conference agreement provides $15,000,000 for pavements research. Within the funds provided for pavements research, the conferees encourage the FHWA to provide: up to $750,000 for cement concrete pavement research at Iowa State University's Transportation Research and Education Center; up to $2,000,000 for alkali silica reactivity research with lithium based technologies; up to $2,000,000 for further research into the GSB–88 emulsified sealer/binder treatment; up to $2,500,000 for the National Center for Asphalt Technology Pavement Research at Auburn University; up to $2,000,000 for a cooperative polymer additive demonstration involving South Carolina State University and Clemson University; and up to $1,000,000 for geosynthetic material pavement research at the Western Transportation Institute.

*Structures.*—The conference agreement provides $15,000,000 for structures research. Within the funds provided for structures research, the conferees encourage the FHWA to provide: up to $2,000,000 for research at the Center for Advanced Bridge Engineering at Wayne State University; up to $2,000,000 for nondestructive testing research at the Utah Transportation Center; up to $1,500,000 for advanced sensor and inspection research at the New Mexico State University Bridge Research Center; up to $2,000,000 for earthquake hazards mitigation research at the University of Missouri-Rolla; up to $2,000,000 for related engineering research at West Virginia University; up to $2,000,000 for polymer matrix composite research for wood structures at the University of Maine; up to $2,000,000 for a rustproofing and paint technology transfer project using the I–110 bridge from I–10 to U.S. 90; and up to $1,500,000 for cooperative work with the Transportation Research Center at the Washington State University.

*Environment.*—The conference agreement provides $6,200,000 for environmental research. Within the funds provided for this research activity, the FHWA is encouraged to provide: up to $1,000,000 for the Sustainable Transportation Systems Lab and the National Center for Transportation Technology for mitigation research for heavily-trafficked national parks; up to $1,500,000 for a dust and persistent particulate abatement demonstration study in Kotzebue, Alaska; and up to $1,000,000 to facilitate the air quality work at the National Environmental Respiratory Center.

*Policy.*—The conference agreement includes $4,600,000 for policy research. Sufficient funding provided under this activity, together with resources provided to the Bureau of Transportation Statistics, shall allow for continued, undiminished work on the national personal transportation survey. The conference agreement deletes funding to continue or to revise the truck size and weight study, as well as funding requested for research cooperation with various international organizations. Both the House and Senate Committees on Appropriations expect to be consulted before future international agreements are consummated by the department that are likely to require financial support by the FHWA.

*Highway operations and asset management.*—The conference agreement provides $5,200,000 for highway operations and asset management. Within the funds provided for this activity, the conferees encourage the FHWA to provide: up to $800,000 for innovative infrastructure financing best practices research ongoing at the University of Southern California; up to $1,000,000 for the road life research program in New Mexico; and up to $2,000,000 for the Center for Advanced Simulation Technology in New York and Auburn

University for continued work on a transportation management plan.

INTELLIGENT TRANSPORTATION SYSTEMS

The conference agreement includes a total of $218,000,000 for intelligent transportation systems (ITS), of which $118,000,000 is available for ITS deployment and $100,000,000 is for ITS research and development. Within the funds available for intelligent transportation systems deployment, the conference agreement provides that not less than the following sums shall be available for intelligent transportation projects in these specified areas:

| *Project* | *Conference agreement* |
|---|---|
| Alameda-Contra Costa, California | $500,000 |
| Aquidneck Island, Rhode Island | 500,000 |
| Austin, Texas | 250,000 |
| Automated crash notification system, UAB | 1,000,000 |
| Baton Rouge, Louisiana | 1,000,000 |
| Bay County, Florida | 1,500,000 |
| Beaumont, Texas | 150,000 |
| Bellingham, Washington | 350,000 |
| Bloomington Township, Illinois | 400,000 |
| Calhoun County, Michigan | 750,000 |
| Carbondale, Pennsylvania | 2,000,000 |
| Cargo Mate, New Jersey | 750,000 |
| Charlotte, North Carolina | 625,000 |
| College Station, Texas | 1,800,000 |
| Commonwealth of Kentucky | 1,500,000 |
| Commonwealth of Virginia | 5,500,000 |
| Corpus Christi, Texas (vehicle dispatching) | 1,000,000 |
| Delaware River Port Authority | 1,250,000 |
| DuPage County, Illinois | 500,000 |
| Fargo, North Dakota | 1,000,000 |
| Fort Collins, Colorado | 1,250,000 |
| Hattiesburg, Mississippi | 500,000 |
| Huntington Beach, California | 1,250,000 |
| Huntsville, Alabama | 3,000,000 |
| I–70 West project, Colorado | 750,000 |
| Inglewood, California | 600,000 |
| Jackson, Mississippi | 1,000,000 |
| Jefferson County, Colorado | 4,250,000 |
| Johnsonburg, Pennsylvania | 1,500,000 |
| Kansas City, Missouri | 1,250,000 |
| Lake County, Illinois | 450,000 |
| Lewis & Clark trail, Montana | 625,000 |
| Montgomery County, Pennsylvania | 2,000,000 |
| Moscow, Idaho | 875,000 |
| Muscle Shoals, Alabama | 1,000,000 |
| Nashville, Tennessee | 500,000 |
| New Jersey regional integration/TRANSCOM | 3,000,000 |
| North Central Pennsylvania | 750,000 |
| North Las Vegas, Nevada | 1,800,000 |
| Norwalk and Sante Fe Springs, California | 500,000 |
| Oakland and Wayne Counties, Michigan | 1,500,000 |
| Pennsylvania Turnpike Commission | 1,500,000 |
| Philadelphia, Pennsylvania | 500,000 |
| Puget Sound regional fare collection, Washington | 2,500,000 |
| Rensselaer County, New York | 500,000 |
| Rochester, New York | 1,500,000 |
| Sacramento County, California | 875,000 |
| Sacramento to Reno, I–80 corridor | 100,000 |
| Sacramento, California | 500,000 |
| Salt Lake City (Olympic Games), Utah | 1,000,000 |
| San Antonio, Texas | 100,000 |
| Santa Teresa, New Mexico | 500,000 |
| Schuylkill County, Pennsylvania | 400,000 |
| Seabrook, Texas | 1,200,000 |
| Shreveport, Louisiana | 1,000,000 |
| South Dakota commercial vehicle, ITS | 1,250,000 |
| Southeast Michigan | 500,000 |
| Southhaven, Mississippi | 150,000 |
| Spokane County, Washington | 1,000,000 |
| Springfield-Branson, Missouri | 750,000 |
| St. Louis, Missouri | 500,000 |
| State of Alaska | 2,350,000 |
| State of Arizona | 1,000,000 |
| State of Connecticut | 3,000,000 |
| State of Delaware | 1,000,000 |
| State of Illinois | 1,000,000 |
| State of Indiana (SAFE–T) | 1,000,000 |
| State of Iowa (traffic enforcement and transit) | 2,750,000 |
| State of Maryland | 3,000,000 |
| State of Minnesota | 6,500,000 |
| State of Missouri (rural) | 750,000 |
| State of Montana | 750,000 |
| State of Nebraska | 2,600,000 |
| State of New Mexico | 750,000 |
| State of North Carolina | 1,500,000 |
| State of North Dakota | 500,000 |
| State of Ohio | 2,000,000 |
| State of Oklahoma | 1,000,000 |
| State of Oregon | 750,000 |
| State of South Carolina | 2,000,000 |
| State of Tennessee | 1,850,000 |
| State of Utah | 1,500,000 |
| State of Vermont | 500,000 |
| State of Wisconsin | 1,000,000 |
| Texas border phase I, Houston, Texas | 500,000 |
| Tucson, Arizona | 1,250,000 |
| Tuscaloosa, Alabama | 2,000,000 |
| Vermont rural ITS | 1,500,000 |
| Washington, DC area | 1,250,000 |
| Washoe County, Nevada | 200,000 |
| Wayne County, Michigan | 5,000,000 |
| Williamson County/Round Rock, Texas | 250,000 |

Projects selected for funding shall contribute to the integration and interoperability of intelligent transportation systems, consistent with the criteria set forth in TEA21.

*District of Columbia*.—The conference agreement includes $1,250,000 for intelligent transportation systems in the national capital region. Within the amount provided, the conferees urge funding be made available to develop with George Mason University a system which coordinates ITS responses to major capital projects in Northern Virginia.

*Commonwealth of Virginia*.—Within the $5,500,000 provided for ITS projects in the Commonwealth of Virginia, $3,000,000 shall be for the I–81 corridor in the Shenandoah Valley and southwestern Virginia to improve safety. The conferees are encouraged by the opportunities to improve safety with ITS programs such as the collection and distribution of real time information, installation of dynamic message signs and safety monitors, coordination of emergency response, and other systems. The conferees expect the Virginia Department of Transportation, working in partnership with Virginia Polytechnic Institute, James Madison University, and George Mason University, to accelerate timely solutions to improve safety on the I–81 corridor.

The conference agreement provides $100,000,000 for ITS research and development activities, to be distributed by activity as follows:

| | |
|---|---|
| Research and development | $48,680,000 |
| Operational tests | 11,820,000 |
| Evaluations | 7,750,000 |
| Architecture and standards | 13,750,000 |
| Integration | 9,000,000 |
| Program support | 9,000,000 |
| Total | 100,000,000 |

*ITS standards, research, operational tests and development*.—Within the $100,000,000 provided for ITS standards, research, operational tests and development, the conference agreement includes, as proposed by the House, $7,300,000 for commercial vehicle research and $30,000,000 for intelligent vehicle initiative research, of which $5,000,000 shall be available for the initial phase of an operational test to advance collision avoidance technologies in the light vehicle platform. The conference agreement deletes $600,000 identified in the Senate report to initiate the design, engineering and installation of intelligent transportation systems at railroad-highway crossings on rail corridors.

FERRY BOATS AND FERRY TERMINAL FACILITIES

Within the funds available for ferry boats and ferry terminal facilities, funds are to be available for the following projects and activities:

| *Project* | *Conference* |
|---|---|
| Baylink ferry service, Vallejo, California | $1,000,000 |
| Broward County, Florida | 2,300,000 |
| Cherry Grove, Long Island ferry boat dock, New York | 360,000 |
| Curtis vessel replacement for Rockland and Vinal Haven, Maine | 250,000 |
| Dorena Ferry Mississippi River Crossing, Mississippi | 500,000 |
| Gees Bend ferry, Alabama | 1,000,000 |
| Greenport and Sag Harbor, New York, ferry service | 400,000 |
| Jamaica Bay transportation hub, New York | 680,000 |
| Fishers Island ferry terminal expansion, New London, Connecticut | 1,250,000 |
| Penns Landing dock improvements, Pennsylvania | 800,000 |
| Port of Corpus Christi (North Harbor) ferry facility, Texas | 1,000,000 |
| Potomac river ferry, Virginia | 660,000 |
| Providence and Newport ferry, Rhode Island | 1,000,000 |
| Provincetown, Massachusetts, terminal improvements | 300,000 |
| Sandusky, Ohio, river ferry | 500,000 |
| Savannah water taxi, Georgia | 400,000 |
| St. Johns River water taxi, Jacksonville, Florida | 500,000 |
| State of Ohio ferries | 500,000 |
| Treasure Island ferry service initiation and pier reconstruction, San Francisco, California | 1,000,000 |

MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM

The conference agreement provides a total of $25,000,000 for the high-speed magnetic levitation (maglev) technology deployment program. Of this total, $1,000,000 is for the Federal Railroad Administration (FRA) to administer the program; $1,500,000 is transferred to FRA for safety and operations activities; and $1,000,000 is for low-speed maglev development.

The conferees direct that $21,500,000 be transferred to FRA for the deployment of high-speed maglev projects. Of this total, the

conference agreement recommends the following amounts be made available for preconstruction planning and environmental impact assessments:

| | |
|---|---|
| Port Authority of Allegheny County, Pennsylvania: Pittsburgh International Airport link | $5,000,000 |
| Maryland Department of Transportation: Baltimore-Washington International Airport-Washington, D.C. link | 1,000,000 |
| California-Nevada Super Speed Train Commission: Las Vegas, NV to Anaheim, CA | 1,000,000 |
| Georgia/Atlanta Regional Commission: Atlanta, GA to Chattanooga, TN | 1,000,000 |
| Southern California Association of Governments: Los Angeles International Airport to March Air Force Base | 1,000,000 |
| Florida Department of Transportation | 1,000,000 |
| Greater New Orleans Expressway Commission | 1,000,000 |

The remaining funding ($10,500,000) shall be reserved for the projects that the Department of Transportation selects from among the seven candidates to continue in fiscal year 2001.

*Low-speed maglev program.*—A total of $6,000,000 has been allocated for low-speed maglev programs in fiscal year 2001. This funding is comprised of $1,000,000 transferred from the high-speed maglev program, instead of $3,000,000 as proposed by the Senate, and $5,000,000 from section 3015(c) of Public Law 105–178. This funding is to be allocated as follows:

| | |
|---|---|
| Segmented rail phased induction electric magnetic motor (SERAPHIM) project | $2,000,000 |
| Colorado Intermountain Fixed Guideway Authority Airport link project | 2,000,000 |
| Pittsburgh, Pennsylvania airborne shuttle system | 2,000,000 |

NATIONAL CORRIDOR PLANNING AND DEVELOPMENT PROGRAM

Within the funds available for the national corridor planning and development program, funds are to be available for the following projects and activities:

| *Project* | *Conference* |
|---|---|
| Anniston Evacuation corridor, Calhoun County, Alabama | $3,000,000 |
| Avalon Boulevard/405 Freeway interchange, Carson, California | 875,000 |
| Boca Raton traffic calming, Florida | 500,000 |
| City of North Ridgeville, Lorain County, Ohio grade crossing improvements | 600,000 |
| Coalfields expressway Virginia | 4,000,000 |
| Coalfields expressway, West Virginia | 10,000,000 |
| Downtown Fitchburg Route 12 extension, Massachusetts | 2,000,000 |
| Hatcher Pass (phase I), Alaska | 2,000,000 |
| I–25 corridor from Alameda to Logan, Colorado | 4,000,000 |
| I–29 Port of Entry, Union County, South Dakota | 2,000,000 |
| I–35 corridor expansion, Waco, Texas | 1,325,000 |
| I–5 South Medford interchange and Delta Park, Oregon | 1,000,000 |
| I–65 upgrade, Clark County, Indiana | 1,350,000 |
| I–66, Somerset to London, Kentucky | 5,000,000 |
| I–69 corridor, Louisiana | 2,300,000 |
| I–69 corridor, Texas | 3,000,000 |
| I–74 bridge, Moline, Illinois | 5,600,000 |
| Madison County, KY 21 and I–75, Kentucky | 1,000,000 |
| New Boston Road improvements, Mercer County, Illinois | 3,000,000 |
| Radio Road overpass, City of Sulphur Springs, Texas | 1,350,000 |
| Route 104, Virginia | 1,000,000 |
| South Shore industrial safety overpass, Indiana | 4,750,000 |
| Stevenson expressway, Illinois | 3,800,000 |
| US 19, Florida | 10,000,000 |
| US 25 improvements, Kentucky | 2,000,000 |
| US 321 and US 74, Gasden and Mecklenburg County, North Carolina | 500,000 |
| US 395 North Spokane corridor, Washington | 1,000,000 |
| US 43, Alabama | 4,000,000 |
| US 51 widening, Decatur, Illinois | 1,350,000 |
| US 95 (Milepost 522 to Canadian border), Idaho | 1,900,000 |
| US Route 2, New Hampshire | 1,500,000 |
| US–61 (Avenue of the Saints), Missouri | 4,000,000 |
| WI 29 (Chippewa Falls bypass, Wisconsin) | 3,000,000 |

TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PROGRAM

The conference agreement includes a total of $50,000,000 for the transportation and community and system preservation program, of which $25,000,000 is derived from funds provided under section 104(a) of title 23, United States Code. Within the funds made available for the transportation and community and system preservation program, funds are to be distributed to the following projects and activities:

| *Project* | *Conference* |
|---|---|
| 20/20 vision project in Concord, New Hampshire | $500,000 |
| Arkansas River, Wichita, Kansas, pedestrian transportation facility | 1,000,000 |
| Bangor, Maine, intermodal hub facility planning, railroad crossing signalization, bike and pedestrian trails | 600,000 |
| Bedford, New Hampshire, corridor planning | 250,000 |
| Billings, Montana, open/green space improvement project | 775,000 |
| Bowling Green, Kentucky, Riverfront Development transportation enhancements | 1,000,000 |
| Buckeye Greenbelt parkway beautification, Toledo, Ohio | 250,000 |
| Burlington, Vermont, North Street and Church Street improvements | 1,100,000 |
| Chantry Flats Road, Sierra Madre, California | 600,000 |
| Charleston, West Virginia, Kanawha Boulevard Walkway project | 2,000,000 |
| City of Angola and Steuben City, Indiana, bike path | 325,000 |
| City of Bedminster, New Jersey, bike path | 500,000 |
| City of Coronado, California, mobility improvements | 600,000 |
| City of Ferndale, Michigan, traffic signals | 50,000 |
| Claiborne County, Mississippi, access road from US 61 to new port facility | 400,000 |
| Clay/Leslie County, Kentucky | 2,000,000 |
| Clovis, New Mexico, street revitalization | 750,000 |
| Community and environmental transportation acceptability process, California | 1,000,000 |
| Delong Mountain Alaska, airport access and related planning | 300,000 |
| Downtown Omaha, Nebraska, access and redevelopment project | 300,000 |
| East Redoubt Avenue improvements, Soldotna, Alaska | 725,000 |
| El Segundo, California, intermodal facility improvements | 1,000,000 |
| Elwood bicycle/pedestrian bridge, County of Santa Barbara, California | 250,000 |
| Fairbanks, Alaska, downtown transit and cultural integration planning | 450,000 |
| Fairfax cross county trail/Potomac National Heritage Scenic Trail, Virginia | 500,000 |
| Flint, Michigan, transportation planning and origin & destination shipping study | 150,000 |
| Fort Worth, Texas, trolley study | 750,000 |
| Heritage Corridor Project study, Illinois | 200,000 |
| High capacity transportation system study, Albuquerque, New Mexico | 500,000 |
| Houston, Texas, Main Street Connectivity Project | 750,000 |
| Hudson River Waterfront Walkway, New Jersey | 2,000,000 |
| Huffman Prairie Flying Field Pedestrian and Multimodal Gateway Entrance, Dayton, Ohio | 700,000 |
| Humboldt Greenway project, Hennepin County, Minnesota | 1,000,000 |
| Jackson traffic congestion mitigation planning, Mississippi | 600,000 |
| Johnstown, Pennsylvania, pedestrian and streetscape improvements | 400,000 |
| Kansas City, Missouri, Illus Davis Mall enhancements | 350,000 |
| Las Cruces, New Mexico railroad and transportation museum | 200,000 |
| Lincoln Parish transportation plan, Louisiana | 1,500,000 |
| Lodge freeway pedestrian overpass, Detroit, Michigan | 9,000,000 |
| Manchester, Vermont, pedestrian initiative | 375,000 |
| Marked Tree, Arkansas, to I–55 along U.S. Highway 63 improvements and controlled access lanes | 600,000 |
| Minnesota Trunk Highway 610/10 interchange construction at I–94 | 1,650,000 |

| Project | Conference |
|---|---|
| Mitchell Marina development, Greenport, New York | 250,000 |
| Mobile, Alabama, GM&O intermodal center/Amtrak station | 650,000 |
| Montana DOT/Western Montana College statewide geological sign project | 200,000 |
| Montana statewide rail grade separation study and environmental review | 400,000 |
| New Bedford, Massachusetts, North Terminal | 200,000 |
| New Orleans, Louisiana, intermodal transportation research | 950,000 |
| NW 7th Avenue corridor improvement project, Miami, Florida | 100,000 |
| Ohio and Erie Canal corrdior trail development, Ohio | 1,000,000 |
| Olympic Discovery Trail, Washington | 580,000 |
| Owensboro riverfront development project | 300,000 |
| Palmer, Alaska, urban revitalization | 200,000 |
| Park Avenue realignment, Borough of Flemington, New Jersey | 1,175,000 |
| Pedestrian and bicycle route projects, City of Henderson, Nevada | 375,000 |
| Pedestrian improvements, Lake Cumberland Trail, Kentucky | 100,000 |
| Pioneer Courthouse Square lobby renovation project, Portland Oregon | 400,000 |
| Puget Sound freight mobility systems team project | 20,000 |
| Quincy, Illinois, 18th Street Bridge project | 300,000 |
| Raton, New Mexico, rail depot/intermodal center redevelopment | 750,000 |
| Roberto Clemente Park pedestrian improvements, Pittsburgh, Pennsylvania | 600,000 |
| Rockville, Maryland, Town Center accessibility improvement plan | 250,000 |
| Roseville, California, historic district revitalization project | 500,000 |
| Route 16 improvements, Ellenboro and Harrisville, West Virginia | 250,000 |
| Route 522 construction, Town of South Brunswick, New Jersey | 250,000 |
| Satsop Development Park road improvements, Grays Harbor, Washington | 1,700,000 |
| Soundview Greenway in the Bronx, New York, New York | 1,000,000 |
| South Kingshighway business district pilot program, St. Louis Missouri | 100,000 |
| Springfield, Missouri, center city plan | 750,000 |
| SR 99 corridor improvements, Shoreline, Washington | 1,000,000 |
| Talkeetna, Alaska, parking lot/pedestrian safety access | 400,000 |
| Tulsa/Sapula Union Railraod overpass at Oakridge Elementary School, Oklahoma | 400,000 |
| Uptown transportation management program, New Mexico | 500,000 |
| Utah-Coloralo ''Isolated Empire'' rail connector study | 500,000 |
| Van Buren and Russelville, Arkansas, environmental assessments and improvements | 1,000,000 |
| Virginia Beach, Virginia, bike trail | 400,000 |
| Virginia weigh stations | 1,000,000 |
| Walkable edgewater initiative, Chicago, Illinois | 100,000 |
| West Baden Springs preservation project, Indiana | 1,000,000 |
| Wheeling, West Virginia, Victorian Village Transportation Initiative | 500,000 |

*Weigh stations, Virginia.*—Funding has been provided in the conference agreement for two mobile weigh stations for the Commonwealth of Virginia to curb illegal overweight trucks using U.S. Route 50 and U.S. 17 (Crooked Run Valley) to bypass the permanent weigh station on I–81. The conferees expect that one such portable weigh station will be used in this region, which includes Fauquier, Clarke and Loudoun counties.

BRIDGE DISCRETIONARY PROGRAM

Within the funds available for the bridge discretionary program, funds are to be available for the following projects and activities:

| Project | Conference |
|---|---|
| 14th Street Bridge, Virginia | $5,000,000 |
| Chouteau Bridge, Jackson County, Missouri | 5,000,000 |
| Clement C. Clay Bridge replacement, Morgan/Madison counties, Alabama | 1,000,000 |
| Fairfield-Benton-Kennecbec River Bridge, Maine | 4,000,000 |
| Florida Memorial Bridge, Florida | 10,000,000 |
| Historic Woodrow Wilson Bridge, Mississippi | 3,200,000 |
| Missisquoi Bay Bridge, Vermont | 3,500,000 |
| Oaklawn Bridge, South Pasadena, California | 500,000 |
| Pearl Harbor Memorial Bridge replacement, Connecticut | 3,200,000 |
| Powell County Bridge, Montana | 1,500,000 |
| Santa Clara Bridge, Oxnard, California | 6,500,000 |
| Star City Bridge, West Virginia | 6,500,000 |
| US 231 bridge over Tennessee River, Alabama | 8,900,000 |
| US 54/US 69 Bridge, Kansas | 2,000,000 |
| Waimalu Bridge replacement on I–1, Hawaii | 3,400,000 |
| Washington Bridge, Rhode Island | 6,000,000 |

FEDERAL LANDS

Within the funds available for the federal lands program, funds are to be available for the following projects and activities:

| Project | Conference |
|---|---|
| 14th Street Bridge, Washington DC/Virginia | $2,500,000 |
| Acadia National Park trails and road projects | 500,000 |
| Bear River Migratory Bird Refuge access road | 950,000 |
| Boyer Chute National Wildlife Refugee paving project | 2,500,000 |
| Broughton Bridge, Clay County, Kansas | 100,000 |
| Charles M. Russell/Fort Peck Roads coalition access project | 500,000 |
| Chincoteague Refuge, Virginia | 500,000 |
| Chugach Road, Alaska | 250,000 |
| Clark Fork River bridge replacement, phase 2, Idaho | 1,500,000 |
| Crescent Lake National Wildlife Refuge access road, Nebraska | 500,000 |
| Cumberland Gap, Kentucky | 900,000 |
| Daniel Boone Parkway, Kentucky | 1,000,000 |
| Delaware Water Gap Recreational Area | 1,000,000 |
| Forest Highway 26 | 650,000 |
| Fort Baker, California | 100,000 |
| Giant Springs Road relocation L&C interpretive center, Great Falls, Montana | 800,000 |
| Highway 323 between Elzada and Ekalaka | 1,000,000 |
| Highway 419 reconstruction | 2,600,000 |
| Historic Kelso depot, Mojave National Preservation, California | 2,500,000 |
| Iditarod (Millenium trail) | 1,100,000 |
| Hawaii Volcanoes National Park and Hanalei Valley Scenic Lookout on Kauai | 1,500,000 |
| Lake Cumberland access road and improvements | 750,000 |
| Lake Tahoe Binwall repair and drainage improvement | 500,000 |
| Lowell National Historic Park, western canal walkway improvements | 500,000 |
| Manassas Battlefield access | 500,000 |
| Metlakatla/Walden Point Road | 1,250,000 |
| Milford Lake replacement bridge (Corps of Engineers lake) | 250,000 |
| Mongap Visitor Center—Upper Delaware Scenic and Recreational River | 900,000 |
| Mount Saint Helen's National Park access from Coldwater's visitor's center to US 12, Randall, Washington | 100,000 |
| Natchez Trace Parkway multi-use trail | 300,000 |
| New Mexico Route 4 Jemez Pueblo Bypass | 300,000 |
| New River Gorge National River road and safety improvements | 3,000,000 |
| Old Lock I park access road | 1,000,000 |
| Pasagshak Road realignment and improvement | 500,000 |
| Rampart Road Eureka connector | 500,000 |
| Ridgefield National Wildlife Refuge visitor's center, Clark County, Washington | 200,000 |
| Route 600, Virginia | 1,550,000 |
| Sawtooth National Forest access (phase 2), Idaho | 500,000 |
| SD 240 loop, Cedar Pass landslide stabilization, Badlands National Monument | 1,700,000 |
| Second access road for Fort Eustis, Virginia | 1,750,000 |
| Silvio Conte National Wildlife Refuge public roads | 500,000 |
| Soldier Hallow, Utah | 1,200,000 |

| *Project* | *Conference* |
|---|---|
| Teton Trail Pass (phase 3), Idaho | 500,000 |
| Timucuan Ecological and Historic Preserve, Florida | 450,000 |
| Traffic circle at Mount Vernon, Virginia | 250,000 |
| US 26 upgrade, Oregon | 1,500,000 |
| Utah Trail, Joshua Tree National Park, California | 1,500,000 |

The conferees direct that the funds allocated above are to be derived from the FHWA's public lands discretionary program, and not from funds allocated to the Fish and Wildlife Service's and National Park Service's regions.

BUREAU OF TRANSPORTATION STATISTICS

The conference agreement provides $31,000,000 for the Bureau of Transportation Statistics (BTS), as proposed by both the House and the Senate. Within the funds provided to BTS, $600,000 shall be available for statistical analysis of the National Quality Initiative, and up to $4,750,000 may be allocated for the national personal transportation survey. As noted earlier in this report, the funding provided herein, supplemented with funding provided within the policy research activity, shall be sufficient to continue work on the national personal transportation survey in fiscal year 2001.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation of $28,000,000,000 for the federal-aid highways program as proposed by both the House and the Senate.

EMERGENCY RELIEF HIGHWAYS

(HIGHWAY TRUST FUND)

The conference agreement includes an appropriation of $720,000,000 to fund the backlog of requests for damage repairs necessary due to disasters. Since the beginning of fiscal year 1999, the emergency relief program has been facing heavy demand for on-going funding needs from events in prior years. This, coupled with requests for funding to address events which occurred in fiscal year 1999 such as Hurricanes Floyd and Dennis, has led to the current backlog of requests. The funding needs far exceed the annual authorization of $100,000,000 for the emergency relief program. Consistent with the purpose of these funds, the entire amount has been designated as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

(HIGHWAY TRUST FUND)

The conference agreement under title III provides an appropriation of $54,963,000 from the highway trust fund for the Appalachian development highway system. The following table reflects the estimated distribution of funds by state:

| | |
|---|---|
| Alabama | $6,051,799 |
| Georgia | 2,418,532 |
| Kentucky | 5,551,582 |
| Maryland | 946,351 |
| Mississippi | 678,682 |
| New York | 1,304,379 |
| North Carolina | 3,563,079 |
| Ohio | 2,729,017 |
| Pennsylvania | 14,797,439 |
| South Carolina | 296,470 |
| Tennessee | 6,784,784 |
| Virginia | 1,426,067 |
| West Virginia | 8,414,819 |

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement includes $92,194,000 for administrative expenses of the Federal Motor Carrier Safety Administration as proposed by both the House and the Senate. Of this total, $82,344,000 is for operating expenses and $9,850,000 is for research. The following adjustments are made to the budget request:

| | |
|---|---|
| High-risk, intrastate carrier information | −$500,000 |
| Contract for vision exemption program | −638,000 |
| Personnel adjustments | +38,000 |
| Crash collection data (section 225e) | +225,000 |
| Operation Respond | +375,000 |
| Research and technology | +200,000 |
| Motor carrier safety advisory committee | +100,000 |
| Uniform carrier registration | +200,000 |

*High-risk, intrastate carrier information.*—The conference agreement deletes funding for the high-risk intrastate carrier information program under the operating expense account and recommends funding for this activity under the national motor carrier safety grant program because of its direct relevance to state motor carrier safety.

*Personnel adjustments.*—A total of 119 new, full-time employees (FTE) have been approved for fiscal year 2001, one FTE more than requested. Changes to the personnel budget request are as follows: vision exemption specialists (+3), information systems analysts (+1), international specialist (−1), technology specialist (−1), motor carrier safety grant personnel (+1), and executive secretariat (−2). Also, the conference agreement approves the 20 new border inspectors requested in the budget.

*Crash collection data.*—The conference agreement provides $2,975,000 to ensure that FMCSA fully implements section 225(e) of the Motor Carrier Safety Improvement Act of 1999. These funds should be used to improve data collection on motor carrier crashes, strengthen data analysis, link driver citation information with other information databases, help train state employees and motor carrier safety enforcement officials, and ensure an increased focus on problem drivers through the integration of driver and crash data.

*Research and technology.*—A total of $9,850,000 has been provided for research and technology initiatives, an increase of $200,000 above the budget request. The additional funding permits an increased effort on the ''share the road'' and ''no-zone'' initiatives.

*School transportation study.*—FMCSA shall continue funding the school transportation study required by section 4030 of TEA21 at the same level provided in fiscal year 2000.

*Motorcoach driver fatigue.*—The conferees note that the Federal Motor Carrier Safety Administration has acknowledged in its notice of proposed rulemaking on trucking hours-of-service that little is known about the operations of over-the-road buses and motorcoaches. The conferees believe that there should be additional study of the operations, driver practices and driver fatigue issues specific to over-the-road buses before any revisions to the existing trucking hours-of-service rules are finalized, and encourage the Secretary to conduct such studies to inform additional regulatory proposals in this area.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation of $177,000,000 for the national motor carrier safety program as proposed by the House and the Senate.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement includes a limitation on obligations of $177,000,000 for motor carrier safety grants proposed by the House and the Senate. This agreement allocates funding in the following manner:

| | |
|---|---|
| Basic motor carrier safety grants | $130,000,000 |
| Performance-based incentive grants | 7,500,000 |
| Border assistance | 8,000,000 |
| Priority initiatives | 8,000,000 |
| State training and administration | 1,500,000 |
| Crash causation (section 224f) | 5,000,000 |
| Information systems and strategic safety initiatives | 17,000,000 |
| Information systems | (3,700,000) |
| Motor carrier analysis | (2,300,000) |
| Implementation of PRISM | (5,000,000) |
| Driver programs | (1,000,000) |
| Data collection and analysis | (5,000,000) |
| Total | 177,000,000 |

*Commercial driver's license (CDL) program.*—In addition to the funding provided under this account, a total of $10,000,000 has been provided from funds authorized under section 104(a) of title 23, U.S.C. This funding shall only be available for the commercial driver's license program. Within the funds provided, FMCSA should work with the American Association of Motor Vehicle Administrators, the Commercial Vehicle Safety Alliance, lead MCSAP agencies, and licensing agencies to establish a working group to improve all aspects of the CDL program. In addition, FMCSA should consider sponsoring one or two pilot projects involving law enforcement and drivers licensing agencies to explore new and innovative ways to ensure that drivers who have been convicted of a disqualifying offense do not operate during the period of suspension or revocation. Finally, FMCSA should continue to support the judicial and prosecutorial outreach effort. FMCSA shall submit a letter to both the House and Senate Committees on Appropriations by April 1, 2001 summarizing efforts to increase quality control in the CDL program and efforts taken to provide technical and training assistance to the states.

*Automated brake testing equipment.*— According to 1999 data, the most common out-of-service violations were brake-related (37 percent). Virginia has been researching and exploring opportunities to use infrared brake inspection equipment and has found one new technology that could significantly help to identify brake deficiencies in a timely manner. Within the high priority allocation, sufficient funding should be provided for the Commonwealth of Virginia to install and test infrared brake inspection equipment (both fixed and hand held) at a few weigh stations.

*Covert operations.*—Within funding provided for high priority activities, $500,000 shall be used to conduct covert operations and survey the extent of this problem. FMCSA shall report on the survey results by May 1, 2001, outlining the extent to which out-of-service notices are being violated. This survey should be conducted on a sufficiently large sample size so that the scope and nature of the challenge are fully made known to the House and Senate Committees on Appropriations.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

The conference agreement provides $116,876,000 from the general fund for highway and traffic safety activities instead of

$107,876,000 as proposed by the House. The Senate did not provide a general fund appropriation for NHTSA's operations and research activities. Instead, the Senate provided the same amount ($107,876,000) from the highway trust fund for these activities. The additional $9,000,000 provided above the House and Senate levels shall be available to supplement the Office of Safety Defects and for other tire-related initiatives in the wake of the Firestone recall.

A total of $85,321,000 shall remain available until September 30, 2003 instead of $77,671,000 as proposed by the House and $77,670,000 as proposed by the Senate.

The agreement includes a provision carried since fiscal year 1996 that prohibits NHTSA from obligating or expending funds to plan, finalize, or implement any rulemakings that would add requirements pertaining to tire grading standards that are not related to safety performance. This provision was contained in both the House and Senate bills.

The conference agreement includes a provision that prohibits NHTSA from purchasing a vehicle to conduct new car assessment program crash testing at a price that exceeds the manufacturer's suggested retail price, as proposed by the Senate. The House bill contained no similar provision. If this provision unduly limits NHTSA's ability to test a new vehicle expeditiously, the Secretary may seek a waiver of this language from the House and Senate Committees on Appropriations.

The conference agreement modifies a provision proposed by the Senate that would have prohibited rollover testing using static stability factors. The agreement allows NHTSA to move forward with the rollover rating proposal while the National Academy of Sciences (NAS) studies static versus dynamic testing. NHTSA shall then be required to review the findings of the NAS study and propose any appropriate revisions to its testing procedures within 30 days of receiving the study.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATOINS)

(HIGHWAY TRUST FUND)

The conference agreement provides $72,000,000 from the highway trust fund to carry out provisions of 23 U.S.C. 403 as proposed by both the House and the Senate.

The following table summarizes the conference agreement for operations and research (general fund and highway trust fund combined) by budget activity:

| | |
|---|---|
| Salaries and benefits | $57,130,000 |
| Travel | 1,276,000 |
| Operating expenses | 19,810,000 |
| Contract programs: | |
| Safety performance | 7,366,000 |
| Safety assurance | 15,987,000 |
| Highway safety programs | 41,776,000 |
| Research and analysis | 57,536,000 |
| General administration | 645,000 |
| Grant administration reimbursements | −10,650,000 |
| Total | 190,876,000 |

Operating expenses.—A total of $19,810,000 has been provided for operating expenses. Within this total, sufficient funds should be provided for computer-related expenses for all administrative functions, including civil rights, public affairs, counsel, planning and policy, and administration. However, computer support should be funded at the fiscal year 2000 level. The conferees believe that this level of funding is adequate, and urge NHTSA to adopt a more cost-effective approach to managing computer support expenses. A detailed report on fiscal year 2000 computer support expenditures, as requested by the House, shall be provided to the House and Senate Committees on Appropriations by December 31, 2000.

*New car assessment program (NCAP).*—The conference agreement provides $5,556,000 for the new car assessment program. This fully funds the budget request for this program, except for the small dummy component, and provides sufficient funding to support a National Academy of Sciences study of the proposed rollover rating based on the static stability factor. A total of $500,000 has been included in the research and analysis contract program to crash 14 passenger vehicles with a small stature dummy to acquire essential test data and to assure that these dummies are satisfactorily developed for compliance testing associated with the new air bag rule in 2004. The agency has informed the House and Senate Committees on Appropriations that it will not release the results of crashes conducted to test the small stature dummy as part of NCAP.

*Safety defects.*—The conference agreement defers $145,000 requested to monitor and investigate recreational, transit, and emergency vehicles, as proposed by the Senate.

*Auto hotline.*—A total of $1,232,000 has been provided for the auto safety hotline, consistent with actions in the House and Senate reports.

*Safe communities.*—Funding has been deleted for the safe communities program, consistent with action taken by both the House and the Senate.

*National occupant protection program.*—The conference agreement provides $11,000,000 for the national occupant protection program. Within the funds provided, $1,000,000 shall be used to implement an innovative demonstration program for locally developed initiatives to increase seat belt usage, as proposed by the Senate.

The conferees direct the department's Inspector General to analyze the effectiveness and efficiency of the occupant protection program managed by the office of traffic safety programs. This review should consider the scope and direction of NHTSA's efforts to increase seat belt use rates and whether the agency is allocating funds to partnerships, demonstration projects, and other activities that are most likely to achieve the department's performance goals. The review also should consider the quality and nature of the technical assistance provided by NHTSA's regional staff to states and local governments that benefit from highway traffic safety grants programs.

*Section 157 program.*—NHTSA shall conduct a review of the procedures and processes used to administer the section 157 innovative grant program and submit a report to the House and Senate Committees on Appropriations by December 1, 2000, that details how grant administration will be improved and grant awards made more expeditiously within the constraints of existing law.

*Emergency medical services head injury research.*—A total of $2,250,000 has been provided for emergency medical services. Of this amount, $750,000 shall be provided to the Brain Trauma Foundation to continue phase three of the guidelines for pre-hospital management of traumatic brain injury.

*Aggressive driving.*—A total of $750,000 has been provided to develop and implement a regional education and driver modification program to combat aggressive driving in Maryland, Virginia, and the District of Columbia. Funding should be allocated as specified in the House report.

*Rural trauma.*—The conference agreement allocates $250,000 to the University of Vermont's College of Medicine and Fletcher Allen Health Care to determine if the survival rate of rural vehicular accidents could be improved through the application of advanced mobile video telecommunications links between a level 1 trauma center and ambulance crews, as proposed by the Senate.

The agreement also includes $500,000 to continue a project at the University of South Alabama on rural vehicular trauma victims, as proposed by the Senate.

*School bus occupant protection.*—Within contract funds, $250,000 is allocated to Mercer University Research Center to support a school bus safety initiative, as proposed by the Senate. The House contained no similar provision.

*Biomechanics.*—At a minimum, NHTSA should continue to support the biomechanics program at the fiscal year 2000 level. The conferees are very supportive of the work being conducted by the crash injury research and engineering network (CIREN) and are encouraged that private sector interests have agreed to fund two additional CIREN centers. Because of this commitment, no federal funding should be provided to expand the number of federally funded centers in fiscal year 2001.

In addition, the conferees agree to provide $1,000,000 to the Injury Control Research Center at the University of Alabama to conduct research related to cervical spine and paralyzing neck injuries that result from motor vehicle accidents.

*Special crash investigations.*—The private sector has agreed to fund 300 special crash investigations per year to collect and analyze real world crash data as proposed by National Transportation Safety Board. This will double the number of investigations conducted in fiscal year 2000. However, the conferees agree that, despite where such contributions are derived (i.e. from the public or private sector) to conduct these investigations, the results are to be treated as public data and no conditions shall be attached to their release.

*Side glazing.*—In 1991, NHTSA was required to address deaths and injuries resulting from accidents caused by motor vehicle rollovers, primarily focusing on the use of advanced glazing for vehicle windows, to prevent occupant ejection during rollovers. Since 1991, NHTSA has issued two interim reports concluding that advanced side glazing in passenger vehicles could save up to 1,300 lives per year, but NHTSA has yet to complete a final report. Therefore, the conferees direct NHTSA to complete and issue a final report on advanced side glazing by the end of calendar year 2000.

*Grant administration.*—Under TEA21, NHTSA may withhold up to five percent of the funding for the grant program for administrative costs. The conference agreement reflects a five percent draw down (−$10,650,000).

*CAFE language.*—A general provision (Sec. 320) is included that prohibits the use of funds to prepare, prescribe, or promulgate corporate average fuel economy (CAFE) standards for automobiles that differ from those previously enacted. In addition, the conferees request the National Academy of Sciences, in consultation with the Department of Transportation, to conduct a study to evaluate the effectiveness and impacts of CAFE standards. The study shall examine, among other factors, those considerations outlined in 49 U.S.C. section 32902(F); the impact of CAFE standards on motor vehicle safety; disparate impacts on the U.S. automotive sector; the effect on U.S. employment in the automotive sector; and the effect of requiring CAFE calculations for domestic and non-domestic fleets. The National Academy of Sciences shall complete this study no later than July 1, 2001, and submit it to the appropriate committees of the Congress and the Department of Transportation. Section 320 of this Act should not be

interpreted as preventing the Department of Transportation from providing the National Academy of Sciences with pertinent data and technical guidance and expertise, as necessary. As noted previously in the Federal Highway Administration's ''Limitation on administrative expenses'', up to $1,000,000 has been allocated for this study.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

The conference agreement provides $2,000,000 for the National Driver Register as proposed by both the House and the Senate. Of this funding, up to $250,000 may be used for the technology assessment authorized under section 2006 of TEA21.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides $213,000,000 to liquidate contract authorizations for highway traffic safety grants, as proposed by both the House and the Senate.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement limits obligations for highway traffic safety grants to $213,000,000 as proposed by both the House and the Senate. A total of $10,650,000 has been provided for administration of the grant programs as proposed by both the House and the Senate. Of this total, not more than $7,750,000 of the funds made available for section 402; not more than $650,000 of the funds made available for section 405; not more than $1,800,000 of the funds made available for section 410; and not more than $450,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23. This language is necessary to ensure that each grant program does not contribute more than five percent of the total administrative costs.

As noted within the Federal Highway Administration, the conference agreement provides $7,500,000 for child passenger protection education grants. The amount is the same as proposed by the House. The Senate proposed no similar appropriation.

The conference agreement retains bill language, proposed by both the House and Senate, that limits technical assistance to states from section 410 to $500,000.

The conference agreement prohibits the use of funds for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for state, local, or private buildings or structures, as proposed by both the House and the Senate.

The bill includes separate obligation limitations with the following funding allocations:

| | |
|---|---|
| State and community grants | $155,000,000 |
| Occupant protection incentive grants | 13,000,000 |
| Alcohol incentive grants | 36,000,000 |
| State highway safety data grants | 9,000,000 |

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

The conference agreement appropriates $101,717,000 for safety and operations instead of $102,487,000 as proposed by the House and $99,390,000 as proposed by the Senate. None of this funding is to be offset from user fees. Of the total amount, $5,899,000 shall remain available until expended instead of $5,249,000 as proposed by the House and $4,957,000 as proposed by the Senate.

In addition to the funding provided for safety and operations, $2,500,000 is provided to the Federal Railroad Administration from funds made available under section 1218 of Public Law 105–178. These funds shall be used to administer the magnetic levitation program, for Operation Lifesaver, for Alaska Railroad liabilities, and for track inspection activities. Of this total, no more than $1,000,000 shall be for administration of the maglev program.

The following adjustments were made to the budget estimate:

| | |
|---|---|
| Deny new staff positions | −$564,000 |
| Reduce funding for travel | −250,000 |
| Reduce information technology initiative | −594,000 |
| Decrease new employee development funding | −360,000 |
| Deny new outreach initiative | −500,000 |
| Decrease funding for program evaluation | −200,000 |
| Operation Respond | −100,000 |
| Operation Lifesaver | +425,000 |
| Southeast transportation center | +350,000 |
| Fatigue countermeasures program | +200,000 |
| Blakeley Island connector study | +100,000 |

*Operation Lifesaver.*—A total of $1,025,000 has been provided to Operation Lifesaver. Of this total, not less than $300,000 shall be used to deploy its national public service campaign.

*Southeast transportation center.*—The conference agreement provides $350,000 to establish an intermodal emergency response training center for the southeast region of the country, to be located in Meridian, Mississippi. These funds shall be used for equipment and program costs associated with establishment of the center, to include rail passenger equipment and track, a functional rail-highway grade crossing, rail and motor carrier hazardous material vehicles and containers, and other passenger rescue and hazardous materials training facilities. Federal funds provided for the center shall be matched with funding and in-kind contributions from industry, local governments, and other organizations.

*Fatigue countermeasures.*—A total of $500,000 has been provided for fatigue countermeasures. Of this amount, $250,000 shall be used to develop and implement educational and training programs designed to increase the awareness of fatigue throughout the rail industry and $250,000 shall be used to perform validation testing of controlled light eye reaction testing devices in order to establish a body of fatigue testing data and to assist in developing effective fatigue countermeasures.

*Blakeley Island connector study.*—The conference agreement provides $100,000 for a grant to Alabama State Docks, a state-owned facility, for a study of the cost and economic benefits of restoring rail service on Blakeley Island in Mobile Bay.

*Illinois rail-grade crossings.*—The State of Illinois, and in particular, northeastern Illinois, has the largest number of rail-grade crossings and quiet zones in the country. The conferees recognize Illinois' efforts to reduce accidents at these grade crossings and encourage FRA to work with communities in northeastern Illinois to further improve rail-grade crossing safety. This work should include offering technical assistance, identifying federal funding sources, and establishing federal-state-local task forces to improve safety and reduce accidents in this region. FRA should pay particular attention to enforcement enhancements and improved educational outreach in its efforts to help reduce risks to motorists and pedestrians.

The conference agreement deletes bill language contained in the Senate bill requiring FRA to reimburse the Department of Transportation's Inspector General $1,500,000 for the costs associated with rail audits and investigations. The House bill contained no similar provision.

The conference agreement includes a provision that authorizes the Secretary to receive payments from the Union Station Redevelopment Corporation, credit them to the first deed of trust, and make payments on the first deed of trust. These funds may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration and must be reimbursed from payments received by the Union Station Redevelopment Corporation. Both the House and Senate bills contained these provisions.

RAILROAD RESEARCH AND DEVELOPMENT

The conference agreement provides $25,325,000 for railroad research and development instead of $26,300,000 as proposed by the House and $24,725,000 as proposed by the Senate. None of this funding is to be offset from user fees. The following table summarizes the conference agreement by budget activity:

| | |
|---|---|
| Equipment, operations, and hazardous materials | $11,450,000 |
| Train occupant protection | (5,350,000) |
| Rolling stock safety assurance | (1,287,000) |
| Human factors | (2,978,000) |
| Hazardous materials transportation | (1,000,000) |
| Grade crossings—human factors | (835,000) |
| Track and vehicle track interaction | 8,300,000 |
| Track and components study | (4,150,000) |
| Track-train interaction safety | (3,050,000) |
| Grade crossing infrastructure | (600,000) |
| Marshall/Nebraska project | (500,000) |
| Railroad systems safety | 4,650,000 |
| Safety of high-speed ground transportation | (4,400,000) |
| Performance-based regulations | (250,000) |
| Research and development facilities and equipment | 925,000 |
| T–6 vehicle | (500,000) |
| Transportation Test Center | (425,000) |
| Total | 25,325,000 |

*Higher capacity rail cars on light density tracks.*—Within the funds provided, FRA should continue to conduct a study on track and bridge requirements for the handling of 286,000-pound rail cars as specified in the House report.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The conference agreement includes a provision proposed by both the House and Senate specifying that no new direct loans or loan guarantee commitments shall be made using federal funds for the payment of any credit premium amount during fiscal year 2001. No federal appropriation is required since a non-federal infrastructure partner may contribute the subsidy amount required by the Credit Reform Act of 1990 in the form of a credit risk premium. Once received, statutorily established investigation charges are immediately available for appraisals and necessary determinations and findings.

RHODE ISLAND RAIL DEVELOPMENT

Appropriations for the Rhode Island rail development project in fiscal year 2001 total $17,000,000, as proposed by the House. The

Senate bill allocated, within funds available to the Department of Transportation, $10,000,000 to the Rhode Island rail development project. With this appropriation, the federal commitment to this project is completed.

NEXT GENERATION HIGH-SPEED RAIL

The conference agreement provides $25,100,000 for the next generation high-speed rail program instead of $22,000,000 as proposed by the House and $24,900,000 as proposed by the Senate. The following table summarizes the conference agreement by budget activity:

| | |
|---|---|
| Train control projects: | $11,000,000 |
| Illinois project | (7,000,0000) |
| Michigan project | (3,000,000) |
| Digital radio network vehicle tracking system | (500,000) |
| Transportation safety research alliance | (500,000) |
| Non-electric locomotives: | 6,800,000 |
| Advanced locomotive propulsion system | (3,800,000) |
| Prototype locomotives | (3,000,000) |
| Grade crossings and innovative technologies: | 4,300,000 |
| North Carolina sealed corridor | (700,000) |
| Mitigating hazards | (2,500,000) |
| Low-cost technologies | (1,100,000) |
| Track and structures | 1,300,000 |
| Corridor planning activities | 1,700,000 |
| Total | 25,100,000 |

*Transportation safety research alliance.*—The conference agreement provides $500,000 for the Transportation Safety Research Alliance (TSRA) instead of $2,000,000 as proposed by the Senate. The conferees direct FRA to ensure that TSRA uses appropriated funds to deliver a positive train control component product that is usable as a stand alone system without the need for proprietary software and that this software is accompanied by adequate user documentation. Funding for this project should continue to be matched on a dollar-for-dollar basis by TSRA.

*Sealed corridor initiative.*—A total of $700,000 has been provided for North Carolina's sealed corridor initiative. The report and associated funding, proposed by the Senate, has been deleted.

*Cant deficiency speed study.*—Within funds provided, FRA shall analyze the safety impact from operations of passenger trains on freight rail trackage at up to five inches of cant deficiency for speeds between 80 and 110 miles per hour, as outlined in the Senate report. FRA should provide a report to the House and Senate Committees on Appropriations by November 30, 2000.

*Corridor planning.*—A total of $1,700,000 has been provided for corridor planning activities to be distributed as follows:

| | |
|---|---|
| Midwest regional rail initiative, preliminary engineering and design and eligible right-of-way improvements | $1,000,000 |
| Boston, MA to Burlington, VT high-speed corridor feasibility study | 200,000 |
| Southeast corridor extension from Charlotte, NC to Macon, GA | 200,000 |
| Gulf Coast high-speed rail corridor from Mobile, AL to New Orleans, LA | 300,000 |

*Rail-highway crossing hazard eliminations.*—Under section 1103 of TEA21, an automatic set-aside of $5,250,000 is made available each year for the elimination of rail-highway crossing hazards. A limited number of rail corridors are eligible for these funds. Of these set-aside funds, the following allocations were made:

| | |
|---|---|
| High-speed rail corridor, Washington, D.C. to Richmond, VA | $750,000 |
| High-speed rail corridor, Mobile, AL to New Orleans, LA | 1,500,000 |
| Salem, OR | 1,500,000 |
| Atlanta to Macon, GA | 125,000 |
| Eastern San Fernando Valley, CA | 125,000 |
| Keystone high-speed rail corridor, Harrisburg to Philadelphia, PA | 500,000 |
| High-speed rail corridor, Milwaukee to Madison, WI | 500,000 |
| Minneapolis/St. Paul, MN to Chicago, IL high-speed rail corridor (Minneapolis/St. Paul to LaCrescent, MN) | 250,000 |

ALASKA RAILROAD REHABILITATION

The conference agreement provides $20,000,000 for the Alaska Railroad as proposed by the Senate. The House bill contained no similar appropriation. This funding should be used to continue ongoing track rehabilitation ($10,000,000), signalized automated siding access between Wasilla and Potter Marsh, and track relocation/highway crossing eliminations.

WEST VIRGINIA RAIL DEVELOPMENT

The conference agreement provides $15,000,000 for capital costs associated with track, signal, and crossover rehabilitation and improvements on the MARC Brunswick line in West Virginia, as proposed by the Senate. The House bill contained no similar provision.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

The conference agreement provides $521,476,000 for capital grants to the National Railroad Passenger Corporation (Amtrak) as proposed by the House instead of $521,000,000 as proposed by the Senate. Bill language, as proposed by the House, is retained that limits the Secretary from obligating more than $208,590,000 of the funding provided prior to September 30, 2001. The Senate bill limited the obligation rate to $208,400,000.

*Fencing along the Northeast Corridor.*—Amtrak continues to make progress in enhancing safety along the tracks where high-speed rail will soon be operating. For example, almost 35,000 linear feet of chain-link fencing has been installed in Massachusetts to reduce trespassing along the railroad right-of-way. Earlier this year, the town of Mansfield asked for an additional 12,710 linear feet of fencing to be installed (phase III). On March 15, 2000, the President of Amtrak made a commitment to complete the installation of the fencing that has been requested before high-speed rail is operational. While the conferees recognize that Amtrak has limited funds and must balance many competing capital investment priorities, the conferees believe Amtrak should install the remaining 12,710 feet of fencing that was requested by Mansfield prior to Amtrak's March 15, 2000 testimony before the House Appropriations Committee. The same kind of fencing should be installed as was installed previously. If Mansfield and Amtrak agree that there is a need for more secure fencing within phase III, then they may seek a waiver of this limitation from the House and Senate Committees on Appropriations. Should the community identify additional areas in need of fencing (phases IV and V), then those costs shall be borne solely by these communities.

*Rail service in western Virginia.*—The Commonwealth of Virginia and Amtrak have been in discussions about the reestablishment of service between Washington, D.C., Bristol, Virginia, and Richmond, Virginia. Amtrak is encouraged to continue working with the Commonwealth of Virginia and the appropriate freight railroads to identify and address costs, infrastructure improvements, and operational needs to initiate such a service.

*Alliance, Ohio.*—Amtrak shall work with the City of Alliance, Norfolk Southern Corporation, and the State of Ohio to devise a plan to improve accessibility, visibility, safety and information at the Alliance, Ohio station. This report should be submitted to the House and Senate Committees on Appropriations within 180 days of enactment of this Act.

*South end infrastructure improvements.*—Amtrak is directed to provide quarterly reports, beginning on December 31, 2000, to the House and Senate Committees on Appropriations, the Senate Committee on Commerce, and the House Committee on Transportation and Infrastructure regarding (1) the cost-sharing arrangements agreed to among the users of the southern end of the Northeast Corridor, and (2) ongoing work to implement recommendations contained in the south end corridor infrastructure improvement plan.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

The conference agreement provides $64,000,000 for administrative expenses of the Federal Transit Administration as proposed by both the House and the Senate. Within the total, the conference agreement appropriates $12,800,000 from the general fund, as proposed by both the House and the Senate.

The conference agreement includes a provision that transfers $1,000,000 from project management oversight funds to the Inspector General for reimbursement of audit and financial reviews of major transit projects as proposed by the House. The Senate bill proposed that $3,000,000 from funds under this heading shall be used to reimburse the Inspector General for costs associated with audits and investigations of all transit-related issues and systems. The conference agreement also includes a provision that not to exceed $2,500,000 for the National Transit Database shall remain available until expended.

*Full-time equivalent (FTE) staff years.*—The conference agreement provides that the FTE level in fiscal year 2001 shall not rise in excess of 495 FTE. Additional staffing increases may be considered by the House and Senate Committees on Appropriations through the regular reprogramming process.

*Information technology activities.*—The conference agreement deletes funds requested for several technology programs pending the office of the secretary's chief information officer review and full identification of out-year costs (−$650,000). Sufficient funding has been included under this heading for infrastructure data protection, continued operation of the transportation electronic award and management application program, and annual electronic procurement life cycle maintenance, licenses and core operations.

*Other items.*—The conference agreement provides sufficient funds for workforce planning and training and equipment and office renovation. In addition, the conferees have included $250,000 for regional and state-based grantee workshops.

*National Transit Database.*—Funding of $2,500,000 for operation of the National Transit Database has been included under this heading, rather than in the research and development account as proposed by the Senate. The conferees further direct that none of the funds made available in this Act for project management oversight activities

may be used to supplement funds herein for the National Transit Database.

*Project management oversight.*—The conferees agree that funding made available for project management oversight shall include at least $21,900,000 for project management oversight reviews and $4,500,000 for financial management reviews.

The conferees direct that the FTA submit to the House and Senate Committees on Appropriations, the Inspector General and the General Accounting Office the quarterly financial management oversight and project management oversight reports for each project with a full funding grant agreement.

With the likelihood of an increasing number of transit projects requiring project oversight, the conferees are concerned that the funds available to finance these oversight activities may soon be insufficient to monitor adequately all large-dollar projects. In fact, the FTA anticipates that a funding shortfall of about $5,000,000 will occur in fiscal year 2002, and that it will then have to make difficult choices as to how it will apply limited oversight funds. FTA has yet to identify the level of funding shortfalls that may occur beyond fiscal year 2002 and how it will address any shortfalls. In order to address FTA's oversight needs and to protect the federal investment in these transit projects, the conferees direct the FTA to develop a plan to (1) determine the amount of funds needed to maintain an adequate level of oversight for all projects requiring oversight and the level of funding that likely will be available for this purpose; (2) identify options to cover any projected funding shortfalls; and (3) identify steps to respond to any shortfalls that may occur. The FTA should provide this plan with the 2002 budget submission to the Congress for consideration.

*Full funding grant agreements.*—TEA21, as amended, requires that the FTA notify the House and Senate Committees on Appropriations as well as the House Committee on Transportation and Infrastructure and the Senate Committee on Banking 60 days before executing a full funding grant agreement. In its notification to the House and Senate Committees on Appropriations, the conferees direct the FTA to include therein the following: (a) a copy of the proposed full funding grant agreement; (b) the total and annual federal appropriations required for that project; (c) yearly and total federal appropriations that can be reasonably planned or anticipated for future FFGAs for each fiscal year through 2003; (d) a detailed analysis of annual commitments for current and anticipated FFGAs against the program authorization; and (e) a financial analysis of the project's cost and sponsor's ability to finance, which shall be conducted by an independent examiner and shall include an assessment of the capital cost estimate and the finance plan, the source and security of all public- and private-sector financial instruments, the project's operating plan which enumerates the project's future revenue and ridership forecasts, and planned contingencies and risks associated with the project.

The conferees also direct the FTA to inform the House and Senate Committees on Appropriations before approving scope changes in any full funding grant agreement. Correspondence relating to scope changes shall include any budget revisions or program changes that materially alter the project as originally stipulated in the full funding grant agreement, and shall include any proposed change in rail car procurements.

FORMULA GRANTS

The conference agreement provides a total program level of $3,345,000,000 for transit formula grants, as proposed by both the House and the Senate. Within this total, the conference agreement appropriates $669,000,000 from the general fund as proposed by both the House and the Senate. The conference agreement provides that the general fund appropriation shall be available until expended.

The conference agreement provides that funding made available for the clean fuel formula grant program under this heading shall be transferred to and merged with funding provided for the replacement, rehabilitation and purchase of buses and related equipment and the construction of bus-related facilities under ''Federal Transit Administration, Capital investment grants''.

The conference agreement includes a provision that sets aside $60,000,000 from the formula grants program to fund the Salt Lake City Olympic transit program, instead of $40,000,000 as proposed by the House. The Senate bill contained no similar provision. Funds shall be available for grants for the costs of planning, delivery, and temporary use of transit vehicles for special transportation needs and construction of permanent and temporary transportation facilities for the XIX Winter Olympiad and the VII Paralympiad for the Disabled, to be held in Salt Lake City, Utah. In allocating the funds, the Secretary shall make grants only to the Utah Department of Transportation, and such grants shall not be subject to any local share requirement or limitation on operating assistance under this Act or the Federal Transit Act, as amended. This appropriation is similar to one provided in support of the Summer Olympic Games in Atlanta, Georgia in the fiscal year 1995 Department of Transportation and Related Agencies Appropriations Act.

The FTA, when evaluating the local financial commitment of new rail extension or busway projects, shall consider the extent to which projects' sponsors have used the appreciable increases in the formula grants apportionment for alternative analyses and preliminary engineering activities of such systems.

The conferees expect the Washington Metropolitan Area Transit Authority to use the appreciable increases in its section 5307 apportionment and the transportation infrastructure finance and innovation act (TIFIA) loan provided to WMATA to ensure that fire communications are in place in WMATA's tunnels.

UNIVERSITY TRANSPORTATION RESEARCH

The conference agreement provides a total program level of $6,000,000 for university transportation research as proposed by both the House and the Senate. Within the total, the conference agreement appropriates $1,200,000 from the general fund as proposed by both the House and the Senate. The conference agreement provides that the general fund shall be available until expended.

TRANSIT PLANNING AND RESEARCH

The conference agreement provides a total program level of $110,000,000 for transit planning and research as proposed by both the House and the Senate. Within the total, the conference agreement appropriates $22,200,000 from the general fund as proposed by both the House and the Senate. The conference agreement provides that the general fund appropriation shall be available until expended.

Within the funds appropriated for transit planning and research, $5,250,000 is provided for rural transportation assistance; $4,000,000 is provided for the National Transit Institute; $8,250,000 is provided for the transit cooperative research program; $52,113,600 is provided for metropolitan planning; $10,886,400 is provided for state planning; and $29,500,000 is provided for the national planning and research program.

The conference agreement deletes a provision proposed by the Senate that would have set aside $3,000,000 for Great Cities Universities consortium from funds made available for transit cooperative research. Funding for this activity is provided under the national planning and research account.

*Transit cooperative research program.*—Within the funds provided for transit cooperative research, $1,500,000 is allocated for phase 2 redesign activities of the national transit database.

*National planning and research.*—Within the funding provided for national planning and research, the Federal Transit Administration shall make available the following amounts for the programs and activities listed below:

| | *Conference Agreement* |
|---|---|
| Mid-America regional council coordinated transit planning, Kansas City metro area | $750,000 |
| Sacramento area council of governments regional air quality planning and coordination study | 250,000 |
| West Virginia University fuel cell technology institute propulsion and ITS testing | 1,000,000 |
| University of Rhode Island, Kingston traffic congestion study component | 150,000 |
| Trans-lake Washington land use effectiveness and enhancement review | 450,000 |
| State of Vermont electric vehicle transit demonstration | 500,000 |
| Acadia Island, Maine explorer transit system experimental pilot program | 150,000 |
| Center for Composites manufacturing | 950,000 |
| Southern Nevada air quality study | 800,000 |
| Project ACTION (TEA21) | 3,000,000 |
| Southeastern Pennsylvania Transit Authority advanced propulsion control system (TEA21) | 3,000,000 |
| Fairbanks extreme temperature clean fuels research | 800,000 |
| Safety and security programs | 6,100,000 |
| National rural transit assistance program | 750,000 |
| Mississippi State University bus service expansion plan | 100,000 |
| CALSTART/WESTART | 3,000,000 |
| Hennepin County community transportation, Minnesota | 1,000,000 |
| Electric transit vehicle institute, Tennessee | 500,000 |
| South Amboy, New Jersey transit study | 200,000 |
| Great Cities Universities consortium | 2,000,000 |
| Long Island, New York transportation land use projects | 250,000 |
| JOBLINKS | 1,050,000 |

The conference agreement deletes funding requested for the Garrett A. Morgan program (−$200,000).

*Fuel cell bus and bus facilities program.*—None of the funds available under this heading shall supplement funding provided under section 3015(b) of Public Law 105–178 for the fuel cell bus and bus facilities program.

*Safety and security programs.*—The conference agreement includes $6,100,000 for

safety and security programs. The conferees direct that these funds are to be wholly administered by the office of safety and security to advance safety programs and are not to be transferred to other offices to support lesser priority activities.

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides $5,016,600,000 in liquidating cash for the trust fund share of transit expenses as proposed by both the House and the Senate.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides a total program level of $2,646,000,000 for capital investment grants, as proposed by both the House and Senate. Within the total, the conference agreement appropriates $529,200,000 from the general fund as proposed by both the House and the Senate.

Within the total program level, $1,058,400,000 is provided for fixed guideway modernization; $529,200,000 is provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities; and $1,058,400,000 is provided for new fixed guideway systems, as proposed by both the House and the Senate. Funds derived from the formula grants program totaling $50,000,000 are to be transferred and merged with funds provided for the replacement, rehabilitation and purchase of buses and related equipment and the construction of bus-related facilities under this heading. In addition to the $1,058,400,000 provided in this Act for new starts, the conference agreement reallocates $26,994,048 to other new start projects contained in this Act. Reallocated funds are derived from unobligated balances from the following new start projects:

| | |
|---|---|
| Burlington to Gloucester, New Jersey (Public Law 103–331) | $1,488,750 |
| Orlando, Florida Lynx light rail project | 20,521,470 |
| Pittsburgh, Pennsylvania airport busway project (Public Law 105–66) | 4,983,828 |

The conference agreement deletes language proposed by the Senate that would have required the Administrator of the Federal Transit Administration, not later than February 1, 2001, to submit individually to the House and Senate Committees on Appropriations the recommended grant funding levels for the respective buses and bus-related facilities and new fixed guideway projects listed in the Senate bill and accompanying report. The House bill contained no similar provisions.

The conference agreement also deletes language proposed by the Senate that listed new fixed guideway systems and extensions to existing systems that are eligible to receive funding for final design and construction or are eligible to receive funding for alternatives analysis and preliminary engineering. The House bill contained no similar provision.

The conference agreement includes a provision that makes funds appropriated to the Miami-Dade east-west multimodal and the Miami Metro-Dade North 27th Avenue corridor projects in previous Department of Transportation and Related Agencies Appropriations Acts available to the Miami, Florida south busway project.

The conference agreement includes a provision proposed by the Senate that makes funds appropriated in Public Law 105–277 for the Colorado-North Front Range corridor feasibility study available for the Colorado-Eagle Airport to Avon light rail system feasibility study. The House bill contained a provision that would have returned these funds to the new starts program for reallocation to other new start projects in fiscal year 2001.

The conference agreement includes a provision proposed by the Senate that makes funds appropriated in Public Law 106–69, the fiscal year 2000 Department of Transportation and Related Agencies Appropriations Act, for certain bus and bus facilities projects in the state of Alabama available to the state of Alabama for buses and bus facilities. The House bill contained no similar provision.

*Three-year availability of section 5309 discretionary funds.*—The conference agreement includes a provision that permits the administrator to reallocate discretionary new start and bus facilities funds from projects which remain unobligated after three years. The conferees, however, direct the FTA not to reallocate funds provided in the 1997 and 1998 Department of Transportation and Related Agencies Appropriations Acts for the following projects:

*New starts*

Burlington—Essex, Vermont commuter rail
Cleveland Berea Red Line extension
Colorado Roaring Fork Valley rail project
Jackson, Mississippi intermodal corridor
Galveston, Texas rail trolley system project
New York St. George ferry terminal project
New Orleans Canal Street corridor project
New Orleans Desire Streetcar project
North Carolina Triangle Transit project
Salt Lake City, Utah commuter rail project
San Bernardino Metrolink project
San Diego Mid-Coast project
Virginia Railway Express—Woodbridge station improvement project

*Buses and bus facilities*

Arlington, Virginia Clarendon canopy project
Buena Park, California bus facilities
Burlington, Vermont multimodal center
Chatham, Georgia bus facility
Columbia, South Carolina buses and bus facilities
Corvalis, Oregon buses and bus facilities
Dulles, Virginia buses
El Paso, Texas demand response facility
Everett, Washington multimodal center
Folsom, California multimodal facility
Galveston, Texas buses and bus facilities
Jackson, Mississippi maintenance facility
King County, Washington park and ride expansion
Lake Tahoe, California intermodal transit center
Milwaukee, Wisconsin intermodal facility
Minnesota Metro Council Transit Operators, buses and bus facilities
Mobile, Alabama buses and intermodal facilities
Modesto, California bus maintenance facility
Monroe, Louisiana buses
New Castle, Delaware buses and bus facilities
New Haven, Connecticut multimodal center
North Carolina buses and bus facilities
Red Rose Transit Authority, Pennsylvania
Rialto, California Metro Link depot
Sacramento, California bus facility
Saint Tammany Parish, buses and bus facilities
Salt Lake City, Ogden and West Valley, Utah intermodal facilities
San Joaquin, California buses and bus facilities
Santa Clara, California buses and bus facilities
Seattle, Washington Kingdome intermodal facility
Sonoma County, California park and ride facility
Staten Island, New York mobility project
Tampa, Florida buses and bus facilities
Tucson, Arizona intermodal facility
Wilkes-Barre, Pennsylvania mobility project

The conferees agree that when the Congress extends the availability of funds that remain unobligated after three years and would otherwise be available for reallocation at the discretion of the administrator, such funds are extended only for one additional year, absent further congressional direction.

The conferees direct the FTA to reprogram funds from recoveries and previous appropriations that remain available after three years and are available for reallocation to only those section 3 new starts that have full funding grant agreements in place on the date of enactment of this Act, and with respect to bus and bus facilities, only to those bus and bus facilities projects identified in the accompanying reports of the fiscal year 2001 Department of Transportation and Related Agencies Appropriations Act. The FTA shall notify the House and Senate Committees on Appropriations 15 days prior to any such proposed reallocation.

*Bus and bus facilities.*—The conference agreement provides $529,200,000, together with $50,000,000 transferred from ''Federal Transit Administration, Formula grants'' and merged with funding under this heading, for the replacement, rehabilitation and purchase of buses and related equipment and the construction of bus-related facilities. Funds provided for buses and bus facilities are to be distributed as follows:

| | *Conference* |
|---|---|
| State of Alabama: | |
| Alabama State Docks intermodal passenger and freight facility | $1,000,000 |
| Birmingham—Jefferson County Transit Authority buses and bus facilities | 1,000,000 |
| Dothan—Wiregrass Transit Authority buses and bus facilities | 750,000 |
| Huntsville Space and Rocket Center intermodal center | 2,000,000 |
| Hunstville, intermodal facility | 500,000 |
| Huntsville International Airport intermodal center | 5,000,000 |
| Lanett, vans | 250,000 |
| Mobile Waterfront Terminal | 5,000,000 |
| Montgomery—Moulton Street Intermodal Facility | 3,000,000 |
| Montgomery, civil rights trail trolleys | 250,000 |
| Shelby County, vans | 200,000 |
| Staewide, bus and bus facilities | 1,500,000 |
| Tuscaloosa interdisciplinary science building parking and intermodal facility | 9,500,000 |
| University of Alabama Birmingham fuel cell buses | 2,000,000 |
| University of South Alabama, bus and bus facilities | 2,000,000 |
| University of North Alabama, buses and bus facilities | 2,500,000 |
| State of Alaska: | |
| Alaska State Fair park and ride and passenger shuttle system | 1,000,000 |
| Denali Depot intermodal facility | 3,000,000 |
| Fairbanks Bus/Rail Intermodal Facility | 3,100,000 |
| Fairbanks parking garage and intermodal center | 1,100,000 |

| | Conference |
|---|---|
| Homer Alaska Maritime Wildlife Refuge intermodal and welcome center | 850,000 |
| Port McKenzie intermodal facilities | 7,500,000 |
| Ship Creek pedestrain and bus facilities and intermodal center/parking garage | 5,000,000 |
| State of Arizona: | |
| Mesa bus maintenance facility—Regional Public Transportation Authority | 2,000,000 |
| Phoenix, bus and bus facilities | 4,500,000 |
| South Central Avenue transit center | 2,000,000 |
| Tucson intermodal transportation center at Union Pacific Depot | 3,000,000 |
| Tucson, bus and bus facilities | 1,000,000 |
| State of Arkansas: | |
| Central Arkansas Transit Authority, bus and bus facilities | 1,055,000 |
| Hot Springs—national park intermodal parking facility | 500,000 |
| Nevada County, vans and mini-vans | 90,000 |
| Pine Bluff, buses | 290,000 |
| River Market and College Station Liviable Communities Program | 1,100,000 |
| State of Arkansas, small rural and elderly and handicapped transit buses and bus facilities | 3,000,000 |
| State of California: | |
| AC Transit zero-emissions fuel cell bus deployment demonstration project | 1,000,000 |
| Alameda Contra Costs Transit District, buses and bus facilities | 500,000 |
| Anaheim, Buses and Bus facilities | 250,000 |
| Brea, buses | 150,000 |
| Calabasas, buses | 500,000 |
| Contra Costa Transit Authority (County Connection), buses | 500,000 |
| City of Livemore, park and ride facility | 500,000 |
| Commerce, buses | 1,000,000 |
| Compton, buses and bus-related equipment | 250,000 |
| Culver City, buses | 750,000 |
| Davis, buses | 1,000,000 |
| El Dorado, buses | 500,000 |
| El Segundo, Douglas Street gap closure and intermodal facility | 2,100,000 |
| Folsom, transit stations | 1,500,000 |
| Foothill Transit, buses and bus facilities | 2,500,000 |
| Fresno, intermodal facilities | 500,000 |
| Humboldt County, buses and bus facilities | 500,000 |
| Los Angeles County Metropolitan Transportation Authority, buses | 4,500,000 |
| Marin County, bus facilities | 910,000 |
| Modesto, bus facility | 250,000 |
| Monrovia, electric shuttles | 580,000 |
| Monterey Salinas Transit Authority, buses and bus facilities | 500,000 |
| Municipal Transit Operators Coalition, buses | 2,000,000 |
| Oceanside, intermodal facility | 2,000,000 |
| Placer County, buses and bus facilities | 500,000 |
| Playa Vista, Shuttle buses and bus-related equipment and facilities | 3,000,000 |
| Redlands, trolley project | 800,000 |
| Rialto, intermodal facility | 550,000 |
| Riverside County, buses | 500,000 |
| Sacramento, buses and bus facilities | 1,000,000 |
| San Bernardino, intermodal facility | 1,600,000 |
| San Bernardino, train station | 600,000 |
| San Diego, East Village station improvement plan | 1,000,000 |
| San Francisco, MUNI buses and bus facilities | 2,000,000 |
| Santa Barbara County, mini-buses | 240,000 |
| Santa Clara Valley Transportation Authority, buses | 500,000 |
| Santa Clarita, maintenance facility | 2,000,000 |
| Santa Cruz, buses and bus facilities | 1,550,000 |
| Sonoma County, buses and bus facilities | 1,000,000 |
| Sunline transit agency, buses | 1,000,000 |
| Temecula, bus shelters | 200,000 |
| Vista, bus center | 300,000 |
| State of Colorado: | |
| Statewise bus and bus facilities | 10,000,000 |
| State of Connecticut: | |
| Bridgeport, intermodal center | 5,000,000 |
| Hartford/New Britain busway | 750,000 |
| New Haven, trolley cars and related equipment | 1,000,000 |
| New London, parade project transit improvements | 2,000,000 |
| Norwich bus terminal and pedestrian access | 1,000,000 |
| Waterbury, bus garage | 1,000,000 |
| State of Delaware: | |
| Statewide bus and bus facilities | 3,500,000 |
| State of Florida: | |
| Statewide bus and bus facilities | 15,500,000 |
| State of Georgia: | |
| Atlanta, buses and bus facilities | 2,000,000 |
| Chatham, buses and bus facilities | 2,000,000 |
| Cobb County, buses | 1,250,000 |
| Georgia Regional Transit Authority, buses and bus facilities | 3,000,000 |
| State of Hawaii: | |
| Honolulu bus and bus facility improvements | 6,000,000 |
| State of Idaho: | |
| Statewide, bus and bus facilities | 3,500,000 |
| State of Illinois: | |
| Harvey, intermodal facilities and related equipment | 250,000 |
| Statewide, bus and bus facilities | 6,000,000 |
| State of Indiana: | |
| Evansville, buses and bus facilities | 1,500,000 |
| Gary—Adam Benjamin intermodal Center | 800,000 |
| Greater Lafayette Public Corporation—Wabash Landing buses and bus facilities | 1,500,000 |
| Indianapolis, buses and bus-related equipment | 2,500,000 |
| South Bend, buses | 3,000,000 |
| West Lafayette, buses and bus facilities | 2,100,000 |
| State of Iowa: | |
| Ames maintenance facility | 1,200,000 |
| Cedar Rapids intermodal facility | 1,200,000 |
| Clinton facility expansion | 500,000 |
| Des Moines park and ride | 700,000 |
| Dubuque, buses and bus facilities | 560,000 |
| Iowa City intermodal facility | 1,200,000 |
| Mason City, bus facility | 905,000 |
| Sioux City multimodal ground transportation center | 2,000,000 |
| Sioux City Trolley system | 700,000 |
| Statewide, bus and bus facilities | 2,500,000 |
| Waterloo, buses and bus facilities | 537,000 |
| State of Kansas: | |
| Johnson County, buses | 250,000 |
| Kansas City, buses | 2,000,000 |
| Kansas City, JOBLINKS | 250,000 |
| Kansas Department of Transportation, rural transit buses | 3,000,000 |
| Lawrence bus and bus facilities | 500,000 |
| Topeka, transit facility | 600,000 |
| Wichita, buses and ITS related equipment | 3,000,000 |
| Wyandotte County, buses | 250,000 |
| Commonwealth of Kentucky: | |
| Audubon Area Community Action | 190,000 |
| Bluegrass Community Action, buses and bus-related equipment | 160,000 |
| Central Community Action | 100,000 |
| Community Action of Southern Kentucky | 100,000 |
| Fulton County, vans and buses | 140,000 |
| Hardin County, buses | 300,000 |
| Kentucky Department of Transportation | 500,000 |
| Kentucky (southern and eastern) transit vehicles | 3,000,000 |
| Lexington, LexTran, buses and bus facilities | 3,500,000 |
| Louisville, bus and bus facilities | 3,000,000 |
| Maysville, bus-related equipment | 64,000 |
| Morehead, buses and bus-related equipment | 39,000 |
| Murray/Calloway County, buses and bus related equipment | 60,000 |
| Northern Kentucky Transit Agency, vans | 42,000 |
| Paducah Transit Authority, bus and bus facilities | 2,000,000 |
| Pennyrile, vans and related equipment | 200,000 |
| Pikeville, transit facility | 2,000,000 |
| State of Louisiana: | |
| Lafeyette multi-modal facility | 1,250,000 |
| Plaquemines Panish ferry | 1,000,000 |
| St. Bernard Parish intermodal facilities | 1,250,000 |
| Statewide bus and bus facilities | 2,500,000 |

| | Conference |
|---|---|
| State of Maine: | |
| Bangor intermodal transportation center | 1,500,000 |
| Statewide, bus, bus facilities and ferries | 4,000,000 |
| State of Maryland: | |
| Statewide bus and bus facilities | 8,000,000 |
| Commonwealth of Massachusetts: | |
| Attleboro, intermodal facilities | 1,000,000 |
| Berkshire, buses and bus facilities | 1,000,000 |
| Beverly and Salem, intermodal station improvements | 600,000 |
| Brockton, intermodal center | 1,000,000 |
| Lowell, transit hub | 1,250,000 |
| Merrimack Valley Regional Transit Authority, bus facility | 500,000 |
| Montachusett, bus facilities, Leominister | 250,000 |
| Montachusett, intermodal facilty, Fitchburg | 1,375,000 |
| Pioneer Valley, Pratransit vehicles and equipment | 1,000,000 |
| Springfield, intermodal facility | 500,000 |
| Woburn, buses and bus facilities | 250,000 |
| State of Michigan: | |
| Detroit, buses and bus facilities | 3,000,000 |
| Flint, buses and bus facilities | 500,000 |
| Lapeer, multi-modal transportation facility | 50,000 |
| SMART community transit, buses and paratransit vehicles | 4,125,000 |
| Statewide, buses and bus facilities | 11,000,000 |
| Traverse City, transfer station | 1,000,000 |
| State of Minnesota: | |
| Greater Minnesota buses and bus facilities | 1,250,000 |
| Metro Transit, buses and bus facilities | 13,500,000 |
| St. Cloud, buses and bus facilities | 2,125,000 |
| State of Mississippi: | |
| Brookhaven multimodal transportation center | 1,000,000 |
| Coast Transit Authority multimodal facility and shuttle service | 3,000,000 |
| Harrison county, multimodal center | 1,500,000 |
| Jackson, buses | 1,000,000 |
| Picayune multimodal center | 650,000 |
| State of Mississippi rural transit vehicles and regional transit centers | 3,000,000 |
| State of Missouri: | |
| Bi-State Development Agency, buses | 3,000,000 |
| Dunklin, Mississippi, Scott, Ripley, Stoddard and Cape Ciradeau counties, buses and bus facilities | 1,000,000 |
| Excelsior Springs bus replacement | 200,000 |
| Jefferson City van and equipment purchase | 250,000 |
| Kansas City, buses and bus facilities | 1,300,000 |
| OATS buses and vans | 2,000,000 |
| Southeast Missouri Transportation Service bus and bus facilities | 1,000,000 |
| Southwest Missouri State University, intermodal facility | 1,000,000 |
| St. Joseph bus replacement | 1,000,000 |
| State of Missouri bus and bus facilities | 3,000,000 |
| State of Montana: | |
| Billings buses and intermodal facility | 4,000,000 |
| Blackfoot Indian Reservation bus facility | 500,000 |
| Great Falls Transit district buses and bus facilities | 1,000,000 |
| Missoula Ravalli Transportation Management Association buses | 750,000 |
| State of Nebraska: | |
| Missouri River pedestrian crossing—Omaha | 4,000,000 |
| State of Nevada: | |
| Clark County bus passenger intermodal facility—Henderson | 2,000,000 |
| Clark County, bus rapid transit | 3,500,000 |
| Lake Tahoe CNG buses and fleet conversion | 2,000,000 |
| Reno and Sparks, buses and bus facilities | 1,000,000 |
| Washoe County buses and bus facilities | 3,000,000 |
| State of New Jersey: | |
| Elizabeth Ferry Project | 500,000 |
| New Jersey Transit alternative fuel buses | 4,000,000 |
| Newark Arena bus improvements | 4,000,000 |
| Trenton, train/intermodal station | 5,000,000 |
| State of New Mexico: | |
| Albuquerque automatic vehicle monitoring system (SOLAR) | 2,000,000 |
| Albuquerque bus replacement | 1,250,000 |
| Albuquerque, transit facility | 5,000,000 |
| Angel Fire Bus and Bus Facilities | 750,000 |
| Carlsbad, intermodal facilities | 630,000 |
| Clovis, buses and bus facility | 1,625,000 |
| Las Cruces, buses | 500,000 |
| Santa Fe buses and bus facilities | 2,000,000 |
| Valencia County, transportation station improvements | 1,250,000 |
| State of New York: | |
| Buffalo, buses | 2,000,000 |
| Buffalo, intermodal facility | 500,000 |
| Eastchester, Metro North facilities | 250,000 |
| Greenport and Sag Harbor, ferries and vans | 60,000 |
| Highbridge pedestrian walkway | 100,000 |
| Jamaica, intermodal facilities | 250,000 |
| Larchmont, intermodal facility | 1,000,000 |
| Long Beach, bus maintenance facility | 750,000 |
| Midtown West intermodal ferry terminal | 7,000,000 |
| Nassau County, buses | 2,300,000 |
| New Rochelle, intermodal transportation center | 1,000,000 |
| Oneida County, buses | 1,000,000 |
| Rensselaer County, intermodal facility | 500,000 |
| Rochester, buses and bus facilities | 2,000,000 |
| Saratoga County, buses | 650,000 |
| Suffolk County, senior and handicapped vans | 500,000 |
| Sullivan County, buses, bus facilities, and related equipment | 1,250,000 |
| Syracuse, buses | 3,175,000 |
| Tompkins County, intermodal facility | 625,000 |
| Weschester County, buses | 1,000,000 |
| Weschester and Duchess counties, vans | 200,000 |
| State of North Carolina: | |
| Statewide bus and bus facilities | 8,500,000 |
| State of North Dakota: | |
| Statewide bus and bus facilities | 2,500,000 |
| State of Ohio: | |
| Cincinnati—intermodal improvements | 1,000,000 |
| Cincinnati Riverfront Transit Center | 3,000,000 |
| Columbus Near East transit center | 1,000,000 |
| Dayton—Second and Main Multimodal Transportation Center | 625,000 |
| Statewide bus and bus facilities | 14,000,000 |
| State of Oklahoma: | |
| Metropolitan Tulsa Transit Authority pedestrian and streetscape improvements | 2,500,000 |
| Oklahoma City bus transfer center | 2,500,000 |
| Statewide bus and bus facilities | 4,000,000 |
| State of Oregon: | |
| Albany bus purchase—Linn-Benton transit system | 200,000 |
| Basin Transit System buses | 160,000 |
| Columbia County ADA buses | 110,000 |
| Coos County buses | 70,000 |
| Corvallis Transit System operations facility | 260,000 |
| Hood River County bus and bus facility | 240,000 |
| Lakeview buses | 50,000 |
| Lane Transit District buses and bus facility | 1,000,000 |
| Philomath buses | 40,000 |
| Redmond, buses and vans | 50,000 |
| Rogue Valley buses | 960,000 |
| Salem Area Transit District buses | 1,500,000 |
| Sandy buses | 220,000 |
| South Clackamas Transportation District bus | 90,000 |
| South Corridor Transit Center and park and ride facilities in Clackamas County | 1,500,000 |
| Sunset Empire Transit District improvements to Clatsop County Intermodal Facility | 800,000 |
| Tillamook County District transit facilities | 160,000 |
| Union County bus | 44,000 |
| Wasco County buses | 96,000 |
| Commonwealth of Pennsylvania: | |
| Allegheny County, buses | 250,000 |
| Area Transit Authority, ITS related activities | 1,800,000 |
| Beaver County, buses | 1,000,000 |
| Berks County, buses and bus facilities | 1,000,000 |
| Bethlehem intermodal facility | 1,500,000 |
| Bradford County, buses and bus facilities | 1,000,000 |

| | Conference |
|---|---|
| Bucks County, intermodal facility improvements | 1,250,000 |
| Cambria County Transit Authority, maintenance facilities | 750,000 |
| Centre Area Transportation Authority, buses | 1,600,000 |
| Fayette County, maintenance facilities | 500,000 |
| Indiana, maintenance facilities | 350,000 |
| Lancaster, buses | 1,000,000 |
| Lycoming County, buses and bus facilities | 2,000,000 |
| Mid County Transit Authority, buses | 135,000 |
| Mid Mon Valley Transit Authority, buses | 250,000 |
| Monroe County, buses and bus facilities | 1,000,000 |
| Philadelphia—Frankford Transportation Center | 3,500,000 |
| Philadelphia, Callowhill bus garage | 250,000 |
| Phoenixville, transit related improvements | 1,250,000 |
| Somerset County, ITS related equipment | 100,000 |
| Westmoreland County, buses and related equipment | 240,000 |
| Wilkes-Barre intermodal transportation center | 1,000,000 |
| State of Rhode Island: | |
| Statewide, buses and bus facilities | 4,000,000 |
| State of South Carolina: | |
| Statewide, buses and bus facilities | 6,675,000 |
| State of Tennessee: | |
| Southern Coalition for Advanced Transportation, buses | 2,000,000 |
| Statewide, buses and bus facilities | 4,000,000 |
| State of Texas: | |
| Austin, buses | 500,000 |
| Brazos Transit District, buses | 500,000 |
| Corpus Christi, buses and bus facilities | 1,000,000 |
| Dallas, buses | 2,000,000 |
| El Paso, buses | 1,000,000 |
| Fort Worth, intermodal transportation center | 3,500,000 |
| Fort Worth, buses and bus facilities | 3,000,000 |
| Galveston, buses and bus facilities | 250,000 |
| Harris County, buses and bus facilities | 2,000,000 |
| Houston Metro, Main Street Transit Corridor improvements | 1,000,000 |
| Lubbock, buses and bus facilities | 1,000,000 |
| Texas Rural Transit Vehicle Fleet Replacement Program | 4,000,000 |
| Waco, maintenance facility | 1,650,000 |
| State of Utah: | |
| Statewide Olympic bus and bus facilities | 10,000,000 |
| State of Vermont: | |
| Burlington multimodal transportation center | 1,500,000 |
| Bellows Falls Multimodal | 1,500,000 |
| Brattleboro multimodal center | 2,500,000 |
| Central Vermont Transit Authority buses and bus facilities | 1,500,000 |
| Chittenden County transportation authority, buses | 1,000,000 |
| Vermont Statewide paratransit | 1,500,000 |
| Commonwealth of Virginia: | |
| Statewide bus and bus facilities | 15,464,000 |
| State of Washington: | |
| Clallam County, transportation center | 500,000 |
| Clark County, intermodal facilities | 1,000,000 |
| Ephrata, buses | 440,000 |
| Everett, buses | 1,500,000 |
| King County Metro Eastgate Park and Ride | 3,000,000 |
| King County Metro transit bus and bus facilities | 2,000,000 |
| Renton/Port Quendall transit project | 500,000 |
| Richland, bus maintenance facility | 1,000,000 |
| Snohomish County, buses and bus facilities | 1,000,000 |
| Sound Transit, regional express buses | 2,000,000 |
| Statewide combined small transit system request—bus and bus facilities | 1,250,000 |
| Thurston County, bus-related equipment | 1,250,000 |
| State of West Virginia: | |
| Statewide buses and bus facilities | 2,000,000 |
| State of Wisconsin: | |
| Statewide bus and bus facilities | 14,000,000 |
| State of Wyoming: | |
| Cheyenne transit and operation facility | 920,000 |

*State of Alabama*.—The conference agreement provides a total of $1,500,000 for buses and bus facilities within the State of Alabama. Within the funds provided to the state, $25,000 shall be available for Lamar County vans.

*State of Florida*.—The conferees direct that the funds provided to the State of Florida for buses and bus facilities are to be allocated to all providers within the state, including Tallahassee.

*Hot Springs, Arkansas*.—Up to $560,000 of the funds allocated for the transportation depot and plaza project in Hot Springs, Arkansas in the fiscal year 2000 Department of Transportation and Related Agencies Appropriations Act may be available for buses and bus facilities.

*Commonwealth of Kentucky*.—The conference agreement includes $500,000 for buses and bus facilities for the Kentucky Department of Transportation, to be allocated as follows: $88,000 for the city of Frankfort for minibuses; $64,000 for Community Action of Fayette/Lexington for cutaways and lifts; and $102,400 for Lexington Red Cross for minibuses.

*State of Louisiana*.—The conference agreement includes $2,500,000 for buses and bus facilities in the State of Louisiana. These funds are to be allocated as follows: Alexandria buses and vans, $40,000; Baton Rouge buses and bus equipment, $50,000; Jefferson Parish buses and bus related facilities, $20,000; Lafayette buses and bus related facilities, $300,000; Louisiana Department of Transportation and Development vans, $135,000; Monroe buses and bus related facilities, $135,000; New Orleans bus lease-maintenance, $1,510,000; Shreveport buses, $295,000; and St. Tammany Parish park and ride, $15,000.

*State of Michigan*.—The conference agreement includes $11,000,000 for statewide buses and bus facilities. These funds are to be allocated only for the following transit agencies: Holland, Cadillac/Wexford, Grand Haven, Ludington, Manistee County, Yates Township, Muskegon area transit authority, Barry County, Ionia, Ionia transit authority, Alma, Big Rapids, Clare County, Crawford County transit commission, Gladwin County, Greenville, Isabella County transit commission, Midland, Midland County, Ogemaw County, Roscommon County, Shiawassee, Twin Cities, Berrien County, Cass County, Dowagiac DAR, Kalamazoo County, Van Buren County, Battle Creek, Adrian, Branch area transit authority, Eaton County, Mecosta County, Lenawee County, Bay Metro and Saginaw.

*Nassau County, New York*.—The conference agreement includes $2,300,000 for bus and bus facilities in Nassau County, New York. Of that amount, not less than $400,000 shall be made available for service to and from the Nassau County Medical Center and its community health centers.

*State of Utah*.—The conference agreement includes $10,000,000 for Olympic buses and bus facilities in the State of Utah. These funds are to be available for temporary and permanent bus and bus facility investments to satisfy the transportation requirements of the 2002 Winter Olympic Games. These funds are to be allocated by the Secretary based on the approved transportation management plan for the Salt Lake City 2002 Winter Olympic Games and the Secretary shall make grants only to the Utah Department of Transportation.

*Commonwealth of Virginia*.—The conference agreement includes $15,464,000 for the Commonwealth of Virginia for buses and bus facilities which shall be distributed as follows: Loudoun Transit multi-modal facility, $1,500,000; Hampton Roads bus and bus facilities, $2,500,000; Prince William County fleet replacement, $3,000,000; Fair Lakes League, $500,000; Springfield station improvements, $500,000; Fairfax County Transportation Association of Greater Springfield, $500,000, Falls Church Bus Rapid Transit terminus, $1,000,000; Lynchburg bus and bus facility, $1,500,000; Jamestown/Yorktown and Williamsburg CNG bus, $1,500,000; Danville bus replacement, $58,000; Farmville bus and bus facilities, $100,000; Charlottesville bus and bus facilities, $1,000,000; City of Richmond bus and bus facilities, $2,000,000.

*New fixed guideway systems*.—In total, the conference agreement provides $1,085,394,048 for new fixed guideway systems, of which $1,058,400,000 is from new appropriations and $26,994,048 is derived from funds made available in previous appropriations acts that have been reprogrammed to new starts funding in fiscal year 2001. The conference agreement provides for the following distribution of the recommended funding for new fixed guideway systems as follows:

| Project | Conference level |
|---|---|
| Alaska or Hawaii ferry projects | $10,400,000 |
| Albuquerque/Greater Albuquerque mass transit project | 500,000 |
| Atlanta—MARTA north line extension project | 25,000,000 |
| Austin Capital Metro light rail project | 1,000,000 |
| Baltimore central LRT double track project | 3,000,000 |
| Birmingham, Alabama transit corridor | 5,000,000 |
| Boston—South Boston Piers transitway project | 25,000,000 |
| Boston Urban Ring project | 1,000,000 |
| Burlington-Bennington (ABRB), Vermont commuter rail project | 2,000,000 |
| Calais, Maine branch line regional transit program | 1,000,000 |

| Project | Conference level |
|---|---|
| Canton-Akron-Cleveland commuter rail project | 2,000,000 |
| Central Florida commuter rail project | 3,000,000 |
| Charlotte, North Carolina, north corridor and south corridor transitway projects | 5,000,000 |
| Chicago—METRA commuter rail projects | 35,000,000 |
| Chicago—Ravenswood and Douglas Branch reconstruction projects | 15,000,000 |
| Clark County, Nevada RTC fixed guideway project | 1,500,000 |
| Cleveland Euclid corridor improvement project | 4,000,000 |
| Colorado Roaring Fork Valley project | 1,000,000 |
| Dallas north central light rail extension project | 70,000,000 |
| Denver—Southeast corridor project | 3,000,000 |
| Denver—Southwest corridor project | 20,200,000 |
| Detroit, Michigan metropolitan airport light rail project | 500,000 |
| Dulles corridor project | 50,000,000 |
| Fort Lauderdale, Florida Tri-County commuter rail project | 15,000,000 |
| Galveston rail trolley extension project | 1,000,000 |
| Girdwood to Wasilla, Alaska commuter rail project | 15,000,000 |
| Harrisburg-Lancaster capital area transit corridor 1 commuter rail project | 500,000 |
| Hollister/Gilroy branch line rail extension project | 1,000,000 |
| Honolulu, Hawaii bus rapid transit project | 2,500,000 |
| Houston advanced transit project | 2,500,000 |
| Houston regional bus project | 10,750,000 |
| Indianapolis, Indiana northeast-downtown corridor project | 3,000,000 |
| Johnson County, Kansas I–35 commuter rail project | 1,000,000 |
| Kansas City, Missouri Southtown corridor project | 3,500,000 |
| Kenosha-Racine-Milwaukee rail extension project | 4,000,000 |
| Little Rock, Arkansas river rail project | 3,000,000 |
| Long Island Railroad East Side access project | 8,000,000 |
| Los Angeles Mid-City and East Side corridors projects | 2,000,000 |
| Los Angeles North Hollywood extension project | 50,000,000 |
| Los Angeles—San Diego LOSSAN corridor project | 3,000,000 |
| Lowell, Massachusetts-Nashua, New Hampshire commuter rail project | 2,000,000 |
| MARC expansion projects—Penn-Camden lines connector and midday storage facility | 10,000,000 |
| Massachusetts North Shore corridor project | 1,000,000 |
| Memphis, Tennessee Medical Center rail extension project | 6,000,000 |
| Nashville, Tennessee regional commuter rail project | 6,000,000 |
| New Jersey Hudson Bergen project | 121,000,000 |
| Newark-Elizabeth rail link project | 7,000,000 |
| Northern Indiana south shore commuter rail project | 2,000,000 |
| Northwest New Jersey-Northeast Pennsylvania passenger rail project | 1,000,000 |
| Oceanside-Escondido, California light rail extension project | 10,000,000 |
| Orange County, California transitway project | 2,000,000 |
| Philadelphia-Reading SEPTA Schuylkill Valley metro project | 10,000,000 |
| Philadelphia SEPTA Cross County metro project | 2,000,000 |
| Phoenix metropolitan area transit project | 10,000,000 |
| Pittsburgh North Shore—central business district corridor project | 5,000,000 |
| Pittsburgh stage II light rail project | 12,000,000 |
| Portland—Interstate MAX LRT extension project | 7,500,000 |
| Portland, Maine marine highway program | 2,000,000 |
| Puget Sound RTA Sounder commuter rail project | 5,000,000 |
| Raleigh-Durham-Chapel Hill Triangle Transit project | 10,000,000 |
| Rhode Island-Pawtucket and T.F. Green commuter rail and maintenance facility | 500,000 |
| Sacramento, California south corridor LRT project | 35,200,000 |
| Salt Lake City—University light rail line project | 2,000,000 |
| San Bernardino, California Metrolink project | 1,000,000 |
| San Diego Mission Valley East light rail project | 31,500,000 |
| San Francisco BART extension to the airport project | 80,000,000 |
| San Jose Tasman West light rail project | 12,250,000 |
| San Juan Tren Urbano project | 75,000,000 |
| Santa Fe-Eldorado, New Mexico rail link project | 1,500,000 |
| Seattle, Washington—Central Link LRT project | 50,000,000 |
| Spokane, Washington South Valley corridor light rail project | 4,000,000 |
| St. Louis, Missouri MetroLink Cross County connector project | 1,000,000 |
| St. Louis-St. Clair MetroLink extenson project | 60,000,000 |
| Stamford, Connecticut fixed guideway corridor | 8,000,000 |
| Stockton, California Altamont commuter rail project | 6,000,000 |
| Twin Cities Transitways projects | 5,000,000 |
| Twin Cities Transitways—Hiawatha corridor project | 50,000,000 |
| Virginia Railway Express commuter rail project | 3,000,000 |
| Washington Metro—Blue Line extension—Addison Road (Largo) project | 7,500,000 |
| West Trenton, New Jersey rail project | 2,000,000 |
| Whitehall and St. George ferry terminal projects | 2,500,000 |
| Wilmington, Delaware downtown transit corridor project | 5,000,000 |
| Wilsonville to Washington County, Oregon commuter rail project | 1,000,000 |

*Austin, Texas capital metro light rail project.*—The conference agreement includes $1,000,000 for preliminary engineering work for the north/south and southeast corridor in Austin, Texas.

*Boston—South Boston Piers transitway project.*—The conference agreement includes $25,000,000 for the South Boston Piers transitway project. Because of construction delays and coordination of this project with the Central Artery/Tunnel project, the conferees direct that none of the funds provided in this Act for the South Boston Piers transitway project shall be available until (1) the project sponsor produces a finance plan that clearly delineates the full cost to complete the project, as well as other planned capital and operational requirements of the MBTA, and the manner in which the sponsor expects to pay these costs; (2) the FHWA and the FTA conducts a final review and accepts the plan and certifies to the House and Senate Committees on Appropriations that the fiscal management of the project meets or exceeds accepted U.S. government standards; (3) the General Accounting Office and the Department of Transportation's Inspector General conduct an independent analysis of the plans and provide such analysis to the House and Senate Committees on Appropriations within 60 days of FTA accepting the plan; and (4) the House and Senate Committees on Appropriations have concluded their review of the analysis within 60 days of the transmittal of the analysis to the Committees. Lastly, the House directs the FTA and the IG to conduct ongoing, continual financial management reviews of this project.

*Central Florida commuter rail project.*—For the central Florida commuter rail project, the conference agreement provides $3,000,000. The conferees are aware that local agencies in Orlando, Florida rescinded their plans to proceed with a light rail project in the Orlando area, for which nearly $56,000,000 in previously appropriated funds were made available, and are now proceeding with commuter rail. While the conference agreement reallocates these balances from the Orlando light rail project to other projects in fiscal year 2001, the conferees are mindful of the continuing need to improve mobility in the greater Orlando area and will consider future appropriations for the central Florida commuter rail project as plans are approved by the appropriate local, state and federal agencies.

*Chicago-METRA commuter rail projects.*—The conference agreement includes $35,000,000 for preliminary engineering, design and construction on the METRA commuter rail projects in Chicago, Illinois.

*Denver-Southeast cooridor project.*—The conference agreement includes $3,000,000 for the Denver southeast corridor project, as proposed by the House. The conferees have provided this amount without prejudice to the pending full funding grant agreement, while recognizing that the federal financial commitment to the southwest line was first necessary to complete.

*Dulles corridor.*—The conference agreement includes $50,000,000 for preliminary engineering and design on the Dulles corridor project.

*Girdwood to Wasilla, Alaska, commuter rail project.*—The conferees agree that all references in the fiscal year 2000 Department of Transportation and Related Agencies Appropriations Act and accompanying statement of managers referring to Girdwood, Alaska, commuter rail project and North Anchorage to Girdwood are intended to refer to the Girdwood to Wasilla, Alaska, commuter rail project as contained in the Act.

*Kansas City, Missouri southtown corridor.*—The conference agreement includes $3,500,000 for engineering and design work for the southtown corridor light rail project in Kansas City, Missouri.

*Washington Metropolitan Area Transit Authority.*—The conferees expect that the Washington Metropolitan Area Transit Authority will undertake from resources available to the Authority access improvements at Ballston Metro station.

*Whitehall and St. George ferry terminal projects.*—The conference agreement provides $2,500,000 for the Whitehall and St. George ferry terminal projects in the New York City area.

DISCRETIONARY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement includes $350,000,000 in liquidating cash for discretionary grants as proposed by both the House and the Senate.

JOB ACCESS AND REVERSE COMMUTE GRANTS

The conference agreement includes a total program level of $100,000,000 for job access and reverse commute grants as proposed by the House and the Senate. Within this total, the conference agreement appropriates $20,000,000 from the general fund as proposed by the House and the Senate. The conference agreement includes a provision that waives the cap for small urban and rural areas and provides that up to $250,000 of the funds appropriated under this heading may be used for technical assistance, technical support and performance reviews of the job access and reverse commute grants program.

Funds appropriated for the job access and reverse commute grants program are to be distributed as follows:

| *Project* | *Conference* |
|---|---|
| Alameda and Contra-Costa Counties, California | $500,000 |
| Archuleta County, Colorado | 75,000 |
| Athol/Orange community transportation, Massachusetts | 400,000 |
| Broome County Transit, New York | 250,000 |
| Broward County, Florida | 2,000,000 |
| Buffalo, New York | 500,000 |
| Capital District Authority, New York | 250,000 |
| Central Kenai Peninsula public transportation | 500,000 |
| Central Ohio | 750,000 |
| Chatham, Georgia | 500,000 |
| Chicago, Illinois | 1,000,000 |
| Commonwealth of Virginia | 4,500,000 |
| Corpus Christi RTA, Texas | 550,000 |
| Des Moines, Dubuque, Sioux City, Delaware and Jackson Counties, Iowa | 1,600,000 |
| District of Columbia | 1,000,000 |
| Dona Ana County, New Mexico | 250,000 |
| DuPage County, Illinois | 500,000 |
| Easter Seals West Alabama work transition programs | 850,000 |
| Fresno, Tulare, Kings and Kern Counties, California | 3,000,000 |
| Greater Erie Community Action Committee, Pennsylvania | 400,000 |
| Hillsborough County, Florida | 600,000 |
| Indianapolis, Indiana | 1,000,000 |
| Kansas City, Kansas | 1,000,000 |
| Las Cruces, New Mexico | 260,000 |
| Los Angeles, California | 3,500,000 |
| Mantanuska-Susitna borough, M.A.S.C.O.T, Alaska | 60,000 |
| Meramec Community Transit programs, Missouri | 150,000 |
| Mobile, Alabama | 250,000 |
| Monterey, California | 150,000 |
| Nassau County, New York | 500,000 |
| North Oakland County, Michigan | 250,000 |
| OATS job access programs, Missouri | 750,000 |
| Pittsburgh Port Authority of Allegheny County, Pennsylvania | 2,000,000 |
| Portland, Oregon | 1,840,000 |
| Rhode Island community food bank transportation | 100,000 |
| Rhode Island Public Transit Authority | 1,000,000 |
| Rochester, New York | 300,000 |
| Sacramento, California | 1,000,000 |
| San Francisco, California | 275,000 |
| Santa Clara County, California | 500,000 |
| SEPTA, Philadelphia, Pennsylvania | 3,000,000 |
| Sitka, Alaska transit expansion program | 400,000 |
| Southern Illinois RIDES | 150,000 |
| State of Alabama | 1,500,000 |
| State of Arkansas | 4,000,000 |
| State of Illinois | 1,000,000 |
| State of Maine | 500,000 |
| State of Maryland | 2,400,000 |
| State of New Hampshire | 340,000 |
| State of New Mexico | 2,000,000 |
| State of Oklahoma | 4,500,000 |
| State of Tennessee | 2,000,000 |
| State of Vermont | 1,500,000 |
| State of Washington | 2,000,000 |
| State of West Virginia | 1,500,000 |
| State of Wisconsin | 4,700,000 |
| Suffolk County, New York | 445,000 |
| Sullivan County, New York | 200,000 |
| Tompkins County, New York | 300,000 |
| Troy State University, Alabama—Rosa Parks Center | 2,000,000 |
| Tucson, Arizona | 1,000,000 |
| Tysons Corner/Dulles Corridor, Virginia | 500,000 |
| Ulster County, New York | 200,000 |
| Washoe County, Nevada | 1,000,000 |
| Ways to Work family loan program, Southeastern U.S. | 2,000,000 |
| Western Massachusetts | 350,000 |
| York County, Maine | 900,000 |

*State of Tennessee.*—Of the funds provided to the State of Tennessee, $500,000 shall be available to Chattanooga Area Regional Transit Authority in Chattanooga, Tennessee.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

The conference agreement appropriates $13,004,000 for operations and maintenance of the Saint Lawrence Seaway Development Corporation as proposed by the House. The Senate bill provided $12,400,000.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

The conference agreement appropriates $36,373,000 for research and special programs instead of $36,452,000 as proposed by the House and $34,370,000 as proposed by the Senate. Within this total, $4,707,000 is available until September 30, 2003 as proposed by the House instead $4,201,000 as proposed by the Senate. The following adjustments are made to the budget estimate:

| | |
|---|---|
| Slight reduction in hazardous materials international standards | −$23,000 |
| Fund 2 of 5 new emergency transportation positions | −244,000 |
| Reduce proposed increases for crisis response | −300,000 |
| Reduce funding for new transportation infrastructure program | −2,400,000 |
| Deny funding for university marine grants | −2,500,000 |
| Human centered fatigue research | +300,000 |
| Continue to fund Garrett Morgan program in-house | −200,000 |
| Reduction in business modernization | −564,000 |
| Reduce employee development funding | −227,000 |
| Net adjustment to budget estimate | −$6,158,000 |

Bill language is retained that permits up to $1,200,000 in fees to be collected and deposited in the general fund of the Treasury as offsetting receipts. Also, bill language is included that permits funds received from states, counties, municipalities, other public authorities and private sources for expenses incurred for training, reports publication and dissemination, and travel expenses incurred in the performance of hazardous materials exemptions and approval functions. Both of these provisions were contained in the House and Senate bills.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

The conference agreement provides a total of $47,044,000 for the pipeline safety program instead of $40,137,000 as proposed by the House and $43,144,000 as proposed by the Senate. Within this total, $23,837,000 is available until September 30, 2003 instead of $20,713,000 as proposed by the House and $24,432,000 as proposed by the Senate.

Of this total, the conference agreement specifies that $7,488,000 shall be derived from the Oil Spill Liability Trust Fund; $36,556,000 from the Pipeline Safety Fund; and $3,000,000 from the reserve fund. The House bill allocated $4,263,000 from the Oil Spill Liability Trust Fund and $35,874,000 from the Pipeline Safety Trust Fund. The Senate bill provided $8,750,000 from the Oil Spill Liability Trust Fund; $31,894,000 from the Pipeline Safety Fund; and $2,500,000 from the reserve fund.

Bill language specifies that the reserve fund should be used for damage prevention grants to states as proposed by the Senate. The House bill contained no similar provision.

The following table reflects the total allocation for pipeline safety in fiscal year 2001:

| Budget activity | Pipeline safety fund | Oil spill liability trust fund | Reserve fund [1] | Total |
|---|---|---|---|---|
| Personnel, compensation, and benefits | $8,963,000 | $900,000 | | $9,863,000 |
| Operating expenses | 3,614,000 | 1,345,000 | | 4,959,000 |
| Information systems | 935,000 | 400,000 | | 1,335,000 |

| Budget activity | Pipeline safety fund | Oil spill liability trust fund | Reserve fund [1] | Total |
|---|---|---|---|---|
| Risk assessment and technical studies | 850,000 | 400,000 | | 1,250,000 |
| Compliance | 200,000 | 100,000 | | 300,000 |
| Training and information dissemination | 800,000 | 300,000 | | 1,100,000 |
| Emergency notification | 100,000 | | | 100,000 |
| Public education and damage control | 300,000 | 200,000 | | 500,000 |
| Oil Pollution Act | | 2,443,000 | | 2,443,000 |
| Research and development | 2,744,000 | | | 2,744,000 |
| State grants | 15,000,000 | 1,400,000 | | 16,400,000 |
| Risk management | 50,000 | | | 50,000 |
| One-call notification | 1,000,000 | | | 1,000,000 |
| Damage prevention grants | 2,000,000 | | $3,000,000 | 5,000,000 |
| Total | 36,556,000 | 7,488,000 | 3,000,000 | 47,044,000 |

[1] Funding derived from the reserve fund is not directly appropriated.

*State of Washington*.—Within the funds provided for operating expenses, the conference agreement provides $800,000 to the State of Washington to match the state legislature's supplemental appropriation for pipeline safety activities as directed by the Senate. The House contained no similar appropriation.

*Research and development*.—The budget request for research and development has been increased by $600,000 to support airborne mapping research, technology, and engineering in support of improved leak detection, analysis, and response by federal, state, and industry pipeline safety officials.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

The conference agreement provides $200,000 for emergency preparedness grants as proposed by both the House and the Senate. The conference agreement includes a limitation on obligation of $14,300,000 instead of $13,227,000 as proposed by the Senate. The House bill carried no similar provision.

Bill language, proposed by the Senate, which delayed the registration and processing fees collected under the emergency preparedness grant program from July 1 to September 30, 2000, has been deleted. The House bill contained no similar provision.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement appropriates $48,450,000 for the Office of Inspector General instead of $48,050,000 as proposed by the House and $49,000,000 (including transfers) as proposed by the Senate. The agreement does not include language proposed by the Senate deriving $38,500,000 of program funding by transfer from DOT modal administrations, and does include House language authorizing the use of funds for investigation of fraud, deceptive trade practices, and unfair methods of competition in the airline industry.

*DCAA audits*.—The conferees reiterate concerns expressed by the House and Senate over the declining modal requests for contract audits performed by the Defense Contract Audit Agency (DCAA). These audits are a primary tool in the prevention of government waste, fraud, and abuse, and will not be neglected by the Department of Transportation. The Committees on Appropriations will continue to monitor this issue, and may consider mandated set-aside funding from the modal administrations, or other strong measures, if the lack of support continues. The Assistant Secretary for Budget and Programs is directed to ensure that all modal administrations are reminded, in writing, of the importance of these audits, and is requested to work with the Office of Inspector General to track formally and review DCAA audit requests on a monthly or quarterly basis throughout the coming fiscal year.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

The conference agreement appropriates $17,954,000 for salaries and expenses of the Surface Transportation Board as proposed by the House instead of $17,000,000 as proposed by the Senate. In addition, the conference agreement includes language, proposed by the House, which allows the Board to offset $900,000 of its appropriation from fees collected during the fiscal year. The Senate bill allowed the Board to collect $954,000 in fees to augment its appropriation.

*Union Pacific/Southern Pacific(UP/SP) merger*.—On December 12, 1997, the Board granted a joint request of Union Pacific Railroad Company and the City of Wichita and Sedgwick County, KS (Wichita/Sedgwick) to toll the 18-month mitigation study pending in Finance Docket No. 32760. The decision indicated that, at such time as the parties reach agreement or discontinue negotiations, the Board would take appropriate action.

By petition filed June 26, 1998, Wichita/Sedgwick and UP/SP indicated that they had entered into an agreement, and jointly petitioned the Board to impose the agreement as a condition of the Board's approval of the UP/SP merger. By decision dated July 8, 1998, the Board agreed and imposed the agreement as a condition to the UP/SP merger. The terms of the negotiated agreement remain in effect. If UP/SP or any of its divisions or subsidiaries materially changes or is unable to achieve the assumptions on which the Board based its final environmental mitigation measures, then the Board should reopen Finance Docket 32760 if requested by interested parties, and prescribe additional mitigation properly reflecting these changes if shown to be appropriate.

*March 2000 hearings*.—On March 7–10, 2000, the STB held a series of public hearings about major rail consolidations and the future of the rail network. Following the issuance of its new merger policy, the STB shall submit to the House and Senate Committees on Appropriations, the Senate Commerce Committee, and the House Transportation and Infrastructure Committee a report which: (1) identifies concerns that were raised at the March 2000 hearings; (2) details the actions that the STB will undertake to address these concerns; and (3) indicates where the STB lacks the authority and/or personnel resources to effectively address these concerns. This report shall be due July 1, 2001.

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

The conference agreement provides $4,795,000 for the Architectural and Transportation Barriers Compliance Board as proposed by both the House and the Senate.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

The conference agreement appropriates $62,942,000 for salaries and expenses of the National Transportation Safety Board as proposed by the House instead of $59,000,000 as proposed by the Senate. Within the funds provided, NTSB should continue participating in the interagency initiative on aviation safety in Alaska.

*Training center and research facility*.—NTSB shall enter into an agreement to locate its training center and research facility on land provided by George Washington University at the Loudoun County, Virginia campus. This new facility, sought by the NTSB, will provide NTSB additional laboratory space, classrooms, and conference space as well as house the wreckage of TWA flight 800.

TITLE III—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

Sec. 301 allows funds for aircraft; motor vehicles; liability insurance; uniforms; or allowances, as authorized by law as proposed by both the House and Senate.

Sec. 302 requires pay raises to be funded within appropriated levels in this Act or previous appropriations Acts as proposed by both the House and Senate.

Sec. 303 modifies and makes permanent the House and Senate provision that allows funds for expenditures for primary and secondary schools and transportation for dependents of Federal Aviation Administration personnel stationed outside the continental United States.

Sec. 304 limits appropriations for services authorized by 5 U.S.C. 3109 to the rate for an Executive Level IV as proposed by both the House and Senate.

Sec. 305 prohibits funds in this Act for salaries and expenses of more than 104 political and Presidential appointees in the Department of Transportation and includes a provision that prohibits political and Presidential personnel to be assigned on temporary detail outside the Department of Transportation or an independent agency funded in this Act as proposed by both the Senate and House.

Sec. 306 prohibits pay and other expenses for non-Federal parties in regulatory or adjudicatory proceedings funded in this Act as proposed by both the House and Senate.

Sec. 307 prohibits obligations beyond the current fiscal year and prohibits transfers of funds unless expressly so provided herein as proposed by both the House and Senate.

Sec. 308 limits consulting service expenditures of public record in procurement contracts as proposed by both the House and Senate.

Sec. 309 modifies the Senate provision to codify prohibitions against the release of certain personal information without express consent of the person to whom such information pertains; and inserts a new subsection that prohibits the withholdings of funds provided in this Act for any grantee if a State is in noncompliance with this provision. The House proposed no similar provision.

Sec. 310 modifies the distribution of the Federal-aid highways program proposed by the Senate. The House proposed no similar provision.

Sec. 311 exempts previously made transit obligations from limitations on obligations as proposed by both the House and Senate.

Sec. 312 prohibits funds for the National Highway Safety Advisory Commission as proposed by both the House and Senate.

Sec. 313 prohibits funds to establish a vessel traffic safety fairway less than five miles

wide between Santa Barbara and San Francisco traffic separation schemes as proposed by both the House and Senate.

Sec. 314 allows airports to transfer to the Federal Aviation Administration instrument landing systems as proposed by both the House and Senate.

Sec. 315 prohibits funds to award multiyear contracts for production end items that include certain specified provisions as proposed by both the House and Senate.

Sec. 316 allows funds for discretionary grants of the Federal Transit Administration for specific projects, except for fixed guideway modernization projects, not obligated by September 30, 2003, and other recoveries to be used for other projects under 49 U.S.C. 5309 as proposed by both the House and Senate.

Sec. 317 allows transit funds appropriated before October 1, 2000, and that remain available for expenditure to be transferred as proposed by both the House and Senate.

Sec. 318 prohibits funds to compensate in excess of 335 technical staff years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development instead of 320 technical staff years as proposed by both the House and Senate.

Sec. 319 allows funds received by the Federal Highway Administration, Federal Transit Administration, and the Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training to be credited to each agency's respective accounts as proposed by the House and Senate.

Sec. 320 prohibits funds to be used to prepare, propose, or promulgate any regulation pursuant to title V of the Motor Vehicle Information and Cost Savings Act prescribing corporate average fuel economy standards for automobiles as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section as proposed by the House. The Senate proposed no similar provision.

Sec. 321 allows funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities to be used to construct new vessels and facilities or to improve existing vessels and facilities, and for repair facilities. The conference agreement includes a new provision allowing the State of Hawaii to use not more than $3,000,000 of the amounts it receives from this program to initiate and operate an inter-island and intra-island demonstration project. The Senate proposed to allow funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities to be used to construct new vessels and facilities, to provide passenger ferryboat service, or to improve existing vessels and facilities, and for repair facilities. The House proposed no similar provision.

Sec. 322 allows funds received by the Bureau of Transportation Statistics to be subject to the obligation limitation for Federal-aid highways and highway safety construction as proposed by both the House and Senate.

Sec. 323 prohibits the use of funds for any type of training which: (1) does not meet needs for knowledge, skills, and abilities bearing directly on the performance of official duties; (2) could be highly stressful or emotional to the students; (3) does not provide prior notification of content and methods to be used during the training; (4) contains any religious concepts or ideas; (5) attempts to modify a person's values or lifestyle; or (6) is for AIDS awareness training, except for raising awareness of medical ramifications of AIDS and workplace rights as proposed by the House. The Senate proposed no similar provision.

Sec. 324 prohibits the use of funds in this Act for activities designed to influence Congress or a state legislature on legislation or appropriations except through proper, official channels as proposed by both the House and Senate.

Sec. 325 requires compliance with the Buy American Act as proposed by both the House and Senate.

Sec. 326 provides an appropriation of $54,963,000 from the Highway Trust Fund for the Appalachian development highway system instead of providing $54,963,000 from the general fund as proposed by the Senate. The House proposed no similar appropriation.

Sec. 327 credits to appropriations of the Department of Transportation rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources as proposed by both the House and Senate. Such funds received shall be available until December 31, 2001.

Sec. 328 authorizes the Secretary of Transportation to allow issuers of any preferred stock to redeem or repurchase preferred stock sold to the Department of Transportation as proposed by the House and Senate.

Sec. 329 provides $750,000 for the Amtrak Reform Council instead of $495,000 proposed by the Senate and $450,000 proposed by the House. Sec. 329 also includes provisions that amend section 203 of Public Law 105–134 regarding the Amtrak Reform Council's recommendations on Amtrak routes identified for closure or realignment as proposed by both the House and Senate.

Sec. 330 amends item number 1473 in section 1602 of Public Law 105–178 by striking ''Stony'' and inserting ''Commerce''. The House and Senate proposed no similar provision.

Sec. 331 prohibits funds in this Act unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations as proposed by both the House and Senate.

Sec. 332 specifies that $20,000,000 made available for the James A. Farley Post Office building in fiscal year 2001 must be spent only on fire and life safety initiatives. The conferees consider fire and life safety improvements to include, but not be limited to, matters concerning ventilation, vertical access, and egress. The Pennsylvania Station Redevelopment Corporation shall be the grantee for these funds and shall control expenditures. The House proposed to rescind $60,000,000 for the James A. Farley Post Office Building. The Senate bill contained no similar rescission.

Sec. 333 prohibits funds for planning, design, or construction of a light rail system in Houston, Texas, as proposed by the House. The Senate proposed no similar provision.

Sec. 334 amends section 3030(b) of Public Law 105–178 to authorize the Wilmington downtown transit corridor and the Honolulu bus rapid transit project as proposed by the Senate. The House proposed no similar provision.

Sec. 335 prohibits the use of funds in this act to adopt the rulemaking on Hours of Service of Drivers; Driver Rest and Sleep for Safe Operations (Docket No. FMCSA 97–2350–953), and includes a provision that allows the Federal Motor Carrier Safety Administration to proceed through all stages of the rulemaking, including issuing a supplemental notice of proposed rulemaking, except the adoption of a final rule. The Senate proposed prohibiting the use of funds in this act to consider, finalize, or enforce the rulemaking. The House proposed no similar provision.

Sec. 336 amends section 3038(e) of Public Law 105–178 pertaining to the federal share of the rural transportation accessibility incentive program as proposed by both the House and Senate.

Sec. 337 amends item number 273 of section 1602 of Public Law 105–178 pertaining to the Martin Luther King Jr. Parkway in Des Moines, Iowa, as proposed by the House. The Senate proposed no similar provision.

Sec. 338 amends item number 328 of section 1602 of Public Law 105–178 pertaining to Louisiana Highway 30 as proposed by the House. The Senate proposed no similar provision.

Sec. 339 amends items numbered 63 and 186 of section 1602 of Public Law 105–178 pertaining to projects in Ohio as proposed by the House. The Senate proposed no similar provision.

Sec. 340 pertains to funds apportioned to the Commonwealth of Massachusetts and the Central Artery/Tunnel project. The House proposed prohibiting funds in this Act for salaries and expenses of any departmental official to authorize project approvals or advance construction authority for the Central Artery/Tunnel project in Boston, Massachusetts. The Senate proposed limiting the total Federal contribution for the project to not more than $8,549,000,000.

This provision is included in the conference agreement without prejudice to the current administration of the Massachusetts Turnpike Authority (MTA). Following years of obfuscation, the current administration at MTA has been forthcoming with details of the cost overruns on, and the costs-to-complete, the Central Artery/Tunnel project, as well as identifying the means by which the Commonwealth of Massachusetts plans to finance the project's costs. Moreover, the MTA recently negotiated with the Federal Highway Administration, the Massachusetts Highway Department and the Massachusetts Executive Office of Transportation and Construction a partnership agreement that limits federal financial participation in the project and sets forward other terms and conditions, including the requirement that the Commonwealth undertake a balanced statewide construction program of $400,000,000 a year in construction activities and specific transportation projects in the Commonwealth other than the Central Artery/Tunnel project. The conferees commend the MTA for these actions. This provision is not intended to impugn the administration of, or the recent actions taken by, the MTA, but rather to codify the partnership agreement to ensure that federal financial participation in the Central Artery/Tunnel project has an upper limit, and to ensure that the Federal Highway Administration and the Secretary of the Department of Transportation fulfill their fiduciary responsibilities to the American taxpayer.

Sec. 341 amends section 3027(c)(3) of Public Law 105–178 relating to services for the elderly and persons with disabilities as proposed by the House. The Senate proposed no similar provision.

Sec. 342 allows unobligated balances under section 149 of Public Law 100–17 and the Ebensburg bypass demonstration project of Public Law 101–164 to be used for improvements along Route 56 in Cambria County, Pennsylvania, as proposed by the House. The Senate proposed no similar provision.

Sec. 343 prohibits funds in this Act for the planning, development, or construction of the California State Route 710 freeway extension project through South Pasadena, California, as proposed by the House. The Senate proposed no similar provision.

Sec. 344 prohibits funds in this Act for engineering work related to an additional runway at New Orleans International Airport as proposed by the House. The Senate proposed no similar provision.

Sec. 345 provides that $800,000 from capital investment grants in Public Law 105–277 may be available for an intermodal parking facility in Cambria County, Pennsylvania. The House and Senate proposed no similar provision.

Sec. 346 prohibits funds in this Act to be used for the implementation of the Kyoto Protocol prior to its ratification as proposed by the Senate. The House proposed no similar provision.

Sec. 347 modifies the Senate provision to prohibit the submission of a budget request that assumes revenues or reflects a reduction from the previous year due to user fee proposals that have not been enacted into law prior to the submission of the President's budget unless the budget submission identifies which additional spending reductions should occur in the event the user fee proposals are not enacted prior to the date of a committee of conference for the fiscal year 2002 appropriations Act. The House proposed no similar provision.

Sec. 348 provides that amounts appropriated for salaries and expenses for the Department of Transportation may be used to reimburse safety inspectors for not to exceed one-half the costs incurred by such employees for professional liability insurance, contingent upon the submission of required information or documentation by the Department, as proposed by the Senate. The House proposed no similar provision.

Sec. 349 prohibits funds in this Act to be used to adopt guidelines or regulations requiring airport sponsors to provide the Federal Aviation Administration ''without cost'' buildings, maintenance, or space for FAA services, as proposed by the Senate. The prohibition does not apply to negotiations between FAA and airport sponsors concerning ''below market'' rates for such services or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities. The House proposed no similar provision.

Sec. 350 modifies the Senate provision to require the Coast Guard to submit quarterly reports beginning after December 31, 2000, to the House and Senate Committees on Appropriations on all major Coast Guard acquisition projects. The House proposed no similar provision.

Sec. 351 modifies the Senate provision that withholds the highway funds of States that fail to adopt a blood alcohol content level intoxication standard of .08 by fiscal year 2004. Under the conference agreement, States that do not adopt this standard will lose a portion of their highway funds each year, beginning in fiscal year 2004 (2 percent in 2004, 4 percent in 2005, 6 percent in 2006, and 8 percent in 2007). If States enter into compliance by the end of 2007, funds withheld by sanction are restored in the State's apportionment. The House proposed no similar provision.

Sec. 352 allows the Federal Aviation Administration to provide for the conveyance of airport property to an institution of higher education in Oklahoma as proposed by the Senate. The House proposed no similar provision.

Sec. 353 amends item 1006 of section 1602 of Public Law 105–178 regarding a highway project in Polk County, Iowa, as proposed by the Senate. The House proposed no similar provision.

Sec. 354 allows the State of Mississippi to use funds previously allocated to it under the transportation enhancement program, if available, for constructing an underpass along Star Landing Road in DeSoto County, Mississippi, as proposed by the Senate. The House proposed no similar provision.

Sec. 355 modifies the Senate provision that amends section 1214 of Public Law 105–178 to provide that the non-Federal share of project number 1646 in section 1602 may be funded by Federal funds from an agency or agencies not part of the Department of Transportation. The Senate proposed that the Secretary shall not delegate responsibility for carrying out the project to a State. The House proposed no similar provision.

Sec. 356 modifies the Senate provision that designates the New Jersey transit commuter rail station located at the intersection of the Main/Bergen line and the Northeast Corridor line in the State of New Jersey as the ''Frank R. Lautenberg Station''. The House proposed no similar provision.

Sec. 357 prohibits funds in this Act for the planning, development, or construction of an expressway at section 800 on Pennsylvania Route 202 in Bucks County, Pennsylvania. The House and Senate proposed no similar provision.

Sec. 358 amends Public Law 106–69 to allow funding for buses, bus-related equipment and bus facilities in the State of Michigan. The House and Senate proposed no similar provision.

Sec. 359 establishes a program to reduce traffic congestion that will allow eligible employees of federal agencies to participate in telecommuting to the maximum extent possible without diminished employee performance. Within one year, the Office of Personnel Management shall evaluate the effectiveness of the program and report to Congress. Each agency participating in the program shall develop criteria to be used in implementing such a policy and ensure that managerial, logistical, organizational, or other barriers to full implementation and successful functioning of the policy are removed. Each agency should also provide for adequate administrative, human resources, technical, and logistical support for carrying out the policy. Telecommuting refers to any arrangement in which an employee regularly performs officially assigned duties at home or other work sites geographically convenient to the residence of the employee. Eligible employees mean any satisfactorily performing employee of the agency whose job may typically be performed at least one day per week. The House and Senate proposed no similar provision.

Sec. 360 provides that new fixed guideway system funds previously provided in Public Law 105–66 may be used for projects in Jackson, Mississippi. The House and Senate proposed no similar provision.

Sec. 361 provides that funds made available in item number 760 of section 1602 of Public Law 105–178 shall be used for corridor planning studies between western Baldwin County and Mobile Municipal Airport in Alabama. The House and Senate proposed no similar provision.

Sec. 362 amends section 1107(b) of Public Law 102–240 as it pertains to projects in Akron, Ohio. The House and Senate proposed no similar provision.

Sec. 363 pertains to the federal share of the total cost relating to the reconstruction of a road and causeway in the Shiloh Military Park in Hardin County, Tennessee. The House and Senate proposed no similar provision.

Sec. 364 amends section 30118 of title 49, United States Code, to require motor vehicle manufacturers to review and consider information from any foreign source on defects of motor vehicles, original equipment, or replacement equipment that do not comply with applicable motor vehicle safety standards. The House and Senate proposed no similar provision.

Sec. 365 allows funds appropriated to the Federal Transit Administration to be transferred to the Agency for International Development for transportation needs in the Frontline states to the Kosovo conflict. The House and Senate proposed no similar provision.

Sec. 366 allows funds provided in Public Law 105–66 for the Salt Lake City regional commuter system project to be used for transit and other transportation-related portions of the Salt Lake City regional commuter system and Gateway intermodal terminal. The House and Senate proposed no similar provision.

Sec. 367 provides funding from section 1404 of Public Law 105–178 to the Commonwealth of Kentucky. The House and Senate proposed no similar provision.

Sec. 368 directs the Secretary of Transportation to waive repayment of any federal-aid highway funds expended on the Lincoln Street Bridge project by the City of Spokane, Washington. The House and Senate proposed no similar provision.

Sec. 369 amends previous appropriations Acts to allow funding for bus and bus facilities. The House and Senate proposed no similar provision.

Sec. 370 amends item number 6 in section 1602 of Public Law 105–178 to provide within amounts previously made available $2,000,000 for repair and reconstruction of the North Ogden Divide Highway in Utah. The House and Senate proposed no similar provision.

Sec. 371 allows States to use highway safety program funds (section 402 of title 23, United States Code) to produce and place highway safety service messages in television, radio, cinema, Internet, and print media based on guidance issued by the Secretary of Transportation; and requires States to report to the Secretary on the use of such funds for public service messages. The House and Senate proposed no similar provisions.

Sec. 372 provides that the Mohall Railroad, Inc. may abandon track from Granville to Lansford, North Dakota, and that such abandoned track will not count against the limitation contained in section 402 of Public Law 97–102. The House and Senate proposed no similar provision.

Sec. 373 amends item number 163 in section 1602 of Public Law 105–178 related to the extension of Kapkowski Road in New Jersey to allow for the study, design, and construction of local street improvements. The House and Senate proposed no similar provisions.

Sec. 374 amends item number 331 in section 1602 of Public Law 105–178 to allow funds provided for Humboldt Bay and Harbor Port in California to be used for highway and freight rail access. The House and Senate proposed no similar provision.

Sec. 375 appropriates $5,000,000 to the Alabama Department of Transportation for Muscle Shoals, Tuscumbia, and Sheffield highway-rail improvements. The House and Senate proposed no similar appropriation.

Sec. 376 appropriates $1,000,000 to Valley Trains and Tours for track acquisition and rehabilitation between Strasburg Junction and Shenandoah Caverns, Virginia. This funding is contingent upon an agreement with Norfolk Southern Corporation on track usage. In addition, funding is contingent on financial support by the Commonwealth of Virginia for this project. The House and Senate proposed no similar appropriation.

Sec. 377 amends item number 1135 in section 1602 of Public Law 105–178 to allow funds to be used to study all possible alternatives to the current M–14/Barton Drive interchange in Ann Arbor, Michigan, including relocation of M–14/U.S.23 from Maple Road to Plymouth Road, mass transit options, and other means of reducing commuter traffic

and improving highway safety. The House and Senate proposed no similar provision.

Sec. 378 provides necessary expenses, to be derived from the Highway Trust Fund, for various projects within the United States. The House and Senate proposed no similar appropriations.

Sec. 379 provides additional funding for the Woodrow Wilson Memorial Bridge. The $1,500,000,000 limitation on federal contribution prescribed in this section is not intended to preclude states from using federal-aid apportionments or other federal-aid funds made available to the states for costs associated with the Woodrow Wilson Bridge project. The House and Senate proposed no similar appropriation.

Sec. 380 provides contingent commitment authority to the Federal Transit Administration for specific capital investment grants. The House and Senate proposed no similar provision.

Sec. 381 requires the Federal Transit Administrator to sign a full funding grant agreement for the MOS–2 segment of the New Jersey Urban Core-Hudson Bergen project.

Sec. 382 prohibits funding in this or any other Act for adjusting the boundary of the Point Retreat Light Station in Alaska or otherwise limiting property at that station currently under lease to the Alaska Lighthouse Association. The provision also nullifies any modifications to the boundary at that station made after January 1, 1998.

The conference agreement deletes the House and Senate provisions that reduce funding and limit obligation authority for activities of the Transportation administrative service center. The House proposed reducing funding by $4,000,000 for activities of the center and limiting obligation authority to $115,387,000. The Senate proposed reducing funding by $53,430,000 for activities of the center and limiting obligation authority to $119,848,000.

The conference agreement deletes the Senate provision that limits necessary expenses of advisory committees to $1,500,000 of the funds provided in this Act to the Department of Transportation and provides that this limitation shall not apply to negotiated rulemaking advisory committees or the Coast Guard's advisory council on roles and missions as proposed by the Senate.

The conference agreement deletes the provision proposed by both the House and Senate that authorizes the Secretary of Transportation to transfer appropriations by no more than 12 percent among the offices of the Office of the Secretary.

The conference agreement deletes the House and Senate provisions that prohibit funds in this Act for activities under the Aircraft Purchase Loan Guarantee Program. According to the Federal Aviation Administration, this provision is no longer necessary.

The conference agreement deletes the Senate provision that allows the Department of Transportation to enter into a fractional aircraft ownership demonstration. Report language is included on this subject under title I, Office of the Secretary, Salaries and expenses.

The conference agreement deletes the Senate provision that expands the exemption from Federal axle weight restrictions presently applicable only to public transit buses to all over-the-road buses and directs that a study and report concerning applicability of maximum axle weight limitations to over-the-road buses and public transit vehicles be submitted to the Congress.

The conference agreement deletes the Senate provision that amends section 1105(c) of Public Law 102–240 to clarify the alignment of the Ports-to-Plains corridor from Laredo, Texas, to Denver, Colorado.

The conference agreement deletes the Senate provision that expresses the sense of the Senate that Congress and the President should immediately take steps to address the growing safety hazard associated with the lack of adequate parking space for trucks along interstate highways.

The conference agreement deletes the Senate provision that provides for the National Academy of Sciences to conduct a study on noise impacts of railroad operations, including idling train engines on the quality of life of nearby communities, the quality of the environment (including consideration of air pollution), and safety.

The conference agreement deletes the Senate provision that provides $10,000,000 within the funds made available in this Act for the costs associated with the construction of a third track on the Northeast Corridor between Davisville, and Central Falls, Rhode Island; provides $2,000,000 for a joint United States-Canada commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system; $400,000 for passenger rail corridor planning activities for development of the Gulf Coast high speed rail corridor; and $250,000 to the city of Traverse City, Michigan, for a comprehensive transportation plan. The House proposed no similar provision. Funding for these projects was considered in title I of the conference agreement.

The conference agreement deletes the Senate provision that expresses the sense of the Senate regarding funding for Coast Guard operations and acquisitions during fiscal years 2000 and 2001.

The conference agreement deletes the Senate provision that prohibits non-safety related funds to be used for any airport-related grant for the Los Angeles International Airport made to the City of Los Angeles, or any intergovernmental body of which it is a member, by the Department of Transportation or the Federal Aviation Administration, until the Administration concludes the revenue diversion investigation initiated in Docket 13–95–05 and either takes action or determines that no action is warranted.

## TITLE IV—DEPARTMENT OF THE TREASURY

### BUREAU OF THE PUBLIC DEBT

#### GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

The conference agreement includes title IV that appropriates $5,000,000,000 for the reduction of the public debt instead of supplemental appropriations of $12,200,000,000 for the fiscal year ending September 30, 2000, for the reduction of the public debt proposed by the Senate. The House Bill contained no similar title.

## TITLE V—DEPARTMENT OF THE TREASURY

### DEPARTMENTAL OFFICES

#### SALARIES AND EXPENSES

The conferees agree to provide an additional $6,424,000 to establish a new interagency National Terrorist Asset Tracking Center (NTATC), to reimburse Treasury Department law enforcement bureaus for detailees to the Center, and for five new positions to reinforce the analytical component of the Office of foreign Assets Control.

#### VEHICLE USAGE AND REPLACEMENT

The conferees agree with the concerns expressed by the Senate over the lack of progress by the Department of the Treasury and its bureaus in establishing a centralized vehicle acquisition program, despite having been provided $1,000,000 for such purposes in fiscal year 1999. The conferees agree with the Senate that the Department must take action before additional funding is provided. The conferees therefore direct that no funds for new vehicle acquisition shall be obligated or expended until the Department has: (1) developed and implemented the vehicle data warehouse, and (2) provided the committees with a report that confirms that policy directives and operating procedures with regard to vehicles have been fully implemented. The conferees expect that the mandate established in section 116 of Public Law 105–277 shall remain in force.

#### DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

The conferees agree to provide an additional $15,000,000 for the Integrated Treasury (Wireless) Network.

#### EXPANDED ACCESS TO FINANCIAL SERVICES

The conferees agree to provide an additional $8,000,000 for this account.

#### TREASURY FORFEITURE FUND

The conferees clarify that they have agreed to fund $29,107,000 of the $42,500,000 that the Administration proposed to fund in fiscal year 2001 through the Super Surplus in regular appropriations. No funds are provided for Customs Service vehicle replacement ($11,000,000) and Acquisition and Maintenance for the Federal Law Enforcement Training Center ($2,393,000).

### FEDERAL LAW ENFORCEMENT TRAINING CENTER

#### SALARIES AND EXPENSES

The conferees agree to provide an additional $5,000,000 to the Federal Law Enforcement Training Center (FLETC) to establish and operate a metropolitan area law enforcement training center for the Treasury Department, other federal agencies, the United States Capitol Police, and the Washington, D.C. Metropolitan Police Department, primarily as a place for firearms and vehicle operation requalification. The conferees provide that $3,500,000 of such funding would only be made available for obligation after FLETC submits a detailed spending plan to the Committees on Appropriations.

The conferees are aware that as many as 6,000 federal law enforcement officers in the Washington area require routine skills training, but existing facilities in the region are not meeting this need, in particular for the Treasury Department, the Park Police, the State Department, and the U.S. Capitol Police, The shortage of facilities applies to local law enforcement agencies as well, in particular the Washington, D.C. Metropolitan Police Department.

The conferees are aware of the work by the Interagency Firearms Range Working Group (IFRWG) and strongly supports its mandate to identify a site and plan for establishment and operation of a Washington, D.C. area facility, to meet the need for regular perishable skills training for federal and other law enforcement agencies. The conferees understand that such training would include firearms requalification, driver training, and possibly other continuous routine training. The conferees expect this facility to accommodate as well the unique in-service and agency specific training requirements of the U.S. Capitol Police.

The conferees have seen the preliminary plan developed by FLETC for such a local facility, to include semi-enclosed and enclosed firearms facilities as well as vehicle operation courses, and agree that such a facility, to generate the benefits of consolidated law enforcement training, must be designed, built and operated to meet priority needs for continuing professional training, and to avoid needless duplication or inefficiency. The conferees understand that this facility will be for daytime training operations only, with no residential or dining facilities. The

conferees expect that any federal agency seeking funding for new or expanded training facilities in the capital region will participate in and coordinate such requests through FLETC and the IFRWG, and that FLETC will strive to accommodate, as space permits, any requests for training from local law enforcement agencies.

The conferees direct the Federal Law Enforcement Training Center to work with the General Services Administration (GSA) to identify a site for this facility within the GSA inventory of Federal land.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conferees agree to provide an additional $25,000,000 for design and construction of a metropolitan area law enforcement training center, including firearms and vehicle operations requalification facilities, to remain available until expended. Such funding would include the costs of architecture and engineering plans, design and construction for firearms ranges, vehicle operation ranges, tactical operations training facilities and related teaching facilities such as classrooms and non-lethal shoot houses, as well as administrative and support facilities. The conferees include language making $22,000,000 of these funds unavailable for obligation until a complete design and construction plan with associated timelines and cost breakouts has been submitted to the Committees on Appropriations.

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

SALARIES AND EXPENSES

The conferees agree to provide an additional $4,148,000 for 30 agents to participate in Joint Terrorism Task Forces.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

The conferees agree to provide an additional $18,934,000 for counterterrorism activities, including $2,334,000 for 17 agents to participate in Joint Terrorism Task Forces; $10,000,000 for northern border security infrastructure; and $6,600,000 for 48 agents to counter-terrorist threats along the northern border. The conferees have also included language prohibiting obligation of funds for the northern border until a plan for the deployment of resources and personnel has been submitted for approval to the Committees on Appropriations.

NORTHERN BORDER SECURITY

The conferees have long agreed on the inadequacy of the federal response to smuggling and other threats facing the southern border and ports of entry to the U.S. The security threat to the northern border of the U.S. was made plain last winter following the arrests of suspected terrorists attempting to enter the United States from Canada into Washington State and Vermont. The need for increased vigilance along our long, undefended border with Canada is beyond dispute while at the same time commerce with Canada, our major bilateral trading partner, grows apace.

Aging infrastructure and staffing shortages have created significant bottlenecks as well as increased vulnerability to potential security threats at a number of northern ports of entry. Yet the conferees perceive inadequate planning for and commitment to provide the necessary personnel, facilities and related infrastructure to keep our border crossings safe and yet facilitate the smooth movement of commerce and passengers. Shortcomings in infrastructure are readily visible to visitors to the border, but so are the sparse staffing levels. The northern border extends nearly 4,000 miles, but has only about 300 agents and inspectors, while the 2,000 mile southwest border has 8,000. In addition to increases in agents and inspectors needed to meet the threat of terrorism, additional land border inspectors are called for in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, which has not been fully implemented.

The conferees therefore direct the U.S. Customs Service, working with the General Services Administration, the Immigration and Naturalization Service, and other agencies responsible for border inspection and facilities, to address the inadequacies that presently exist in facilities and personnel and submit to the Congress a plan to address them with the submission of the fiscal year 2002 budget.

RESOURCE ALLOCATION MODEL

The Customs Service told the Committees over a year ago that the customs staffing resource allocation model was near completion. However, the model remains under review and not operational. At the same time, the Committees have not received any information about the characteristics of the model. Given then numerous requests to establish, expand, or preserve Customs presence at various ports, it is essential that Customs have such a model in place to permit a more transparent and consistent basis for making such decisions. While the conferees recognize that the use of such a model would not by itself mechanically determine all staffing and organizational decisions, they expect the Committees to be able to understand and review future funding requests. The conferees therefore direct Customs and the Treasury Department to expedite completion of the model and to report to the Committees not later than February 1, 2001 on the characteristics and application of the model and on the status of its implementation. The conferees request that the General Accounting Office review the resource allocation model and supporting data used for this analysis, and report to the Committees on the validity and reliability of the model and its findings.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE AND MANAGEMENT

ELECTRONIC TAX ADMINISTRATION

In its June 30, 2000, annual report to Congress, the Electronic Tax Administration Advisory Committee (ETAAC) emphasized its position that IRS should stress partnerships, not competition, with the private sector and state and local governments in achieving its electronic tax administration objectives. In this regard, ETAAC believes it is inappropriate for IRS to offer no-cost electronic filing over the Internet, either by developing its own software or aligning itself with a limited number of ''authorized e-file providers.'' IRS is directed to provide the Committees on Appropriations a report commenting on the ETAAC position as well as making any recommendations to address the concerns raised by ETAAC within 120 days of the enactment of this Act. The conferees share these concerns and further direct the IRS to delay implementing no-cost Internet tax filing services until such report has been submitted to and reviewed by the Committees.

TAX LAW ENFORCEMENT

The conferees agree to provide $7,974,000, including $3,135,000 for support of the money laundering strategy, and an additional $4,839,000 for 35 agents to participate in Joint Terrorism Task Forces.

INFORMATION TECHNOLOGY INVESTMENTS

The conferees to provide $71,751,000 for information technology investments. The release of these funds is subject to conditions similar to those required for funds previously appropriated for modernizing the major computer systems of the Internal Revenue Service.

STAFFING TAX ADMINISTRATION FOR BALANCE AND EQUITY

The conferees agree to provide $141,000,000 in a new account established to fund the hiring of additional staff by the Internal Revenue Service (IRS). Release of these funds is subject to a staffing plan, to be approved by the Department of the Treasury, Office of Management and Budget, and the Committees on Appropriations. The conferees are aware of the IRS' continuing reassessment of its specific staffing needs in light of its implementation of the IRS Restructuring and Reform Act of 1998, as indicated by the recent IRS requests for substantive transfers of funding and positions among its appropriations accounts. The current organizational restructuring within the IRS also has created uncertainty with respect to its specific staffing needs. The conferees look forward to working with the Administration to ensure that balance and equity are achieved with respect to IRS staffing requirements for tax administration.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

The conferees agree to provide an additional $2,904,000 for 21 agents to participate in Joint Terrorism Task Forces.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

The conferees urge the Office of Management and Budget to allocate at least two-thirds of the additional staff for use in supporting the management function of the Office, which is limited to the Deputy Director for Management and the Statutory Offices—the Office of Federal Financial Management, the Office of Federal Procurement Policy, and the Office of Information and Regulatory Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

The conferees agree to provide an additional $7,000,000 for the Counterdrug Technology Assessment Center, including $5,000,000 for the continued operation of the technology transfer program and $2,000,000 for the continued development of the wireless interoperability communication project currently underway in Colorado. This much-needed project is in direct response to the wireless communication difficulties experienced by State and local law enforcement during the Columbine High School tragedy.

UNANTICIPATED NEEDS

The conferees agree to provide $3,500,000 for Unanticipated Needs of the President, including $2,500,000 as a transfer to the Elections Commission of the Commonwealth of Puerto Rico for objective, non-partisan citizens' education for a choice by voters on the islands' future status; the conferees make the $2,500,000 transfer available on March 21, 2001. The conferees include a provision prohibiting the use of funds by the Elections Commission until 45 days after the Commission submits to the Committees on Appropriations for approval an expenditure plan developed jointly by the Popular Democratic Party, the New Progressive Party, and the Puerto Rican Independence Party. The conferees also include a provision requiring the Elections Commission to include in the expenditure plan additional views from any party that does not agree with the plan.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

CONSTRUCTION

The conferees agree to provide $3,000,000 for non-prospectus construction projects.

SALT LAKE CITY COURTHOUSE

The conferees are aware of issues surrounding the site of the Salt Lake City courthouse. The conferees direct GSA to examine these issues and report to the Committees on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works within 120 days of enactment of this Act on the status of the site and recommendations on resolving any outstanding issues. In addition, the conferees direct that GSA may not take any further condemnation action prior to the Committees' receipt of the report. The conferees direct GSA to consult with the Administrative Office of the U.S. Courts and the appropriate authorities in the preparation of this report.

REPAIRS AND ALTERATIONS

The conferees agree to provide $8,350,000 for a repair and alteration project associated with a courthouse annex in Columbia, South Carolina

RENTAL OF SPACE

The conferees are concerned with the environmental conditions of the Customs House at Terminal Island, California. While many Customs employees have been temporarily moved from the Customs House to healthier work environments, the conferees are concerned about the health and safety of the remaining employees at the facility. The conferees understand that the General Services Administration (GSA) is working with the Customs Service to resolve the situation at the Customs House to identify permanent space and relocate Customs personnel.

The conferees understand that GSA is working jointly with the Customs Service to relocate the Office of the Customs Special Agent in Charge by December 31, 2000. Other Customs employees will be moved to a new leased location by May 31, 2001. The high-tech customs laboratory will remain at Terminal Island as requested by the Customs Service. The conferees are concerned that plans for relocation of Customs employees occur as scheduled and direct the Customs Service and GSA to report no later than January 15, 2001, on the situation facing the Customs Service employees remaining at this facility and the status of the permanent move.

BUILDING OPERATIONS

ACCESS TO TELECOMMUNICATIONS SERVICES

The conferees are aware that significant cost savings to the government are being achieved by the FTS 2001 and the Metropolitan Area Acquisition programs administered by GSA as a result of increased competition among communications services. The conferees are also aware that such potential cost savings may be jeopardized by building access limitations for telecommunication providers. The conferees note that legislation has been introduced in Congress intended to promote non-discriminatory or fair and reasonable access to telecommunications services for Federal agencies. The conferees direct the executive branch identify building telecommunications access barriers and take necessary steps to ensure that telecommunications providers are given fair and reasonable access to provide service to Federal agencies in buildings where the Federal government is the owner or tenant.

TUCSON, ARIZONA

The conferees direct the GSA to reach a mutual agreement with the City of Tucson, Arizona regarding the use of the federally owned property at 26–72 East Congress by October 24, 2000.

POLICY AND OPERATIONS

The conferees agree to provide an additional $13,789,000 for policy and operations, including $2,060,000 for the electronic government initiative, $2,000,000 for the regulatory information service center, $2,000,000 for facilitating post conveyance remediation to be performed by the City of Waltham, Massachusetts, $2,000,000 for a grant to the Institute for Biomedical Science and Biotechnology, $2,000,000 for the Center for Agricultural Policy and Trade Studies, $1,000,000 for a grant to the Berwick Industrial Development Authority in Pennsylvania, $1,000,000 for a grant to the Ewing-Lawrence Sewerage Authority in Ewing Township, New Jersey, $750,000 for logistical support of the World Police and Fire Games, and $979,000 for base operations.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

REPAIRS AND RESTORATION

The conferees agree to provide an additional $6,610,000 for repairs to the John F. Kennedy Presidential Library.

GENERAL PROVISIONS—THIS TITLE

FEDERAL INTERNET SITES

The conferees have included a new provision (Section 501) prohibiting the use of funds by agencies funded in the Treasury and General Government Appropriations Act, 2001, to use federal Internet sites to collect, review, or create any aggregate list that includes the collection of any personally identifiable information relating to an individual's access to or use of any federal government Internet site of the agency. Section 644 of the Treasury and General Government Appropriations Act, 2001, shall not have effect.

FEC REFORMS

The conferees have included a new provision (Section 502) regarding certain reforms within the FEC, including a clarification of the permissible use of fax and electronic mail, a clarification of the treatment of lines of credit, and requiring the actual receipt of certain independent expenditure reports within 24 hours.

U.S. OLYMPIC ANTI-DOPING EFFORTS

The conferees have included a new provision (Section 503) to clarify that the funds made available to the United States Olympic Committee for anti-doping efforts in the Treasury and General Government Appropriations Act, 2001 will be provided to The U.S. Anti-Doping Agency, Incorporated (USADA). USADA, a private organization, is responsible for the anti-doping program in the United States relating to participation by U.S. athletes in the Olympic, Pan American, and Paralympic Games. The conferees agree to make these funds available to USADA based on their understanding that the conduct of such anti-doping programs is the responsibility of USADA and not of any federal government agency.

FEDERAL RETIREMENT CONTRIBUTIONS

The conferees agree to include a new provision (Section 504) that Section 640 of the Treasury and General Government Appropriations Act, 2001 shall not have effect. The conferees further agree to include a new provision (Section 505) regarding Civil Service retirement contributions.

UNITED STATES SECRET SERVICE ASSISTANCE FOR INVESTIGATIONS RELATED TO MISSING AND EXPLOITED CHILDREN

The conferees agree to include a new provision (Section 506) providing that $2,000,000 of fiscal year 2001 funding for the U.S. Secret Service that was specified for activities related to investigations of missing and exploited children shall be available for forensic and related support of such investigations, to remain available until September 30, 2001.

SECTION 108 OF THE LEGISLATIVE APPROPRIATIONS ACT, 2001

The conferees have included a new provision (Section 507) amending Section 108 of the Legislative Branch Appropriations Act, 2001 contained in House Report 106–796. The amendment places the Chief Administrative Officer (CAO) under the direct control of the Chief of the U.S. Capitol Police, in consultation with the Comptroller General of the United States. The Comptroller General will monitor the performance of the CAO and report same to the Chief the U.S. Capitol Police, the Capitol Police Board, and the appropriations and authorizing committees of the Senate and House of Representatives. The Chief will report the CAO's plans and progress made in resolving the several administrative problems of the Capitol Police to the appropriations and authorizing committees of the Senate and House of Representatives.

REVIEW OF PROPOSED CHANGES TO EXPORT THRESHOLDS FOR COMPUTERS

The conferees expect that the assessment provided by the Comptroller General pursuant to Section 314 of the Legislative Branch Appropriations Act, 2001 shall include, at a minimum:

(1) An evaluation of the adequacy of the stated justification for any proposed changes to computer performance export control thresholds given in the Presidential report referred to in subsection (d) of section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note), as amended; and

(2) An evaluation of the likely impact of any proposed changes to computer performance export control thresholds upon—

(A) the national security and foreign policy interests of the United States;

(B) the security of countries friendly to, or allied with, the United States;

(C) multilateral export control regimes of which the United States is a member; and

(D) United States policies designed to slow or prevent the proliferation of weapons of mass destruction or ballistic missile technology.

TREASURY AND GENERAL GOVERNMENT, FY 2001
(amounts in thousands)

| | Conference |
|---|---|
| TITLE V | |
| DEPARTMENT OF THE TREASURY | |
| Departmental Offices | 6,424 |
| Department-wide systems and capital investments programs | 15,000 |
| Expanded Access to Financial Services | 8,000 |
| Federal Law Enforcement Training Center: | |
| Salaries and Expenses | 5,000 |
| Acquisition, Construction, Improvements, and Related Expenses | 25,000 |
| Bureau of Alcohol, Tobacco and Firearms | 4,148 |
| United States Customs Service: Salaries and expenses | 18,934 |
| Internal Revenue Service: | |
| Tax Law Enforcement | 7,974 |
| Information technology investments | 71,751 |
| Staffing tax administration for balance and equity | 141,000 |
| United States Secret Service: Salaries and expenses | 2,904 |
| Total, Department of the Treasury | 306,135 |
| EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT | |
| Office of National Drug Control Policy: | |
| Counterdrug Technology Assessment Center | 7,000 |
| Unanticipated Needs | 3,500 |
| Total, Executive Office of the President | 10,500 |
| INDEPENDENT AGENCIES | |
| General Services Administration: | |
| Federal Buildings Fund: | |
| Appropriations | 11,350 |
| Limitations on availability of revenue: | |
| Construction and acquisition of facilities | (3,000) |
| Repairs and alterations | (8,350) |
| Policy and Operations | 13,789 |
| National Archives and Records Administration: | |
| Repairs and Restoration | 6,610 |
| Total, Independent Agencies | 31,749 |
| Total, title V | 348,384 |

The following table provides a tabular summary of the fiscal year 2001 Department of Transportation and Related Agencies Appropriations Act.

(Amounts in thousands of dollars)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| TITLE I - DEPARTMENT OF TRANSPORTATION | | | | | | |
| Office of the Secretary | | | | | | |
| Salaries and expenses | (60,852) | 69,186 | (62,109) | (57,469) | 63,245 | +2,393 |
| Immediate Office of the Secretary | 1,867 | (2,031) | 1,756 | 1,800 | (1,827) | (-40) |
| Immediate Office of the Deputy Secretary | 600 | (587) | 587 | 500 | (587) | (-13) |
| Office of the General Counsel | 9,000 | (11,172) | 9,760 | 9,000 | (9,972) | (+972) |
| Office of the Assistant Secretary for Policy | 2,824 | (3,132) | 3,132 | 2,500 | (3,011) | (+187) |
| Office of the Assistant Secretary for Aviation and International Affairs | 7,650 | (7,702) | 7,182 | 7,000 | (7,289) | (-361) |
| Office of the Assistant Secretary for Budget and Programs | 6,870 | (7,241) | 7,241 | 6,500 | (7,362) | (+492) |
| Office of the Assistant Secretary for Governmental Affairs | 2,039 | (2,176) | 2,000 | 2,000 | (2,150) | (+111) |
| Office of the Assistant Secretary for Administration | 17,767 | (20,139) | 18,359 | 17,800 | (19,020) | (+1,253) |
| Office of Public Affairs | 1,800 | (1,714) | 1,454 | 1,500 | (1,674) | (-126) |
| Executive Secretariat | 1,102 | (1,181) | 1,181 | 1,181 | (1,181) | (+79) |
| Board of Contract Appeals | 520 | (496) | 496 | 496 | (496) | (-24) |
| Office of Small and Disadvantaged Business Utilization | 1,222 | (1,192) | 1,192 | 1,192 | (1,192) | (-30) |
| Office of Intelligence and Security | 1,454 | (3,494) | 1,490 | ..... | (1,262) | (-192) |
| Office of the Chief Information Officer | 5,075 | (6,929) | 6,279 | 6,000 | (6,222) | (+1,147) |
| Office of Intermodalism | 1,062 | ..... | ..... | ..... | ..... | (-1,062) |
| Subtotal | (60,852) | (69,186) | (62,109) | (57,469) | (63,245) | (+2,393) |

NOTE: FY00 rescissions included in Net total lines.

(Amounts in thousands of dollars)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| Office of civil rights | 7,200 | 8,726 | 8,140 | 8,000 | 8,140 | +940 |
| Transportation planning, research, and development | 3,300 | 5,258 | 3,300 | 5,300 | 11,000 | +7,700 |
| Across the board (0.38%) rescission | -10 | ..... | ..... | ..... | ..... | +10 |
| Net subtotal | 3,290 | 5,258 | 3,300 | 5,300 | 11,000 | +7,710 |
| Transportation Administrative Service Center | (148,673) | (163,811) | (119,387) | (173,278) | (126,887) | (-21,786) |
| Minority business resource center program | 1,900 | 1,900 | 1,900 | 1,900 | 1,900 | ..... |
| (Limitation on direct loans) | (13,775) | ..... | ..... | (13,775) | ..... | (-13,775) |
| (Limitation on guaranteed loans) | ..... | (13,775) | (13,775) | ..... | (13,775) | (+13,775) |
| Minority business outreach | 2,900 | 3,000 | 3,000 | 3,000 | 3,000 | +100 |
| Across the board (0.38%) rescission | -18 | ..... | ..... | ..... | ..... | +18 |
| Net subtotal | 2,882 | 3,000 | 3,000 | 3,000 | 3,000 | +118 |
| Total, Office of the Secretary | 76,152 | 88,070 | 78,449 | 75,669 | 87,285 | +11,133 |
| ATB rescissions | -28 | ..... | ..... | ..... | ..... | +28 |
| Net total | 76,124 | 88,070 | 78,449 | 75,669 | 87,285 | +11,161 |
| Coast Guard | | | | | | |
| Operating expenses | 2,481,000 | 2,858,000 | 2,851,000 | 2,398,460 | 2,851,000 | +370,000 |
| Defense function | 300,000 | 341,000 | 341,000 | 641,000 | 341,000 | +41,000 |
| Subtotal | 2,781,000 | 3,199,000 | 3,192,000 | 3,039,460 | 3,192,000 | +411,000 |

(Amounts in thousands of dollars)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| Contingent emergency | 77,000 | ..... | ..... | ..... | ..... | -77,000 |
| Acquisition, construction, and improvements: | | | | | | |
| Vessels | 134,560 | 257,180 | 252,640 | 145,937 | 156,450 | +21,890 |
| Across the board (0.38%) rescission | -1,478 | ..... | ..... | ..... | ..... | +1,478 |
| Net subtotal | 133,082 | 257,180 | 252,640 | 145,937 | 156,450 | +23,368 |
| Aircraft | 44,210 | 43,650 | 43,650 | 41,650 | 37,650 | -6,560 |
| Other equipment | 51,626 | 60,313 | 60,113 | 54,304 | 60,113 | +8,487 |
| Shore facilities & aids to navigation facilities | 63,800 | 61,606 | 61,606 | 68,406 | 63,336 | -464 |
| Personnel and related support | 50,930 | 55,151 | 54,691 | 55,151 | 55,151 | +4,221 |
| Integrated Deepwater Systems | 44,200 | 42,300 | 42,300 | 42,300 | 42,300 | -1,900 |
| Subtotal, A C & I (excl rescission) | 389,326 | 520,200 | 515,000 | 407,748 | 415,000 | +25,674 |
| Contingent emergency | 578,000 | ..... | ..... | ..... | ..... | -578,000 |
| Environmental compliance and restoration | 17,000 | 16,700 | 16,700 | 16,700 | 16,700 | -300 |
| Across the board (0.38%) rescission | -65 | ..... | ..... | ..... | ..... | +65 |
| Net subtotal | 16,935 | 16,700 | 16,700 | 16,700 | 16,700 | -235 |
| Alteration of bridges | 15,000 | ..... | 14,740 | 15,500 | 15,500 | +500 |
| Across the board (0.38%) rescission | -57 | ..... | ..... | ..... | ..... | +57 |
| Net subtotal | 14,943 | ..... | 14,740 | 15,500 | 15,500 | +557 |

(Amounts in thousands of dollars)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| Retired pay | 730,327 | 778,000 | 778,000 | 778,000 | 778,000 | +47,673 |
| Reserve training | 72,000 | 73,371 | 80,375 | 80,371 | 80,375 | +8,375 |
| Research, development, test, and evaluation | 19,000 | 21,320 | 19,691 | 21,320 | 21,320 | +2,320 |
| Total, Coast Guard | 4,023,653 | 4,608,591 | 4,616,506 | 4,359,099 | 4,518,895 | +495,242 |
| Contingent emergency | 655,000 | ..... | ..... | ..... | ..... | -655,000 |
| ATB rescissions | -1,600 | ..... | ..... | ..... | ..... | +1,600 |
| Net total | 4,677,053 | 4,608,591 | 4,616,506 | 4,359,099 | 4,518,895 | -158,158 |
| Federal Aviation Administration | | | | | | |
| Operations | 5,900,000 | 6,592,235 | 6,544,235 | (6,350,250) | (6,544,235) | (+644,235) |
| Air traffic services | (4,648,907) | (5,210,434) | ..... | 5,039,391 | 5,200,274 | +551,367 |
| Aviation regulation and certification | (640,162) | (691,979) | ..... | 691,979 | 694,979 | +54,817 |
| Civil aviation security | (131,474) | (144,328) | ..... | 138,462 | 139,301 | +7,827 |
| Research and acquisitions | (174,083) | (196,497) | ..... | 182,401 | 189,988 | +15,905 |
| Commercial space transportation | (6,560) | (12,607) | ..... | 10,000 | 12,000 | +5,440 |
| Financial services | (38,981) | ..... | ..... | 43,000 | 48,444 | +9,463 |
| Human resources | (52,809) | ..... | ..... | 49,906 | 54,864 | +2,055 |
| Regional coordination | (95,321) | ..... | ..... | 99,347 | 99,347 | +4,026 |
| Staff offices | (73,093) | (336,390) | ..... | 95,764 | 105,038 | +31,945 |
| Essential air service | (32,000) | ..... | ..... | ..... | ..... | -32,000 |
| TASC | (6,610) | ..... | ..... | ..... | ..... | -6,610 |
| Subtotal | (5,900,000) | (6,592,235) | ..... | (6,350,250) | (6,544,235) | (+644,235) |

(Amounts in thousands of dollars)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| Facilities & equipment (Airport & Airway Trust Fund) | 2,075,000 | 2,495,000 | 2,656,765 | 2,656,765 | 2,656,765 | +581,765 |
| Rescission | (-30,000) | ..... | ..... | ..... | ..... | (+30,000) |
| Research, engineering, and development (Airport and Airway Trust Fund) | 156,495 | 184,366 | 184,366 | 183,343 | 187,000 | +30,505 |
| Grants-in-aid for airports (Airport and Airway Trust Fund): | | | | | | |
| (Liquidation of contract authorization) | (1,750,000) | (1,960,000) | (3,200,000) | (3,200,000) | (3,200,000) | (+1,450,000) |
| (Limitation on obligations) | (1,950,000) | (1,950,000) | (3,200,000) | (3,200,000) | (3,200,000) | (+1,250,000) |
| Across the board (0.38%) rescission | (-54,362) | ..... | ..... | ..... | ..... | (+54,362) |
| Rescission of contract authority | ..... | ..... | -579,000 | -579,000 | -579,000 | -579,000 |
| Net subtotal | (1,895,638) | (1,950,000) | (2,621,000) | (2,621,000) | (2,621,000) | (+725,362) |
| Total, Federal Aviation Administration | 8,131,495 | 9,271,601 | 9,385,366 | 9,190,358 | 9,388,000 | +1,256,505 |
| (Limitations on obligations) | (1,950,000) | (1,950,000) | (3,200,000) | (3,200,000) | (3,200,000) | (+1,250,000) |
| Total budgetary resources | (10,081,495) | (11,221,601) | (12,585,366) | (12,390,358) | (12,588,000) | (+2,506,505) |
| ATB rescissions | (-54,362) | ..... | ..... | ..... | ..... | (+54,362) |
| Rescission | -30,000 | ..... | -579,000 | -579,000 | -579,000 | -549,000 |
| Net total | (9,997,133) | (11,221,601) | (12,006,366) | (11,811,358) | (12,009,000) | (+2,011,867) |

(Amounts in thousands of dollars)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| Federal Highway Administration | | | | | | |
| Limitation on administrative expenses 1/ | (376,072) | (315,834) | (290,115) | (386,658) | (295,119) | (-80,953) |
| Limitation on transportation research | ..... | ..... | (437,250) | ..... | ..... | ..... |
| Federal-aid highways (Highway Trust Fund): | | | | | | |
| (Limitation on obligations) | (26,245,000) | (26,603,806) | (26,603,806) | (26,603,806) | (26,603,806) | (+358,806) |
| Across the board (0.38%) rescission | (-105,260) | ..... | ..... | ..... | ..... | (+105,260) |
| Net subtotal | (26,139,740) | (26,603,806) | (26,603,806) | (26,603,806) | (26,603,806) | (+464,066) |
| (Revenue aligned budget authority) (RABA) | (1,456,350) | (3,058,000) | (3,058,000) | (3,058,000) | (3,058,000) | (+1,601,650) |
| (RABA transfer under Title III) | ..... | (-598,000) | ..... | ..... | ..... | ..... |
| (Adjustment) | ..... | (255,000) | ..... | ..... | ..... | ..... |
| Subtotal, limitation on obligations | (27,701,350) | (29,318,806) | (29,661,806) | (29,661,806) | (29,661,806) | (+1,960,456) |
| (Exempt obligations) | (1,206,702) | (1,039,576) | (1,039,576) | (1,039,148) | (1,039,576) | (-167,126) |
| (Liquidation of contract authorization) | (26,000,000) | (28,000,000) | (28,000,000) | (28,000,000) | (28,000,000) | (+2,000,000) |

1/ FY 2000 enacted includes $76,058 for motor carrier safety, limitation on administrative expenses.

(Amounts in thousands of dollars)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| Emergency Relief Program (Highway Trust Fund) (contingent emergency appropriation) | ..... | ..... | ..... | ..... | 720,000 | +720,000 |
| Total, Federal Highway Administration | ..... | ..... | ..... | ..... | ..... | ..... |
| Contingent emergency | ..... | ..... | ..... | ..... | 720,000 | +720,000 |
| (Limitations on obligations) | (27,701,350) | (29,318,806) | (29,661,806) | (29,661,806) | (29,661,806) | (+1,960,456) |
| (Exempt obligations) | (1,206,702) | (1,039,576) | (1,039,576) | (1,039,148) | (1,039,576) | (-167,126) |
| Total budgetary resources | (28,908,052) | (30,358,382) | (30,701,382) | (30,700,954) | (31,421,382) | (+2,513,330) |
| ATB rescissions | (-105,260) | ..... | ..... | ..... | ..... | (+105,260) |
| Net total | (28,802,792) | (30,358,382) | (30,701,382) | (30,700,954) | (31,421,382) | (+2,618,590) |

(Amounts in thousands of dollars)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| Federal Motor Carrier Safety Administration | | | | | | |
| Motor carrier safety (limitation on administrative expenses) 1/ | ..... | (92,194) | (92,194) | (92,194) | (92,194) | (+92,194) |
| National motor carrier safety program (Highway Trust Fund): | | | | | | |
| (Liquidation of contract authorization) | (105,000) | (187,000) | (177,000) | (177,000) | (177,000) | (+72,000) |
| (Limitation on obligations) | (105,000) | (177,000) | (177,000) | (177,000) | (177,000) | (+72,000) |
| (RABA transfer under Title III) | ..... | (10,000) | ..... | ..... | ..... | ..... |
| Subtotal, limitation on obligations | (105,000) | (187,000) | (177,000) | (177,000) | (177,000) | (+72,000) |
| Total, Federal Motor Carrier Safety Administration | ..... | ..... | ..... | ..... | ..... | ..... |
| (Limitations on obligations) | (105,000) | (279,194) | (269,194) | (269,194) | (269,194) | (+164,194) |
| Total budgetary resources | (105,000) | (279,194) | (269,194) | (269,194) | (269,194) | (+164,194) |

1/ Provided under FHWA limitation on administrative expenses in FY 2000.

(Amounts in thousands of dollars)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| National Highway Traffic Safety Administration | | | | | | |
| Operations and research | 87,400 | 142,475 | 107,876 | 107,876 | 116,876 | +29,476 |
| Operations and research (Highway trust fund): | | | | | | |
| (Limitation on obligations) | (72,000) | (72,000) | (72,000) | (72,000) | (72,000) | ..... |
| (RABA transfer under Title III) | ..... | (70,000) | ..... | ..... | ..... | ..... |
| (Liquidation of contract authorization) | (72,000) | (142,000) | (72,000) | (72,000) | (72,000) | ..... |
| National Driver Register (Highway trust fund) | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | ..... |
| Subtotal, Operations and research | (161,400) | (286,475) | (181,876) | (181,876) | (190,876) | (+29,476) |
| Highway traffic safety grants (Highway Trust Fund): | | | | | | |
| (Liquidation of contract authorization) | (206,800) | (213,000) | (213,000) | (213,000) | (213,000) | (+6,200) |
| (Limitation on obligations): | | | | | | |
| Highway safety programs (Sec. 402) | (152,800) | (155,000) | (155,000) | (155,000) | (155,000) | (+2,200) |
| Occupant protection incentive grants (Sec. 405) | (10,000) | (13,000) | (13,000) | (13,000) | (13,000) | (+3,000) |
| Alcohol-impaired driving countermeasures grants (Sec. 410) | (36,000) | (36,000) | (36,000) | (36,000) | (36,000) | ..... |
| State highway safety data grants (Sec. 411) | (8,000) | (9,000) | (9,000) | (9,000) | (9,000) | (+1,000) |
| Total, National Highway Traffic Safety Administration | 89,400 | 144,475 | 109,876 | 109,876 | 118,876 | +29,476 |
| (Limitations on obligations) | (278,800) | (355,000) | (285,000) | (285,000) | (285,000) | (+6,200) |
| Total budgetary resources | (368,200) | (499,475) | (394,876) | (394,876) | (403,876) | (+35,676) |

(Amounts in thousands of dollars)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| Federal Railroad Administration | | | | | | |
| Safety and operations | 94,288 | 103,211 | 102,487 | 99,390 | 101,717 | +7,429 |
| Offsetting collections (user fees) | ..... | -77,300 | ..... | ..... | ..... | ..... |
| Railroad research and development | 22,464 | 26,800 | 26,300 | 24,725 | 25,325 | +2,861 |
| Offsetting collections (user fees) | ..... | -25,500 | ..... | ..... | ..... | ..... |
| Rhode Island Rail Development | 10,000 | 17,000 | 17,000 | ..... | 17,000 | +7,000 |
| Across the board (0.38%) rescission | -38 | ..... | ..... | ..... | ..... | +38 |
| Net subtotal | 9,962 | 17,000 | 17,000 | ..... | 17,000 | +7,038 |
| Pennsylvania Station Redevelopment project (advance appropriation, FY 2001, 2002, 2003) 1/ | (60,000) | ..... | ..... | ..... | ..... | (-60,000) |
| Next generation high-speed rail | 27,200 | 22,000 | 22,000 | 24,900 | 25,100 | -2,100 |
| Across the board (0.38%) rescission | -103 | ..... | ..... | ..... | ..... | +103 |
| Net subtotal | 27,097 | 22,000 | 22,000 | 24,900 | 25,100 | -1,997 |
| Alaska Railroad rehabilitation | 10,000 | ..... | ..... | 20,000 | 20,000 | +10,000 |
| Across the board (0.38%) rescission | -38 | ..... | ..... | ..... | ..... | +38 |
| Net subtotal | 9,962 | ..... | ..... | 20,000 | 20,000 | +10,038 |

1/ Provided in Title II - Other Appropriations Matters in P.L. 106-113.

(Amounts in thousands of dollars)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| West Virginia Rail development | ..... | ..... | ..... | 15,000 | 15,000 | +15,000 |
| Capital grants to the National Railroad Passenger Corporation | 571,000 | 521,476 | 521,476 | 521,000 | 521,476 | -49,524 |
| Expanded intercity rail passenger service fund (RABA transfer under Title III): | | | | | | |
| (Liquidation of contract authorization) | ..... | (468,000) | ..... | ..... | ..... | ..... |
| (Limitation on obligations) | ..... | (468,000) | ..... | ..... | ..... | ..... |
| Total, Federal Railroad Administration | 734,952 | 587,687 | 689,263 | 705,015 | 725,618 | -9,334 |
| (Limitations on obligations) | ..... | (468,000) | ..... | ..... | ..... | ..... |
| Total budgetary resources | (734,952) | (1,055,687) | (689,263) | (705,015) | (725,618) | (-9,334) |
| ATB rescissions | -179 | ..... | ..... | ..... | ..... | +179 |
| Net total | (734,773) | (1,055,687) | (689,263) | (705,015) | (725,618) | (-9,155) |

(Amounts in thousands of dollars)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| Federal Transit Administration | | | | | | |
| Administrative expenses | 12,000 | 12,800 | 12,800 | 12,800 | 12,800 | +800 |
| Administrative expenses (Highway Trust Fund, Mass Transit Account) (limitation on obligations) | (48,000) | (51,200) | (51,200) | (51,200) | (51,200) | (+3,200) |
| Subtotal, Administrative expenses | (60,000) | (64,000) | (64,000) | (64,000) | (64,000) | (+4,000) |
| Formula grants | 619,600 | 669,000 | 669,000 | 669,000 | 669,000 | +49,400 |
| Formula grants (Highway Trust Fund): (Limitation on obligations) | (2,478,400) | (2,676,000) | (2,676,000) | (2,676,000) | (2,676,000) | (+197,600) |
| Subtotal, Formula grants | (3,098,000) | (3,345,000) | (3,345,000) | (3,345,000) | (3,345,000) | (+247,000) |
| University transportation research | 1,200 | 1,200 | 1,200 | 1,200 | 1,200 | ..... |
| University transportation research (Highway Trust Fund, Mass Transit Account) (limitation on obligations) | (4,800) | (4,800) | (4,800) | (4,800) | (4,800) | ..... |
| Subtotal, University transportation research | (6,000) | (6,000) | (6,000) | (6,000) | (6,000) | ..... |
| Transit planning and research | 21,000 | 22,200 | 22,200 | 22,200 | 22,200 | +1,200 |
| Transit planning and research (Highway Trust Fund, Mass Transit Account): (Limitation on obligations) | (86,000) | (87,800) | (87,800) | (87,800) | (87,800) | (+1,800) |
| Subtotal, Transit planning and research | (107,000) | (110,000) | (110,000) | (110,000) | (110,000) | (+3,000) |

(Amounts in thousands of dollars)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| Rural transportation assistance | (5,250) | (5,250) | (5,250) | (5,250) | (5,250) | ..... |
| National transit institute | (4,000) | (4,000) | (4,000) | (4,000) | (4,000) | ..... |
| Transit cooperative research | (8,250) | (8,250) | (8,250) | (8,250) | (8,250) | ..... |
| Metropolitan planning | (49,632) | (52,114) | (52,114) | (52,114) | (52,114) | (+2,482) |
| State planning | (10,368) | (10,886) | (10,886) | (10,886) | (10,886) | (+518) |
| National planning and research | (29,500) | (29,500) | (29,500) | (29,500) | (29,500) | ..... |
| Subtotal | (107,000) | (110,000) | (110,000) | (110,000) | (110,000) | (+3,000) |
| Across the board (0.38%) rescission | (-243) | ..... | ..... | ..... | ..... | (+243) |
| Net subtotal | (106,757) | (110,000) | (110,000) | (110,000) | (110,000) | (+3,243) |
| Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization) | (4,929,270) | (5,016,600) | (5,016,600) | (5,016,600) | (5,016,600) | (+87,330) |
| Capital investment grants | 490,200 | 529,200 | 529,200 | 529,200 | 529,200 | +39,000 |
| Capital investment grants (Highway Trust Fund, Mass Transit Account) (limitation on obligations) 1/ | (1,966,800) | (2,116,800) | (2,116,800) | (2,116,800) | (2,116,800) | (+150,000) |
| Subtotal, Capital investment grants | (2,457,000) | (2,646,000) | (2,646,000) | (2,646,000) | (2,646,000) | (+189,000) |

1/ $6 million provided in Title II - Other Appropriations Matters in P.L. 106-113.

(Amounts in thousands of dollars)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| Fixed guideway modernization | (980,400) | (1,058,400) | (1,058,400) | (1,058,400) | (1,058,400) | (+78,000) |
| Buses and bus-related facilities 1/ | (496,200) | (529,200) | (529,200) | (529,200) | (529,200) | (+33,000) |
| New starts | (980,400) | (1,058,400) | (1,058,400) | (1,058,400) | (1,058,400) | (+78,000) |
| Subtotal | (2,457,000) | (2,646,000) | (2,646,000) | (2,646,000) | (2,646,000) | (+189,000) |
| Across the board (0.38%) rescission | (-17,404) | ..... | ..... | ..... | ..... | (+17,404) |
| Net subtotal | (2,439,596) | (2,646,000) | (2,646,000) | (2,646,000) | (2,646,000) | (+206,404) |
| Discretionary grants (Highway Trust Fund, Mass Transit Account) (liquidation of contract authorization) | (1,500,000) | (350,000) | (350,000) | (350,000) | (350,000) | (-1,150,000) |
| Job access and reverse commute grants | 15,000 | 20,000 | 20,000 | 20,000 | 20,000 | +5,000 |
| (Highway Trust Fund, Mass Transit Account) (limitation on obligations) | (60,000) | (80,000) | (80,000) | (80,000) | (80,000) | (+20,000) |
| (RABA transfer under Title III) | ..... | (50,000) | ..... | ..... | ..... | ..... |
| Subtotal, Job access and reverse commute grants | (75,000) | (150,000) | (100,000) | (100,000) | (100,000) | (+25,000) |

1/ $6 million provided in Title II - Other Appropriations Matters in P.L. 106-113.

(Amounts in thousands of dollars)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| Total, Federal Transit Administration | 1,159,000 | 1,254,400 | 1,254,400 | 1,254,400 | 1,254,400 | +95,400 |
| (Limitations on obligations) | (4,644,000) | (5,066,600) | (5,016,600) | (5,016,600) | (5,016,600) | (+372,600) |
| Total budgetary resources | (5,803,000) | (6,321,000) | (6,271,000) | (6,271,000) | (6,271,000) | (+468,000) |
| ATB rescissions | (-17,647) | ..... | ..... | ..... | ..... | (+17,647) |
| Net total | (5,785,353) | (6,321,000) | (6,271,000) | (6,271,000) | (6,271,000) | (+485,647) |
| Saint Lawrence Seaway Development Corporation | | | | | | |
| Operations and maintenance (Harbor Maintenance Trust Fund) | 12,042 | ..... | 13,004 | 12,400 | 13,004 | +962 |
| Across the board (0.38%) rescission | -46 | ..... | ..... | ..... | ..... | +46 |
| Mandatory proposal | ..... | (13,004) | ..... | ..... | ..... | ..... |
| Net total | 11,996 | 13,004 | 13,004 | 12,400 | 13,004 | +1,008 |

(Amounts in thousands of dollars)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| Research and Special Programs Administration | | | | | | |
| Research and special programs: | | | | | | |
| Hazardous materials safety | 17,710 | 18,773 | 18,773 | 18,620 | 18,750 | +1,040 |
| Emergency transportation | 1,378 | 2,375 | 1,866 | 1,801 | 1,831 | +453 |
| Research and technology | 3,397 | 9,416 | 4,516 | 3,740 | 4,816 | +1,419 |
| Program and administrative support | 9,576 | 11,967 | 11,297 | 10,209 | 10,976 | +1,400 |
| Subtotal, research and special programs | 32,061 | 42,531 | 36,452 | 34,370 | 36,373 | +4,312 |
| Offsetting collections (user fees) | ..... | -4,722 | ..... | ..... | ..... | ..... |
| Pipeline safety: | | | | | | |
| Pipeline Safety Fund | 30,000 | 42,874 | 35,874 | 31,894 | 36,556 | +6,556 |
| Oil Spill Liability Trust Fund | 5,479 | 4,263 | 4,263 | 8,750 | 7,488 | +2,009 |
| Pipeline safety reserve | (1,400) | ..... | ..... | (2,500) | (3,000) | (+1,600) |
| Subtotal, Pipeline safety program (including reserve) | (36,879) | (47,137) | (40,137) | (43,144) | (47,044) | (+10,165) |
| Emergency preparedness grants: | | | | | | |
| Emergency preparedness fund | 200 | 200 | 200 | 200 | 200 | ..... |
| Limitation on obligations (emergency preparedness fund) (non-add) | ..... | ..... | ..... | (13,227) | (14,300) | (+14,300) |
| Total, Research and Special Programs Administration | 67,740 | 85,146 | 76,789 | 75,214 | 80,617 | +12,877 |

(Amounts in thousands of dollars)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| Office of Inspector General | | | | | | |
| Salaries and expenses | 44,840 | 48,050 | 48,050 | 10,500 | 48,450 | +3,610 |
| Across the board (0.38%) rescission | -170 | ..... | ..... | ..... | ..... | +170 |
| Net total | 44,670 | 48,050 | 48,050 | 10,500 | 48,450 | +3,780 |
| (By transfer) | ..... | ..... | ..... | (38,500) | ..... | ..... |
| Total, program funding | (44,670) | (48,050) | (48,050) | (49,000) | (48,450) | (+3,780) |
| Surface Transportation Board | | | | | | |
| Salaries and expenses | 17,000 | 17,954 | 17,954 | 17,000 | 17,954 | +954 |
| Offsetting collections | -1,600 | -17,954 | -900 | -954 | -900 | +700 |
| Across the board (0.38%) rescission | -58 | ..... | ..... | ..... | ..... | +58 |
| Net total | 15,342 | ..... | 17,054 | 16,046 | 17,054 | +1,712 |
| General Provisions | | | | | | |
| Transportation Administrative Service Center reduction | -15,000 | ..... | -4,000 | -53,530 | ..... | +15,000 |
| Appalachian development highway system (Sec. 326) | ..... | ..... | ..... | 54,963 | 54,963 | +54,963 |
| Amtrak Reform Council (Sec. 329) | 750 | 980 | 450 | 495 | 750 | ..... |
| Muscle Shoals, Tuscumbia, and Sheffield (Sec. 375) | ..... | ..... | ..... | ..... | 5,000 | +5,000 |
| Valley trains and tours (Sec. 376) | ..... | ..... | ..... | ..... | 1,000 | +1,000 |
| Miscellaneous highways (Sec. 378) | ..... | ..... | ..... | ..... | 1,370,000 | +1,370,000 |
| Woodrow Wilson Memorial Bridge (Sec. 379) | ..... | ..... | ..... | ..... | 600,000 | +600,000 |

(Amounts in thousands of dollars)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| Net total, title I, Department of Transportation | 15,023,343 | 16,089,000 | 15,706,207 | 15,231,505 | 18,424,912 | +3,401,569 |
| Current year, FY 2001 | (14,963,343) | (16,089,000) | (15,706,207) | (15,231,505) | (18,424,912) | (+3,461,569) |
| Appropriations | (14,340,424) | (16,089,000) | (16,285,207) | (15,810,505) | (18,283,912) | (+3,943,488) |
| Rescissions | (-32,081) | ..... | (-579,000) | (-579,000) | (-579,000) | (-546,919) |
| Contingent emergency | (655,000) | ..... | ..... | ..... | (720,000) | (+65,000) |
| Advance appropriations | (60,000) | ..... | ..... | ..... | ..... | (-60,000) |
| (By transfer) | ..... | ..... | ..... | (38,500) | ..... | ..... |
| (Limitations on obligations) | (34,679,150) | (37,437,600) | (38,432,600) | (38,432,600) | (38,432,600) | (+3,753,450) |
| (Rescissions of limitations on obligations) | (-177,269) | ..... | ..... | ..... | ..... | (+177,269) |
| (Exempt obligations) | (1,206,702) | (1,039,576) | (1,039,576) | (1,039,148) | (1,039,576) | (-167,126) |
| Net total budgetary resources | (50,731,926) | (54,566,176) | (55,178,383) | (54,703,253) | (57,897,088) | (+7,165,162) |
| TITLE II - RELATED AGENCIES | | | | | | |
| Architectural and Transportation Barriers Compliance Board | | | | | | |
| Salaries and expenses | 4,633 | 4,795 | 4,795 | 4,795 | 4,795 | +162 |
| National Transportation Safety Board | | | | | | |
| Salaries and expenses | 57,000 | 62,942 | 62,942 | 59,000 | 62,942 | +5,942 |
| Offsetting collections | ..... | -10,000 | ..... | ..... | ..... | ..... |
| Total, title II, Related Agencies | 61,633 | 57,737 | 67,737 | 63,795 | 67,737 | +6,104 |

(Amounts in thousands of dollars)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conferen vs. enact |
|---|---|---|---|---|---|---|
| Grand total | 15,084,976 | 16,146,737 | 15,773,944 | 15,295,300 | 18,492,649 | +3,407,67 |
| Current year, FY 2001 | (15,024,976) | (16,146,737) | (15,773,944) | (15,295,300) | (18,492,649) | (+3,467,67 |
| Appropriations | (14,402,057) | (16,146,737) | (16,352,944) | (15,874,300) | (18,351,649) | (+3,949,59 |
| Rescissions | (-32,081) | ..... | (-579,000) | (-579,000) | (-579,000) | (-546,91 |
| Contingent emergency | (655,000) | ..... | ..... | ..... | (720,000) | (+65,00 |
| Advance appropriations | (60,000) | ..... | ..... | ..... | ..... | (-60,00 |
| (By transfer) | ..... | ..... | ..... | (38,500) | ..... | ..... |
| (Limitation on obligations) | (34,679,150) | (37,437,600) | (38,432,600) | (38,432,600) | (38,432,600) | (+3,753,45 |
| (Rescissions of limitation on obligations) | (-177,269) | ..... | ..... | ..... | ..... | (+177,26 |
| (Exempt obligations) | (1,206,702) | (1,039,576) | (1,039,576) | (1,039,148) | (1,039,576) | (-167,12 |
| Net total budgetary resources | (50,793,559) | (54,623,913) | (55,246,120) | (54,767,048) | (57,964,825) | (+7,171,26 |
| Scorekeeping adjustments: | | | | | | |
| Pipeline safety (OSLTF) | -3,000 | -13,000 | -7,000 | -2,000 | -7,000 | -4,0 |
| Pennsylvania Station Redevelopment project (advance appropriations) (Sec. 332) | -60,000 | 20,000 | 20,000 | 20,000 | 20,000 | +80,0 |
| Rescission of advance | ..... | ..... | -20,000 | ..... | ..... | ..... |
| FTA: Capital invest grants (Title II PL 106-113) | 6,000 | ..... | ..... | ..... | ..... | -6,0 |
| FTA: Capital investment grants (limitation on obligations) | (-6,000) | ..... | ..... | ..... | ..... | (+6,0 |
| Across the board cut (0.38%) | -50,000 | ..... | ..... | ..... | ..... | +50,0 |
| CBO/OMB adjustment | 2,081 | ..... | ..... | ..... | ..... | -2,0 |
| National Academy of Sciences | ..... | ..... | ..... | 1,000 | ..... | ..... |
| Total, adjustments | -104,919 | 7,000 | -7,000 | 19,000 | 13,000 | +117,9 |

(Amounts in thousands of dollars)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| Net grand total (including scorekeeping) | 14,980,057 | 16,153,737 | 15,766,944 | 15,314,300 | 18,505,649 | +3,525,592 |
| Current year, FY 2001 | (14,980,057) | (16,133,737) | (15,746,944) | (15,294,300) | (18,485,649) | (+3,505,592) |
| Appropriations | (14,357,138) | (16,133,737) | (16,345,944) | (15,873,300) | (18,344,649) | (+3,987,511) |
| Rescissions | (-32,081) | ..... | (-599,000) | (-579,000) | (-579,000) | (-546,919) |
| Contingent emergency | (655,000) | ..... | ..... | ..... | (720,000) | (+65,000) |
| Advance appropriations | ..... | (20,000) | (20,000) | (20,000) | (20,000) | (+20,000) |
| (By transfer) | ..... | ..... | ..... | (38,500) | ..... | ..... |
| (Limitations on obligations) | (34,673,150) | (37,437,600) | (38,432,600) | (38,432,600) | (38,432,600) | (+3,759,450) |
| (Rescissions of limitations on obligations) | (-177,269) | ..... | ..... | ..... | ..... | (+177,269) |
| (Exempt obligations) | (1,206,702) | (1,039,576) | (1,039,576) | (1,039,148) | (1,039,576) | (-167,126) |
| Net grand total budgetary resources | (50,682,640) | (54,630,913) | (55,239,120) | (54,786,048) | (57,977,825) | (+7,295,185) |
| RECAP BY FUNCTION | | | | | | |
| Mandatory | 730,327 | 778,000 | 778,000 | 778,000 | 778,000 | +47,673 |
| Discretionary: | | | | | | |
| Highway category: (Limitation on obligations) | (28,085,150) | (29,953,000) | (30,216,000) | (30,216,000) | (30,216,000) | (+2,130,850) |
| Mass Transit category | 1,159,000 | 1,254,400 | 1,254,400 | 1,254,400 | 1,254,400 | +95,400 |
| (Limitation on obligations) | (4,638,000) | (5,066,600) | (5,016,600) | (5,016,600) | (5,016,600) | (+378,600) |
| Total, Mass Transit category | (5,797,000) | (6,321,000) | (6,271,000) | (6,271,000) | (6,271,000) | (+474,000) |

(Amounts in thousands of dollars)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| General purpose discretionary: | | | | | | |
| Defense discretionary | 300,000 | 341,000 | 341,000 | 641,000 | 341,000 | +41,000 |
| Nondefense discretionary | 12,790,730 | 13,780,337 | 13,393,544 | 12,640,900 | 16,132,249 | +3,341,519 |
| Total, General purpose discretionary | 13,090,730 | 14,121,337 | 13,734,544 | 13,281,900 | 16,473,249 | +3,382,519 |
| Total, Discretionary | 14,249,730 | 15,375,737 | 14,988,944 | 14,536,300 | 17,727,649 | +3,477,919 |

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2001 recommended by the Committee of Conference, with comparisons to the fiscal year 2000 amount, the 2001 budget estimates, and the House and Senate bills for 2001 follow:

[In thousands of dollars]

| | |
|---|---|
| New budget (obligational) authority, fiscal year 2000 | $15,084,976 |
| Budget estimates of new (obligational) authority, fiscal year 2001 | 16,146,737 |
| House bill, fiscal year 2001 | 15,773,944 |
| Senate bill, fiscal year 2001 | 15,295,300 |
| Conference agreement, fiscal year 2001 | 18,492,649 |
| Conference agreement compared with: | |
| New budget (obligational) authority, fiscal year 2000 | +3,407,673 |
| Budget estimates of new (obligational) authority, fiscal year 2001 | +2,345,912 |
| House bill, fiscal year 2001 | +2,718,705 |
| Senate bill, fiscal year 2001 | +3,197,349 |

FRANK R. WOLF,
TOM DELAY,
RALPH REGULA,
HAROLD ROGERS,
RON PACKARD,
SONNY CALLAHAN,
TODD TIAHRT,
ROBERT B. ADERHOLT,
KAY GRANGER,
C.W. BILL YOUNG,
MARTIN OLAV SABO (except for provisions to withhold highway funds from states that do not adopt 0.08 blood alcohol concentration laws),
JOHN W. OLVER,
ED PASTOR,
CAROLYN C. KILPATRICK (except for provisions to withhold highway funds from states that do not adopt 0.08 blood alcohol concentration laws),
JOSE E. SERRANO,
MICHAEL P. FORBES,
DAVID R. OBEY (with exception to denial of funds to states without 0.08 BAC),
*Managers on the Part of the House.*

RICHARD C. SHELBY,
PETE DOMENICI,
ARLEN SPECTER,
CHRISTOPHER S. BOND,
SLADE GORTON,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
TED STEVENS,
FRANK R. LAUTENBERG,
ROBERT C. BYRD,
BARBARA A. MIKULSKI,
HARRY REID,
HERB KOHL,
PATTY MURRAY,
DANIEL K. INOUYE,
*Managers on the Part of the Senate.*

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 39 minutes p.m.), the House stood in recess subject to the call of the Chair.

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## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 11 o'clock and 6 minutes p.m.

## REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4475, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–941) on the resolution (H. Res. 612) waiving points of order against the conference report to accompany the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3244, TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–942) on the resolution (H. Res. 613) waiving points of order against the conference report to accompany the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, which was referred to the House Calendar and ordered to be printed.

## CORRECTION TO THE CONGRESSIONAL RECORD OF TUESDAY, OCTOBER 3, 2000 AT PAGE H8699

The following bill was inadvertently printed in the wrong version and appears below in the correct version as passed by the House.

## AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2045) to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens.

The Clerk read as follows:

S. 2045

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

### TITLE I—AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY

**SEC. 101. SHORT TITLE.**

This title may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

**SEC. 102. TEMPORARY INCREASE IN VISA ALLOTMENTS.**

(a) FISCAL YEARS 2001–2003.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vii); and

(2) by striking clause (iv) and inserting the following:

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002;

''(vi) 195,000 in fiscal year 2003; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEARS 1999 AND 2000.—

(1) IN GENERAL.—(A) Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(B) In the case of any alien on behalf of whom a petition for status under section 101(a)(15)(H)(I)(b) is filed before September 1, 2000, and is subsequently approved, that alien shall be counted toward the numerical ceiling for fiscal year 2000 notwithstanding the date of the approval of the petition. Notwithstanding section 214(g)(1)(A)(iii) of the Immigration and Nationality Act, the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 2000 is increased by a number equal to the number of aliens who may be issued visas or otherwise provided nonimmigrant status who filed a petition during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(iii) is reached and ending on August 31, 2000.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

**SEC. 103. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.**

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b) who is employed (or has received an offer of employment) at—

''(A) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(B) a nonprofit research organization or a governmental research organization.

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

**SEC. 104. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.**

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) is eligible to be granted that status but for application of the per country limitations applicable to immigrants under those paragraphs,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

**SEC. 105. INCREASED PORTABILITY OF H–1B STATUS.**

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who, subsequent to such lawful admission, has not been employed without authorization in the United States before the filing of such petition.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

**SEC. 106. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.**

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

(c) INCREASED JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS.—

(1) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

''(j) JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS TO PERMANENT RESIDENCE.—A petition under subsection (a)(1)(D) for an individual whose application for adjustment of status pursuant to section 245 has been filed and remained unadjudicated for 180 days or more shall remain valid with respect to a new job if the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the petition was filed.''.

(2) Section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) is amended by adding at the end the following new clause:

''(iv) LONG DELAYED ADJUSTMENT APPLICANTS.—A certification made under clause (i) with respect to an individual whose petition is covered by section 204(j) shall remain valid with respect to a new job accepted by the individual after the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the certification was issued.''.

(d) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the number of employment-based visas (as defined in paragraph (3)) made available for a fiscal year (beginning with fiscal year 2001) shall be increased by the number described in paragraph (2). Visas made available under this subsection shall only be available in a fiscal year to employment-based immigrants under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act.

(2) NUMBER AVAILABLE.—

(A) IN GENERAL.—Subject to subparagraph (B), the number described in this paragraph is the difference between the number of employment-based visas that were made available in fiscal year 1999 and 2000 and the number of such visas that were actually used in such fiscal years.

(B) REDUCTION.—The number described in subparagraph (A) shall be reduced, for each fiscal year after fiscal year 2001, by the cumulative number of immigrant visas actually used under paragraph (1) for previous fiscal years.

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the application of section 201(c)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(3)(C)).

(3) EMPLOYMENT-BASED VISAS DEFINED.—For purposes of this subsection, the term ''employment-based visa'' means an immigrant visa which is issued pursuant to the numerical limitation under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

**SEC. 107. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.**

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2003''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2003''.

**SEC. 108. RECOVERY OF VISAS USED FRAUDULENTLY.**

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

**SEC. 109. NSF STUDY AND REPORT ON THE ''DIGITAL DIVIDE''.**

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence

in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

**SEC. 110. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.**

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the use of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

**SEC. 111. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.**

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. The need for the training shall be justified through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 116(b) or section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association: *Provided,* That the activities of such local or regional public-private partnership described in this subsection shall be conducted in coordination with the activities of the relevant local workforce investment board or boards established under the Workforce Investment Act of 1998 (29 U.S.C. 2832); and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any single specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted

occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured;

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness; and

''(iii) in the case of an application for a grant under subsection (c)(2)(A)(ii), explain what barriers prevent the strategy from being implemented through a grant made under subsection (c)(2)(A)(i).

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

**SEC. 112. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.**

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

**SEC. 113. USE OF FEES FOR DUTIES RELATING TO PETITIONS.**

(a) Section 286(s)(5) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(5)) is amended to read as follows: ''4 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Attorney General until expended to carry out duties under paragraphs (1) and (9) of section 214(c) related to petitions made for nonimmigrants described in section 101(a)(15)(H)(i)(b), under paragraph (1) (C) or (D) of section 204 related to petitions for immigrants described in section 203(b).''.

(b) Notwithstanding any other provision of this Act, the figure on page 14, line 16 is deemed to be ''22 percent''; the figure on page 16, line 14 is deemed to be ''4 percent''; and the figure on page 16, line 16 is deemed to be ''2 percent''.

**SEC. 114. EXCLUSION OF CERTAIN "J" NONIMMIGRANTS FROM NUMERICAL LIMITATIONS APPLICABLE TO "H-1B" NONIMMMIGRANTS.**

The numerical limitations contained in section 102 of this title shall not apply to any nonimmigrant alien granted a waiver that is subject to the limitation contained in paragraph (1)(B) of the first section 214(l) of the Immigration and Nationality Act (relating to restrictions on waivers).

**SEC. 115. STUDY AND REPORT ON THE "DIGITAL DIVIDE".**

(a) STUDY.—The Secretary of Commerce shall conduct a review of existing public and private high-tech workforce training programs in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Commerce shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

**SEC. 116. SEVERABILITY.**

If any provision of this title (or any amendment made by this title) or the application thereof to any person or circumstance is held invalid, the remainder of the title (and the amendments made by this title) and the application of such provision to any other person or circumstance shall not be affected thereby. This section be enacted 2 days after effective date.

## TITLE II—IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENTS

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Immigration Services and Infrastructure Improvements Act of 2000''.

**SEC. 202. PURPOSES.**

(a) PURPOSES.—The purposes of this title are to—

(1) provide the Immigration and Naturalization Service with the mechanisms it needs to eliminate the current backlog in the processing of immigration benefit applications within 1 year after enactment of this Act and to maintain the elimination of the backlog in future years; and

(2) provide for regular congressional oversight of the performance of the Immigration and Naturalization Service in eliminating the backlog and processing delays in immigration benefits adjudications.

(b) POLICY.—It is the sense of Congress that the processing of an immigration benefit application should be completed not later than 180 days after the initial filing of the application, except that a petition for a nonimmigrant visa under section 214(c) of the Immigration and Nationality Act should be processed not later than 30 days after the filing of the petition.

**SEC. 203. DEFINITIONS.**

In this title:

(1) BACKLOG.—The term ''backlog'' means, with respect to an immigration benefit application, the period of time in excess of 180 days that such application has been pending before the Immigration and Naturalization Service.

(2) IMMIGRATION BENEFIT APPLICATION.—The term ''immigration benefit application'' means any application or petition to confer, certify, change, adjust, or extend any status granted under the Immigration and Nationality Act.

**SEC. 204. IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENT ACCOUNT.**

(a) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General shall take such measures as may be necessary to—

(1) reduce the backlog in the processing of immigration benefit applications, with the objective of the total elimination of the backlog not later than one year after the date of enactment of this Act;

(2) make such other improvements in the processing of immigration benefit applications as may be necessary to ensure that a backlog does not develop after such date; and

(3) make such improvements in infrastructure as may be necessary to effectively provide immigration services.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Department of Justice from time to time such sums as may be necessary for the Attorney General to carry out subsection (a).

(2) DESIGNATION OF ACCOUNT IN TREASURY.—Amounts appropriated pursuant to paragraph (1) may be referred to as the ''Immigration Services and Infrastructure Improvements Account''.

(3) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(4) LIMITATION ON EXPENDITURES.—None of the funds appropriated pursuant to paragraph (1) may be expended until the report described in section 205(a) has been submitted to Congress.

**SEC. 205. REPORTS TO CONGRESS.**

(a) BACKLOG ELIMINATION PLAN.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning—

(A) the backlogs in immigration benefit applications in existence as of the date of enactment of this title; and

(B) the Attorney General's plan for eliminating such backlogs.

(2) REPORT ELEMENTS.—The report shall include—

(A) an assessment of the data systems used in adjudicating and reporting on the status of immigration benefit applications, including—

(i) a description of the adequacy of existing computer hardware, computer software, and other mechanisms to comply with the adjudications and reporting requirements of this title; and

(ii) a plan for implementing improvements to existing data systems to accomplish the purpose of this title, as described in section 202(a);

(B) a description of the quality controls to be put into force to ensure timely, fair, accurate, and complete processing and adjudication of such applications;

(C) the elements specified in subsection (b)(2);

(D) an estimate of the amount of appropriated funds that would be necessary in order to eliminate the backlogs in each category of immigration benefit applications described in subsection (b)(2); and

(E) a detailed plan on how the Attorney General will use any funds in the Immigration Services and Infrastructure Improvements Account to comply with the purposes of this title.

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Beginning 90 days after the end of the first fiscal year for which any appropriation authorized by section 204(b) is made, and 90 days after the end of each fiscal year thereafter, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning the status of—

(A) the Immigration Services and Infrastructure Improvements Account including any unobligated balances of appropriations in the Account; and

(B) the Attorney General's efforts to eliminate backlogs in any immigration benefit application described in paragraph (2).

(2) REPORT ELEMENTS.—The report shall include—

(A) State-by-State data on—

(i) the number of naturalization cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for naturalization applications;

(iii) the number of naturalization applications pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) estimated processing times adjudicating newly submitted naturalization applications;

(v) an analysis of the appropriate processing times for naturalization applications; and

(vi) the additional resources and process changes needed to eliminate the backlog for naturalization adjudications;

(B) the status of applications or, where applicable, petitions described in subparagraph (C), by Immigration and Naturalization Service district, including—

(i) the number of cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for such applications or petitions;

(iii) the number of applications or petitions pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) the estimated processing times adjudicating newly submitted applications or petitions;

(v) an analysis of the appropriate processing times for applications or petitions; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications; and

(C) a status report on—

(i) applications for adjustments of status to that of an alien lawfully admitted for permanent residence;

(ii) petitions for nonimmigrant visas under section 214 of the Immigration and Nationality Act;

(iii) petitions filed under section 204 of such Act to classify aliens as immediate relatives or preference immigrants under section 203 of such Act;

(iv) applications for asylum under section 208 of such Act;

(v) registrations for Temporary Protected Status under section 244 of such Act; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications.

(3) ABSENCE OF APPROPRIATED FUNDS.—In the event that no funds are appropriated subject to section 204(b) in the fiscal year in which this Act is enacted, the Attorney General shall submit a report to Congress not later than 90 days after the end of such fiscal year, and each fiscal year thereafter, containing the elements described in paragraph (2).

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the Senate bill S. 2045.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STENHOLM) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

(The following Members (at the request of Mr. HANSEN) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today, and October 6, 10, 11, 12, and 13.

Mr. DUNCAN, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

## ENROLLED BILLS AND A JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1800. To amend the Violent Crime Control and Law Enforcement Act of 1994 to ensure that certain information regarding prisoners is reported to the Attorney General.

H.R. 2752. To direct the Secretary of the Interior to sell certain public land in Lincoln County through a competitive process.

H.R. 2773. To amend the Wild and Scenic Rivers Act to designate the Wekiva River and its tributaries of Wekiwa Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida as components of the national wild and scenic rivers system.

H.R. 4579. To provide for the exchange of certain lands within the State of Utah.

H.R. 4583. To extend the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

H.J. Res. 110. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

## SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 366. An act to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail.

S. 1198. An act to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

S. 2045. An act to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens.

S. 2272. An act to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

## BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 4365. To amend the Public Health Service Act with respect to children's health.

## ADJOURNMENT

Mr. REYNOLDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 8 minutes p.m.), the House adjourned until Friday, October 6, 2000, at 9 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10460. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Profile Documents for Commodity Pools (RIN: 3038–AB60) received October 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10461. A letter from the Director, Office of Management and Budget, transmitting a report on the Cost Estimate for Pay-As-You-Go Calculations; to the Committee on the Budget.

10462. A letter from the Director, Office on Management and Budget, transmitting a report on the Estimates Contained in P.L. 106–259 Department of Defense Appropriations Act, FY 2001; to the Committee on the Budget.

10463. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Rocksprings, Texas) [MM Docket No. 99–336; RM–9758] received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10464. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Bristol, Vermont) [MM Docket No. 99–260; RM–9686] received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10465. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Sheffield, Pennsylvania) [MM Docket No. 00–60; RM–9827] (Erie, Illinois) [MM Docket No. 00–61; RM–9840] (Due West, South Carolina) [MM Docket No. 00–62; RM–9846] received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10466. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Jacksonville, Georgia) [MM Docket No. 00–84; RM–9855] (Las Vegas, New Mexico) [MM Docket No. 00–85; RM–9868] (Vale, Oregon) [MM Docket No. 00–86; RM–9869] (Waynesboro, Georgia) [MM Docket No. 00–89; RM–9872] (Fallon, Nevada) [MM Docket No. 00–111; RM–9900] (Weiser, Oregon) [MM Docket No. 00–112; RM–9901] received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10467. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of section 73.202(b), Table of Allotments, FM Broadcast Stations. (Pitkin, Lake Charles, Moss Bluff, and Reeves, Louisiana, and Crystal Beach, Galveston, Missouri City, and Rosenberg, Texas.) [MM Docket No. 99–26; RM–9436; RM–9651; RM–9652] received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10468. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 15 of the Commission's Rules Regarding Spread Spectrum Devices [ET Docket No. 99–231] received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10469. A letter from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems [CC Docket No. 94–102] received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10470. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Station (Andalusia, Alabama and Holt, Florida) [MM Docket No. 00–17; RM–9814] received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10471. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Rangley, Silverton and Ridgway, Colorado) [MM Docket No. 99–151, RM–9559, RM–9932] received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10472. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Italy [Transmittal No. DTC 127–00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10473. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

10474. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled ''Audit of the Advisory Neighborhood Commission 3B for the period October 1, 1997 through December 31, 1999,'' pursuant to D.C. Code section 47–117(d); to the Committee on Government Reform.

10475. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled ''Certification of the Fiscal Year 2000 Revised Revenue Estimate of $3,225,180,000 in Support of the District's $189 Million Multimodal General Obligation BONDS,'' pursuant to D.C. Code section 47–117(d); to the Committee on Government Reform.

10476. A letter from the Chairman, Consumer Product Safety Commission, transmitting a report on the revised Strategic Plan; to the Committee on Government Reform.

10477. A letter from the Attorney General, Department of Justice, transmitting a report on the Strategic Plan for 2000–2005; to the Committee on Government Reform.

10478. A letter from the Acting Secretary, Department of Veterans Affairs, transmitting a report on the Strategic Plan 2001–2006; to the Committee on Government Reform.

10479. A letter from the The Administrator, Environmental Protection Agency, transmitting a report on the Strategic Plan for FY 2000–2005; to the Committee on Government Reform.

10480. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a report on the Strategic Plan for 2000–2005; to the Committee on Government Reform.

10481. A letter from the Chairman, Federal Trade Commission, transmitting a report on the Strategic Plan for FY 2000–2005; to the Committee on Government Reform.

10482. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting a report on the five-year Strategic/Operational Plan for FY 2000–2005; to the Committee on Government Reform.

10483. A letter from the Director, Office of Personnel Management, transmitting a report on the 2000 Inventory of Commercial Activities; to the Committee on Government Reform.

10484. A letter from the Director, Office of Personnel Management, transmitting a report on the Federal Human Resources Management for the 21st century Strategic Plan FY 2000–2005; to the Committee on Government Reform.

10485. A letter from the Secretary of Labor, transmitting a report on the Strategic Plan for 1999–2004; to the Committee on Government Reform.

10486. A letter from the Chairman, Tennessee Valley Authority, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

10487. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 081600A] received October 3, 2000, pursuant to

5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10488. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Acquisition of Training Services—received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10489. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Monthly Limit for Transit Passes and Transportation in a Commuter Highway Vehicle Provided by an Employer to Employees Under Section 132(f) of the Internal Revenue Code [Announcement 2000–78] received October 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10490. A letter from the Chief, Regulations Unit, Internal Revenue Services, transmitting the Service's final rule—Automatic approval of changes in funding methods [Rev. Procedure 2000–40] received October 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10491. A letter from the Chairman, United States International Trade Commission, transmitting the annual report on the impact of the Andean Trade Preference Act on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution, pursuant to 19 U.S.C. 3204; to the Committee on Ways and Means.

10492. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting a report on the Employment of Minorities, Women and People with Disabilities in the Federal Government; jointly to the Committees on Government Reform and Education and the Workforce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3241. A bill to direct the Secretary of the Interior to recalculate the franchise fee owed by Fort Sumter Tours, Inc., a concessioner providing service to Fort Sumpter National Monument in South Carolina, and for other purposes; with an amendment (Rept. 106–937). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 1936. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes; with an amendment (Rept. 106–938). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee of Conference. Conference report on H.R. 3244. A bill to combat trafficking on persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking (Rept. 106–939). Ordered to be printed.

Mr. WOLF: Committee of Conference. Conference report on H.R. 4475. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–940). Ordered to be printed.

Mr. REYNOLDS: Committee on Rules. House Resolution 612. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–941). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 613. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking (Rept. 106–942). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WELLER:

H.R. 5389. A bill to authorize the Secretary of the Army to convey certain real property in the city of Joliet, Illinois, to the Joliet Park District for use as the park district's headquarters; to the Committee on Transportation and Infrastructure.

By Mr. BILBRAY:

H.R. 5390. A bill to amend the Nazi War Crimes Disclosure Act to extend the existence of the interagency working group established under that Act, and to clarify the authority of that group and the application of that Act regarding records pertaining to the Imperial Government of Japan; to the Committee on Government Reform.

By Mr. ROHRABACHER:

H.R. 5391. A bill to establish the White House Commission on the National Moment of Remembrance; to the Committee on Government Reform.

By Mr. TALENT (for himself and Mr. CRANE):

H.R. 5392. A bill to amend title XVIII of the Social Security Act to provide relief for small business concerns from Medicare consolidated billing requirements and to exclude services of certain providers from the skilled nursing facility prospective payment system, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOLLUM (for himself and Ms. BALDWIN):

H.R. 5393. A bill to amend title 18, United States Code, to provide a criminal penalty for the unauthorized placement of a writing with a consumer product, and for other purposes; to the Committee on the Judiciary.

By Mr. WOLF:

H.R. 5394. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes; to the Committee on Appropriations.

By Mrs. CAPPS (for herself and Mr. WU):

H.R. 5395. A bill to provide for qualified withdrawals from the Capital Construction Fund (CCF) for fishermen leaving the industry and for the rollover of Capital Construction Funds to individual retirement plans; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DIAZ-BALART:

H.R. 5396. A bill to amend section 81 of the Tariff Act of 1930 to amend the definition of a foreign trade zone operator, and for other purposes; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. LAFALCE, Mr. EVANS, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS, Mr. BAIRD, Ms. BALDWIN, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BECERRA, Ms. BERKLEY, Mr. BERRY, Mr. BILBRAY, Mr. BLUMENAUER, Mr. BOEHLERT, Mr. BONIOR, Mrs. BONO, Mr. BORSKI, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. CANNON, Mrs. CAPPS, Mr. CAPUANO, Ms. CARSON, Mrs. CHRISTENSEN, Mrs. CLAYTON, Mr. CONDIT, Mr. COYNE, Mr. CRAMER, Ms. DANNER, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DICKS, Mr. DINGELL, Mr. DIXON, Mr. ETHERIDGE, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FILNER, Mr. FORBES, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEJDENSON, Mr. GALLEGLY, Mr. GILLMOR, Mr. GONZALEZ, Mr. GOODLATTE, Mr. GORDON, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. HALL of Texas, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOLDEN, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. JENKINS, Mrs. JONES of Ohio, Mr. JONES of North Carolina, Ms. KAPTUR, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KIND, Mr. KLINK, Mr. KUCINICH, Mr. LARSON, Mr. LATOURETTE, Ms. LEE, Mr. LEVIN, Ms. LOFGREN, Mrs. LOWEY, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCINTYRE, Ms. MCKINNEY, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. MARTINEZ, Mr. MASCARA, Mr. MATSUI, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. METCALF, Mr. MICA, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MOORE, Mr. MORAN of Virginia, Mr. MURTHA, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. NEY, Ms. NORTON, Mr. OBERSTAR, Mr. OBEY, Mr. ORTIZ, Mr. OWENS, Mr. PACKARD, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. PETERSON of Pennsylvania, Mr. PHELPS, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. RANGEL, Mr. REYES, Mr. RODRIGUEZ, Mr. ROHRABACHER, Mr. ROMERO-BARCELO, Mrs. ROUKEMA, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SANDERS, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SCOTT, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Mr. SHOWS, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Mr. SNYDER, Mr. SPRATT, Ms. STABENOW, Mr. STARK, Mr. STEARNS, Mr. STRICKLAND, Mr. STUPAK, Mr. SWEENEY, Mrs. TAUSCHER, Mr. TAYLOR of Mississippi, Mr. THOMPSON of California, Mr. THUNE, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. WALDEN of Oregon, Mr. WAMP, Ms. WATERS, Mr. WEYGAND, Mr. WISE, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H.R. 5397. A bill to require the Secretary of the Treasury to mint coins in commemoration of veterans of the Armed Forces of the

United States and to use the proceeds of surcharges imposed on the sale of such coins to fund the transportation of veterans to and from hospitals administered by the Secretary of Veterans Affairs; to the Committee on Banking and Financial Services.

By Mr. JOHN:

H.R. 5398. A bill to provide that land which is owned by the Coushatta Tribe of Louisiana but which is not held in trust by the United States for the Tribe may be leased or transferred by the Tribe without further approval by the United States; to the Committee on Resources.

By Mr. LOBIONDO:

H.R. 5399. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Abel and Mary Nicholson House located in Elsinboro Township, Salem County, New Jersey, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. LUCAS of Oklahoma (for himself and Mr. WATKINS):

H.R. 5400. A bill to amend the Internal Revenue Code of 1986 to modify the retail tax on heavy trucks and trailers to exclude tractors suitable for use with vehicles weighing 33,000 pounds or less; to the Committee on Ways and Means.

By Mr. MOORE (for himself, Mr. WATKINS, Mr. MORAN of Kansas, Mr. STENHOLM, Mr. SISISKY, Mr. CONDIT, Mr. TAYLOR of Mississippi, Mr. CRAMER, Mr. BISHOP, Mr. POMEROY, Mr. SCOTT, Ms. MCCARTHY of Missouri, Mr. BERRY, Mr. JOHN, Mr. SANDLIN, Mr. TURNER, and Mr. SHOWS):

H.R. 5401. A bill to amend the Internal Revenue Code of 1986 to extend the section 29 credit for producing fuel from a nonconventional source; to the Committee on Ways and Means.

By Mrs. MORELLA (for herself and Mr. BARTLETT of Maryland):

H.R. 5402. A bill to amend the Chesapeake and Ohio Canal Development Act to extend to the Chesapeake and Ohio Canal National Historical Park Commission; to the Committee on Resources.

By Mr. SOUDER:

H.R. 5403. A bill to restore Federal recognition to the Miami Nation of Indiana; to the Committee on Resources.

By Mr. STARK (for himself, Mr. NEAL of Massachusetts, Mr. JEFFERSON, and Mr. COYNE):

H.R. 5404. A bill to amend title XVIII of the Social Security Act to establish and implement a comprehensive system under the Medicare Program to assure quality of care furnished to Medicare beneficiaries, and reduce the incidence of medical errors, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIERNEY (for himself, Mr. ANDREWS, Mrs. MCCARTHY of New York, and Mr. KILDEE):

H.R. 5405. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide emergency protection for retiree health benefits; to the Committee on Education and the Workforce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOLF:

H.R. 5406. A bill to amend title 5, United States Code, to provide for rank awards for certain senior career employees; to the Committee on Government Reform.

By Mr. LAZIO (for himself, Mr. GILMAN, and Mr. REYNOLDS):

H. Con. Res. 418. Concurrent resolution expressing the sense of the Congress regarding the current level of violence between the Israelis and the Palestinians; to the Committee on International Relations.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

475. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Resolution No. 209 memorializing the United States Army Corps of Engineeers to hold public hearings on its proposed erosion mitigation policy for portions of the Lake Michigan shoreline; to the Committee on Transportation and Infrastructure.

476. Also, a memorial of the House of Representatives of the State of Ohio, relative to Resolution No. 60 memorializing the Congress of the United States to propose and pass legislation to return adequate funding to states to fund the employment security system, ensuring a fair return to employer for the Federal Unemployment Tax Act; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. BECERRA introduced a bill (H.R. 5407) for the relief of Tony Lara; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Undre clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 531: Ms. VELAZQUEZ.

H.R. 561: Mr. SMITH of Washington,

H.R. 640: Ms. BERKLEY.

H.R. 783: Ms. BALDWIN.

H.R. 963: Mr. WALDEN of Oregon.

H.R. 1303: Mr. ISTOOK, Ms. ROYBAL-ALLARD, and Mr. MICA.

H.R. 1450: Ms. BALDWIN.

H.R. 2166: Mr. BAIRD, Mr. GREEN of Wisconsin, Mr. PHELPS, Mr. MEEHAN, Mr. MARKEY, and Mr. CHABOT.

H.R. 2520: Mrs. JOHNSON of Connecticut.

H.R. 2551: Mr. THORNBERRY, Mr. MALONEY of Connecticut, Mr. BEREUTER, and Mr. LOBIONDO.

H.R. 2620: Ms. CARSON and Mr. SMITH of New Jersey.

H.R. 3083: Mr. COYNE, Mr. KUCINICH, and Mr. SERRANO.

H.R. 3256: Mr. UDALL of New Mexico.

H.R. 3453: Ms. PRYCE of Ohio.

H.R. 3514: Mr. CHAMBLISS, Mrs. NORTHUP, Mr. PHELPS, Mr. GREEN of Wisconsin, Mr. MOAKLEY, Mr. CONDIT, and Mr. WEYGAND.

H.R. 3558: Mr. DINGELL.

H.R. 3628: Mr. PETERSON of Pennsylvania.

H.R. 3712: Mr. MCNULTY.

H.R. 4025: Mr. ENGLISH.

H.R. 4082: Mr. MORAN of Virginia.

H.R. 4102: Mr. DUNCAN and Mr. SCHAFFER.

H.R. 4281: Mr. OXLEY.

H.R. 4328: Mr. FOLEY.

H.R. 4511: Mr. SCHAFFER and Mr. NUSSLE.

H.R. 4547: Mr. MCCOLLUM, Mr. OXLEY, and Ms. DANNER.

H.R. 4549: Mr. EWING.

H.R. 4580: Mr. WALDEN of Oregon.

H.R. 4624: Mr. FARR of California.

H.R. 4740: Mr. BEREUTER and Mr. DIXON.

H.R. 4874: Ms. CARSON and Mr. GRAHAM.

H.R. 4894: Mr. ETHERIDGE.

H.R. 4936: Mr. GREEN of Texas.

H.R. 4971: Mr. BARRETT of Wisconsin and Mr. GOODLATTE.

H.R. 5015: Mr. GREEN of Texas and Ms. CARSON.

H.R. 5027: Mr. SCHAFFER.

H.R. 5067: Mr. REYES.

H.R. 5132: Mr. KUCINICH, Mr. MCHUGH, Mrs. LOWEY, Mrs. MORELLA, Mrs. JONES of Ohio, Mr. GORDON, and Ms. ROYBAL-ALLARD.

H.R. 5137: Mr. MCCOLLUM, Mr. PORTER, Ms. MCCARTHY of Missouri, Ms. PRYCE of Ohio, Mr. LEWIS of Georgia, Mrs. ROUKEMA, Mr. BILIRAKIS, and Mr. MCNULTY.

H.R. 5147: Mr. RANGEL, Mr. LIPINSKI, Mr. ROTHMAN, Mr. HALL of Texas, and Mr. MARTINEZ.

H.R. 5148: Mr. WEXLER.

H.R. 5151: Ms. DANNER and Mr. BILBRAY.

H.R. 5152: Mr. KENNEDY of Rhode Island, Mr. LAMPSON, and Ms. ESHOO.

H.R. 5159: Mr. ABERCROMBIE.

H.R. 5164: Mr. DEUTSCH, Mr. SHIMKUS, Mr. LATOURETTE, and Mr. KLINK.

H.R. 5180: Mr. STARK.

H.R. 5238: Ms. BERKLEY.

H.R. 5258: Mr. DELAY, Ms. GRANGER, Mr. FROST, Mr. HALL of Ohio, Mr. BOEHNER, Mr. SPENCE, Mrs. MORELLA, Mr. TRAFICANT, Mr. SESSIONS, Mr. HAYWORTH, Mrs. CLAYTON, Mrs. EMERSON, Ms. BERKLEY, Mr. SAM JOHNSON of Texas, Mr. BERMAN, Mr. ALLEN, Mr. HINOJOSA, Mr. OBERSTAR, Ms. MCKINNEY, Ms. KILPATRICK, Mr. MINGE, Mr. FATTAH, Mr. JEFFERSON, Mr. SANDLIN, Mr. MCGOVERN, Mr. SALMON, Mr. BARRETT of Nebraska, Mr. RADANOVICH, Mrs. CHENOWETH-HAGE, Mr. HOBSON, Mr. GILMAN, Mr. WALDEN of Oregon, Mr. GILCHREST, Mr. HILLEARY, Mr. GOODLATTE, Mr. SHADEGG, Mr. WAMP, Mrs. FOWLER, Mr. HANSEN, Mr. JENKINS, and Mr. WU.

H.R. 5261: Mr. SERRANO and Mr. ENGEL.

H.R. 5268: Mr. NETHERCUTT, Mrs. KELLY, Mr. DOYLE, Mr. REYES, Mr. ISAKSON, Mr. SANDLIN, Mr. NEAL of Massachusetts, Mr. MORAN of Virginia, Mr. GARY MILLER of California, and Mr. COYNE.

H.R. 5271: Mr. PETERSON of Minnesota.

H.R. 5322: Mr. GEORGE MILLER of California.

H.R. 5337: Mr. SMITH of New Jersey and Ms. PELOSI.

H.R. 5350: Mr. NETHERCUTT.

H.R. 5373: Mr. SCHAFFER and Mr. VITTER.

H. Con. Res. 58: Mr. KLINK and Ms. SLAUGHTER.

H. Con. Res. 341: Mr. BOEHLERT and Mr. HALL of Ohio.

H. Con. Res. 370: Ms. SANCHEZ.

H. Con. Res. 395: Ms. SCHAKOWSKY.

H. Con. Res. 401: Mr. HEFLEY, Mr. DOYLE, Mr. RADANOVICH, Mr. CANADY of Florida, Mr. WYNN, Mr. ACKERMAN, Mr. PAYNE, and Ms. MCKINNEY.

H. Con. Res. 404: Mr. COSTELLO, Mr. LEWIS of California, Mrs. MORELLA, Mr. SMITH of Washington, Mr. HASTINGS of Washington, Ms. BALDWIN, Mr. INSLEE, and Mr. MALONEY of Connecticut.

H. Con. Res. 408: Mr. BARRETT of Nebraska, Mr. KUCINICH, Mr. PASCRELL, Mr. GREEN of Texas, Mr. HASTINGS of Washington, and Mr. GOODLATTE.

H. Con. Res. 412: Ms. SLAUGHTER and Mr. FARR of California.

H. Res. 347: Ms. SLAUGHTER.

H. Res. 437: Mr. SANDLIN.

H. Res. 537: Mr. PRICE of North Carolina, Mr. SMITH of Washington, Mr. OLVER, and Mr. LUCAS of Oklahoma.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

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# Senate

*(Legislative day of Friday, September 22, 2000)*

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Claude Pomerleau, CSC, University of Portland, Oregon.

## PRAYER

The guest Chaplain, Rev. Claude Pomerleau, offered the following prayer:

Let us pray:

Lord and Master of the universe, we dare to name You Mother and Father because You are the Source of all that we are, all that we have, and all that we do. You have also sent us Your Spirit, and so we call ourselves Your children. We know that You love us, and that this gift goes beyond our greatest expectations.

O God, bless all the Members of the Senate, this day and always. May they act in accordance with Your Spirit as they serve this Nation and work for a more peaceful and secure world. May they be just and compassionate in their work as You are just and compassionate with Your creation, and may they be a sign of Your presence for this Nation and the world.

We pray that we may always be instruments of Your peace, even in the midst of unresolved problems and constant human conflicts. And, as a result, may we strive to be a mosaic of Your renewing presence in this world, through which we have a brief but glorious passage. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

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

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. CRAPO.) The Senator from Alaska is recognized.

## SCHEDULE

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I have been asked to announce today that the Senate will resume consideration of H.J. Res. 110, the continuing resolution. Under the order, the time until 10 a.m. will be equally divided with a vote scheduled to occur at 10 a.m. Following the vote, the Senate is expected to resume debate on the conference report to accompany H.R. 4578, the Interior appropriations bill. Cloture was filed on the conference report and it is hoped an agreement can be reached to have the cloture vote during today's session. The Senate may also begin consideration of any other conference reports available for action. I thank my colleagues for their attention.

Mr. President, I understand the Senator from Vermont would like to make a very special introduction. It will be my intention then to speak, and take the time of Senator STEVENS, leaving him about 5 minutes remaining on our side.

Mr. REID. Mr. President, I didn't understand. Is that a unanimous consent request for something?

The PRESIDING OFFICER. No unanimous consent request was made.

The Senator from Vermont.

## THE GUEST CHAPLAIN

Mr. LEAHY. Mr. President, I thank my friend from Alaska for his usual courtesies. I will take time on our side briefly.

I thank the Senate Chaplain, Dr. Ogilvie, for his courtesy in inviting today's visiting Chaplain, Father Claude Pomerleau. Father Pomerleau is very special to me; he is my brother-in-law. He is the chairman of the department of history and political science at the University of Portland. He has a distinguished career, a doctorate from the University of Denver, where actually

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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one of his lead professors was Dr. Madeleine Albright's father. He speaks many, many languages. He is seen as a leading authority on Latin America. He teaches in Chile as well as at the University of Portland—in fact, he just came back from there.

I could go through all these things about him, but from a personal point of view he is very special to me. His sister, Marcelle, and I have been married now for 38 years, and he was present when we were married, as were his brother Rene and his father and mother, Phil and Cecile Pomerleau. Phil and Cecile are no longer with us, but I have a feeling they look down in pride at their son this morning, as we all do. He is a teacher, he is a mentor, a brother, a son, a beloved uncle—in our family he has been all of those and more.

He has been a very dear friend to me. I think of what Edward Everett Hale, a former distinguished Senate Chaplain, once said. He was asked:

> Do you pray for the Senators, Dr. Hale?

And he said:

> No, I look at the Senators and I pray for the country.

I am privileged to have a brother who not only prays for the country, but prays for this Senator. I consider it, in my 26 years here, one of the rarest privileges I have had to be able to see him on the floor.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. REID. Will the Senator yield for a comment about Senator LEAHY?

The PRESIDING OFFICER. Does the Senator yield?

Mr. MURKOWSKI. I yield.

Mr. REID. Mr. President, before Senator LEAHY and his brother-in-law leave, I want the good Father to know how much the Senate cares about you and Marcelle. You have expressed so well your feelings about your brother-in-law, but we want you to know how much the entire Senate on both sides of the aisle respects Senator LEAHY and your lovely sister.

## MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001—Resumed

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

> A joint resolution (H.J. Res. 110) making further continuing appropriations for the fiscal year 2001, and for other purposes.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, what is the time circumstance on this bill?

The PRESIDING OFFICER. There are 12 minutes a side. The time is evenly divided.

Mr. STEVENS. I yield the 12 minutes on this side to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

### ENERGY POLICY

Mr. MURKOWSKI. Mr. President, I think it is important to note the situation escalating in the Mideast as a consequence of the tensions. It is unfortunate it would be at a time when we had hoped there would be an effort to get a firm peace agreement. As a consequence of that, I think it is important to bring to the attention of my colleagues a reality relative to the release of the Strategic Petroleum Reserve at the recommendation of Vice President GORE to our President.

As you know, the President did release 30 million barrels of the Strategic Petroleum Reserve. This was the largest single release of crude oil from SPR in the 25-year history of the reserve. The administration has claimed this has been a successful effort because the price of oil has dropped. Notwithstanding that, using SPR to manipulate prices is contrary to the law because we have not reauthorized SPR, and of course the success of this is determined in the long term, not the short term.

But I wish to bring to the attention of each and every Member some facts. Since the President made his announcement, there has been no new heating oil placed into the market and no measurable rise in inventories. It may surprise some of you, particularly those in the Northeast, to know that American consumers may, under the current arrangement, never see any of the product refined from the crude oil that we released from our Strategic Petroleum Reserve. Let me explain why because this is important.

In the arrangement, there was absolutely no requirement that those who successfully bid on crude oil from the Strategic Petroleum Reserve needed to refine it into heating oil. They may decide to make gasoline or some other product.

Second, there is absolutely nothing that prevents this product from being shipped to foreign markets, either in its crude form or as a refined product such as heating oil.

Guess what. That is just what is happening. We are shipping heating oil to Europe. Look at the Wall Street Journal this morning. Let me quote:

> Europe's market for heating oil is 50 percent bigger than the U.S. heating oil market. Europe's stocks are even tighter and prices there are a few cents a gallon higher, so U.S. refiners have renewed incentive to ship heating oil across the Atlantic. . . . U.S. exports of heating oil to Europe have ballooned nearly six times, in the first 7 months of this year. . . .

That tells the story of the arrangement that the administration made to take the oil out of SPR and increase our heating oil supply. What has happened with it is it is going to Europe. I am not surprised by this, in the sense of the market going to the highest price where it can generate a return. But I am astonished about the claim of the administration and those who support the movement of SPR, and the release, that it was done because of concerns over supply for the benefit of the American consumer. The American consumer has not benefited. This is a spin being put on by the pundits.

I asked the Secretary of Energy pointblank at a hearing last week:

> Is it possible as a result of oil being released from SPR that prices could fall but no new heating oil would find its way into the U.S. heating market?

Do you know what the answer was? It could happen. The irony is that we are going to release oil from our Strategic Petroleum Reserve to provide product to a European market. That should not be lost on the American consumer or Members of this body.

Finally, SPR was created for one specific purpose: as a reserve in case our supply, our dependence on OPEC and other countries, is disrupted. We are 58-percent dependent on imported oil. We have a situation in the Mideast. Iraq is claiming Kuwait is stealing its oil, the same claim it made prior to the Persian Gulf war. Kuwait is now claiming Iraq stole oil during the gulf war. The entire Israeli-Palestinian peace process appears, unfortunately, to have fallen apart. All this leads to a reminder that we should not use our petroleum reserve for political purposes, and that appears to be what we have done in this arrangement.

Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. The Senator has 7½ minutes remaining.

Mr. MURKOWSKI. I ask the Chair to advise me when I have 4 minutes remaining.

The PRESIDING OFFICER. The Chair will do so.

Mr. MURKOWSKI. Mr. President, as a consequence of the focus on energy between our two Presidential candidates, it is very appropriate that we identify differences.

The Vice President has said he has an energy plan that focuses not only on increasing the supply but also on working on the consumption side, but the real facts are the Vice President does not practice what he preaches. Let's look at the record over the last 7½ years.

The administration has opposed domestic oil exploration and production. We have had 17 percent less production since Clinton-Gore took office, and the facts are it decreased the number of oil wells from 136,000 and the number of gas wells has decreased by 57,000. These are wells that have actually been closed since 1992. There has been absolutely no utilization of American coal in coal-fired electric generating plants. We have not built a new plant since 1990.

The difficulty is the Environmental Protection Agency has made it so uneconomic that the industry simply cannot get the permits. We force the nuclear energy to choke on its own waste. We were one vote short in the Senate to pass a veto override. Yet the U.S. Court of Appeals has given the industry a liability case in the Court of

Claims, with a liability to the taxpayers of somewhere between $40 billion and $80 billion.

The administration threatens to tear down hydroelectric dams out West. What are we going to do there? We are going to take the traffic off the rivers and put it on the highways. We have ignored electric reliability and supply concerns. Go out to California, particularly San Diego, where they have seen price spikes and brownouts, no new generation, no new transmission. This has happened on the Vice President's watch.

Natural gas prices in the last 10 months have gone from $2.60 to $5.40 for delivery. That is the problem we are facing, and that is the record under this administration.

Let's not forget one more thing. The Vice President talks about cutting taxes. The Vice President himself cast the vote in 1993 to raise the gas tax 4.3 cents a gallon. He did not just cast the vote; he broke the tie, and that is the significance of the record with regard to a contribution to increase domestic energy in this country. Instead of doing something to increase domestic oil supply, the Vice President and the administration would rather blame big oil profiteering, and that is ironic. Where was big oil a year ago when oil was selling for $10 a barrel? Who was profiteering then, Mr. President?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. MURKOWSKI. Who sets the price of oil? OPEC.

I thank the Chair and reserve the remainder of our time for Senator STEVENS, who wants to claim that time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it seems to me the majority is crying because the price of oil has dropped. The President made a decisive step and said we are going to pump oil from our reserve. Immediately, the price of oil dropped. Today it is below $30 a barrel. The majority seems so concerned that what the President has done has helped—the price of oil has dropped.

I suggest my friends in the majority talk to the Governor of Texas or maybe the man running for Vice President. They have connections with the oil industry. Maybe they could talk him into not shipping oil overseas if that is, in fact, what is happening. They are crying crocodile tears because what is happening here is good. We laid out in great detail yesterday what this administration has done to lower the price of oil to make sure the economy was in good shape.

I am also continually amazed at what the majority says about the Vice President: He broke the tie, so there is a 4-cent-per-gallon increase in gas; isn't that too bad?

Let's look at the history. Remember, the majority was saying all kinds of bad things would happen. The Republicans were saying all kinds of bad things would happen if, in fact, the Clinton and Gore budget deficit reduction plan passed. It passed.

Prior to passing, listen to what the Republicans had to say.

CONRAD BURNS:

> So we're still going to pile up some more debt. But most of all, we're going to cost jobs in this country.

He was wrong on both counts. There are 22 million new jobs and, of course, the debt is gone.

ORRIN HATCH said:

> Make no mistake, this will cost jobs.

Wrong again.

PHIL GRAMM, the Senator from Texas:

> I want to predict here tonight that if we adopt this bill, the American economy is going to get weaker, not stronger, and the deficit 4 years from today will be higher than it is today, and not lower. When it is all said and done, people will pay more taxes, the economy will create fewer jobs, Government will spend more money, and the American people will be worse off.

I am not going to go into detail, but we have 300,000 fewer Federal employees than in 1992. We have the lowest unemployment in some 40 years. We have created 22 million jobs. We have a Federal Government today that is smaller than when President Kennedy was President. I think those on the other side should realize, yes, the Vice President did cast a decisive vote, but it was so decisive that it put this country on the road to economic recovery.

I also suggest my friends should stop talking about nuclear waste. We know there is not going to be another nuclear powerplant built in America, but we also recognize that rather than spending time on nuclear waste, why don't they talk about alternative energy—solar, wind, and geothermal?

My friend from Alaska continually talks about energy policy. I respect his opinion, but I continue to believe he is absolutely wrong.

Mrs. BOXER. Will my friend yield me 3 minutes?

Mr. REID. I will be happy to yield to my friend from California from the time we have.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my friend for setting the record straight and for doing such a good job because we do have to remember where we were when the Clinton-Gore administration took office.

In my State, there was suffering; there was no hope; people's dreams were set aside; the economy was in the tank; and there was double-digit unemployment. Today we are in the midst of the greatest economic recovery ever. It dates back to the vote AL GORE cast because he was the deciding vote on that budget. The Republicans predicted gloom and doom, deficits and debt, unemployment and the rest. Let's face it; they were wrong. We do not want to go back to those days of high deficits.

VIOLENCE AGAINST WOMEN ACT

Mrs. BOXER. Mr. President, I appreciate the assistant Democratic leader yielding me time because I want to talk briefly about the Violence Against Women Act, and then I am going to make a unanimous consent request, of which I believe the other side has been made aware.

The Violence Against Women Act, a landmark law that was passed in 1994, has now expired. We have to reauthorize it. It is crucial. It has expired.

Is this an important and worthy act? Yes, it is. Both sides of the aisle agree. We have seen a 21-percent reduction in violence against women. We have seen shelters for battered women and their families built. They have gone up from 1,200 to about 2,000. We see doctors trained to recognize domestic abuse and police men and women trained to recognize domestic abuse. So we are seeing, in the figures, a decrease in the violence.

But we cannot allow this law to die. The point is, it passed the House overwhelmingly. It is a clean bill. But there are political games going on over here. People want to attach all kinds of different things to the Violence Against Women Act. It can stand alone on its own two feet. Senator BIDEN wrote that act a long time ago. When I was in the House, he asked me to carry it. He has been joined by Senator HATCH. They have worked together now on this new reauthorization.

The last point I want to make before making my unanimous consent request is this: It may be called the Violence Against Women Act, but this act directly attacks the problem of children in these homes. We have to realize that children under the age of 12 live in approximately 4 out of 10 homes that experience domestic violence.

We look at Hollywood—and we are critical of what they are doing in terms of the R-rated films shown to kids—but the fact is, there is only one reliable predictor of future violence. If a male child sees one parent beat another parent, he is twice as likely to abuse his own wife as the son of nonviolent parents.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. REID. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Five minutes remaining.

Mr. REID. I yield the Senator 2 more minutes.

Mrs. BOXER. We have a situation where we know if a child sees violence in the home, that child is very likely to repeat that violence. We have to protect these children by stopping the violence.

UNANIMOUS-CONSENT REQUEST—H.R. 1248

At this time, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 834, H. 1248, an act to prevent violence against women, that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Reserving the right to object, I ask the Senator, under my reservation, this bill which has done so much good in the country, has it lapsed?

Mrs. BOXER. Yes. The Violence Against Women Act reauthorization has expired. We can't permit this to continue any longer. The House acted, and well over 400 Members voted to reauthorize it.

Mr. REID. Is the Senator telling me that right now the law is not in effect in our country?

Mrs. BOXER. In essence, the authorization has definitely expired. My friend is right. That is why I make this request in a most urgent fashion.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Reserving the right to object, I rise on behalf of the leader, who is working now with Members on the other side. I do not know of anyone who disagrees with what the Senator from California has said. No one I know of disagrees with the bill. I certainly do not. However, there is a process underway. I object to the unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

Time runs equally against both sides.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. How much time is remaining on the minority side?

The PRESIDING OFFICER. There are 3 minutes on the minority side.

Mr. REID. I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank Senator REID, once more, for yielding me some time.

I understand the Republican side of the aisle wants to attach different pieces of legislation to the Violence Against Women Act, and that is what is slowing it down. I know they want to see this act go forward. But I have to say to them, there is an easy way to do it.

I am very disappointed we had this objection this morning. We had a beautiful prayer—a beautiful prayer—given by Senator LEAHY's brother-in-law. If you heard what he said, he prayed that we in the Senate could work to do good works—to do good works. I know that is what we all strive to do every single day we get up in the morning. But it seems to me that good work such as the Violence Against Women Act is easy to do. We do not have to use it as a train to which we attach different pieces of legislation.

I see Senator WELLSTONE on the floor. He has worked so hard in the area of the trafficking of women worldwide. Yes, we have no objection if we marry these two, if you will, pieces of legislation together because they make sense. One is talking about violence at home; one is talking about taking girls and putting them into sex trafficking. And it is a sin upon the world that this happens. We agreed to do this. It could have been done in a minute. We do not need to come on the floor and have a long period of time to discuss this. I am sure the Senator would agree; we could have a few comments.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mrs. BOXER. I am very disappointed this morning that we haven't been able to do at least one good thing for the women and children of this country, and that is to pass the House bill, the Violence Against Women Act, to get it done.

The PRESIDING OFFICER. Who yields time?

Time runs equally against both sides.

Mr. REID. Mr. President, I would like to ask a question of my friend from California in the minute we have remaining.

Mrs. BOXER. Yes.

Mr. REID. With all this compassionate conservatism around, do you think it would be good if the Governor of Texas interceded in this matter?

Mrs. BOXER. Yes. I would call on the Governor to intercede with our friends on the other side. He was asked about the Violence Against Women Act on the campaign trail. He was unaware of it. He said he had not heard of it, although Texas has received about $75 million, and they have built battered women shelters. Then when he studied it, he said he supported it, for which I am very grateful. But this is a golden moment for him.

Since we have passed the bill, I want to say to my friend from Nevada, intimate-partner violence has decreased by 21 percent. Again, we have seen the number of battered women shelters increase by 60 percent. Before there were more animal shelters than there were for women and children. So we should act. I hope my friends will reconsider.

The PRESIDING OFFICER. All the time of the minority has expired.

Who yields time?

Time will run on the majority side.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I think we are getting prepared, within a couple minutes now, to have a vote on the continuing resolution. I simply want to rise again to say I do not disagree at all with what the Senator from California is saying. But the fact is, there is a plan. There is a plan to operate under here. The Senate does not simply react because someone gets up and says it is time to do this. There are negotiations going on between the leader and Senators on the other side.

I am sure this will indeed be done. We have a lot of things that need to be done. I would suggest that we ought to get the whole thing planned a little bit. I am a little surprised that this Senator is talking about objecting to moving forward because I think there have been quite a few objections coming from that side that has gotten us to where we are now. That is not really the point. The point is, we will handle this bill. The leader has prepared to do that.

Mr. THOMAS. Mr. President, I hope we can now proceed to the vote.

The PRESIDING OFFICER. The clerk will read the joint resolution for the third time.

The joint resolution was read the third time.

Mr. INHOFE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. BUNNING). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—95

| | | |
|---|---|---|
| Abraham | Enzi | McConnell |
| Akaka | Feingold | Mikulski |
| Allard | Fitzgerald | Miller |
| Ashcroft | Frist | Moynihan |
| Baucus | Gorton | Murkowski |
| Bayh | Graham | Murray |
| Bennett | Gramm | Nickles |
| Biden | Grams | Reed |
| Bingaman | Grassley | Reid |
| Bond | Gregg | Robb |
| Boxer | Hagel | Roberts |
| Breaux | Harkin | Rockefeller |
| Brownback | Hatch | Roth |
| Bryan | Hollings | Santorum |
| Bunning | Hutchinson | Sarbanes |
| Burns | Hutchison | Schumer |
| Byrd | Inhofe | Sessions |
| Campbell | Inouye | Shelby |
| Chafee, L. | Johnson | Smith (NH) |
| Cleland | Kennedy | Smith (OR) |
| Cochran | Kerrey | Snowe |
| Collins | Kerry | Specter |
| Conrad | Kohl | Stevens |
| Craig | Kyl | Thomas |
| Crapo | Landrieu | Thompson |
| Daschle | Lautenberg | Thurmond |
| DeWine | Levin | Torricelli |
| Dodd | Lincoln | Voinovich |
| Domenici | Lott | Warner |
| Dorgan | Lugar | Wellstone |
| Durbin | Mack | Wyden |
| Edwards | McCain | |

NAYS—1

Leahy

NOT VOTING—4

| | |
|---|---|
| Feinstein | Jeffords |
| Helms | Lieberman |

The joint resolution (H.J. Res. 110) was passed.

Mr. FITZGERALD. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A conference report to accompany H.R. 4578, an act making appropriations for the Department of the Interior and related agencies for fiscal year ending September 30, 2001, and for other purposes.

Mr. WELLSTONE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SENATE AGENDA

Mr. LEAHY. Mr. President, the situation we are in right now is interesting. It is different from any similar period I can recall in nearly 26 years in the Senate. We are at the end of the fiscal year—we have actually gone beyond the end of the fiscal year—and nothing seems to be happening. I voted against the continuing resolution, not because I do not think we should keep the Government going—of course we should; it is unfortunate to close down the Government—but more to express my concern that we are not doing our business.

We have not passed our appropriations bills as we should. We all talk about how we make Government more efficient or how we make Government better. But imagine if you are running one of these Agencies or one of these Departments and you have to make the decisions for the year, and Congress, which has a mandate under law to pass the appropriations bills by September 30, we are here on October 5 and are nowhere near completing the bills.

Yet in a Congress that spends more time investigating than legislating, we are perfectly willing to have investigations and actually bring a lot of these Departments to a halt while we ask them question after question, even if the questions have already been asked, and yet we are unwilling to do our own work on time. It is not the way it can be done, and it is not the way it should be done.

I strongly urge Senators to consider next year when we come back, no matter who wins the Presidency, no matter who wins seats in the Senate or in the other body, that we spend more time trying to do things that actually help the country, that we set aside some of the partisanship and bitterness that has marked this Senate actually since impeachment time, which in itself was marked by partisanship when impeachment was rushed through in a lame duck House of Representatives and then passed over to this body. It appears in many ways we lost our footing at that time and never got back on course.

There are bills that have bipartisan support. There was one I was discussing on the floor a few minutes ago with the distinguished Senator from Colorado, the Campbell-Leahy bulletproof vest bill. This is a bill that provides money for bulletproof vests for law enforcement officers.

Senator CAMPBELL and I served in law enforcement before we came to Congress. We served at a time when much of law enforcement did not face the danger it does now, but we kept enough of our ties to law enforcement and so we know how difficult it is. We know that the men and women we send out to protect all of us are themselves so often the victims of the same criminals from whom they try to protect us.

Bulletproof vests are a $500 or $600 item. They wear out in 5 years. A lot of departments, especially small departments in States such as Vermont or rural areas like Texas, cannot afford these vests. I have letters from hundreds of law enforcement people from around the country who tell me that under the original Campbell-Leahy bill, they finally have a sense of security because they have bulletproof vests. We want to extend that for a couple more years. Yet we cannot even get a vote on it.

This is a bill which, if it is brought to a vote in this Chamber, I am willing to bet virtually every Senator, Republican and Democrat, will vote for. How can one vote against it? Yet there has been one hold on the Republican side of the aisle, and we cannot bring up this vital law enforcement piece of legislation.

I wanted to be sure—I am hearing from law enforcement agencies all across the country: Why can't you pass it?—so I actually made the point of checking with all 46 Democratic Senators: Do any of you have any objection to voting on this on a second's notice? They said: No, pass it by unanimous consent, if you want.

I ask whoever is holding it up on the other side not to continue to hold it up.

Mr. President, I return to ask the Republican leadership what is holding up enactment of the Bulletproof Vest Partnership Grant Act of 2000? This is a bill I introduced with Senator CAMPBELL and others last April. The Senate Judiciary Committee considered and and reported the bill unanimously to the full Senate back in June. I have since been working to get Senate consideration, knowing that it will pass overwhelmingly if not unanimously.

Unfortunately, an anonymous ''hold'' on the Republican side prevented enactment before the Senate recessed in July. I have been unable to discover which Republican Senator opposes the bill or why, and that remains true today.

We have been working for several months to pass the Bulletproof Vest Partnership Grant Act of 2000. It has been cleared by all Democratic Senators.

That it has still not passed the full Senate is very disappointing to me, as I am sure that it is to our nation's law enforcement officers, who need life-saving bulletproof vests to protect themselves. Protecting and supporting our law enforcement community should not be a partisan issue.

Senator CAMPBELL and I worked together closely and successfully in the last Congress to pass the Bulletproof Vest Partnership Grant Act of 1998 into law. This year's bill reauthorizes and extends the successful program that we helped create and that the Department of Justice has done such a good job implementing.

I have charts here that show how successful the Bulletproof Vests Grant Program has been for individual states. In its first year of operation in 1999, the program funded the purchase of 167,497 vests with $23 million in federal grant funds.

For the State of Alabama, the program funded the purchase of 2,287 bulletproof vests for law enforcement officers in 1999. For the State of California, the program funded the purchase of 28,106 bulletproof vests for law enforcement officers in 1999. For the State of Colorado, the program funded the purchase of 1,844 bulletproof vests for police officers in 1999.

For the State of Idaho, the program funded the purchase of 711 bulletproof vests for law enforcement officers in 1999. For the State of Michigan, the program funded the purchase of 2,932 bulletproof vests for law enforcement officers in 1999. For the State of Minnesota, the program funded the purchase of 1,052 bulletproof vests for law enforcement officers in 1999. For the State of Mississippi, the program funded the purchase of 1,283 bulletproof vests for law enforcement officers in 1999. For the State of Missouri, the program funded the purchase of 2,919 bulletproof vests for law enforcement officers in 1999.

For the State of New York, the program funded the purchase of 13,004 bulletproof vests for law enforcement officers in 1999. For the State of Oklahoma, the program funded the purchase of 3,042 bulletproof vests for law enforcement officers in 1999. For the State of Rhode Island, the program funded the purchase of 792 bulletproof vests for law enforcement officers in 1999. For the State of Utah, the program funded the purchase of 1,326 bulletproof vests for law enforcement officers in 1999. For my home State of Vermont, the program funded the purchase of 361 bulletproof vests for police officers in 1999. For big and small states, the program was a success in its first year.

I have a second chart that shows how successful the Bulletproof Vests Grant Program has been for individual states in its second year of operation. In 2000, the program funded the purchase of 158,396 vests with $24 million in federal grant funds.

For the State of Alabama, the program funded the purchase of 2,498 bulletproof vests for law enforcement officers in 2000. For the State of California, the program funded the purchase of 27,477 bulletproof vests for law enforcement officers in 2000. For the State of Colorado, the program funded the purchase of 2,288 bulletproof vests for police officers in 2000.

For the State of Idaho, the program funded the purchase of 477 bulletproof vests for law enforcement officers in 2000. For the State of Michigan, the program funded the purchase of 3,427 bulletproof vests for law enforcement officers in 2000. For the State of Minnesota, the program funded the purchase of 709 bulletproof vests for law enforcement officers in 2000. For the State of Mississippi, the program funded the purchase of 1,364 bulletproof vests for law enforcement officers in 2000. For the State of Missouri, the program funded the purchase of 1,221 bulletproof vests for law enforcement officers in 2000.

For the State of New York, the program funded the purchase of 11,969 bulletproof vests for law enforcement officers in 2000. For the State of Oklahoma, the program funded the purchase of 3,389 bulletproof vests for law enforcement officers in 2000. For the State of Rhode Island, the program funded the purchase of 313 bulletproof vests for law enforcement officers in 2000. For the State of Utah, the program funded the purchase of 1,326 bulletproof vests for law enforcement officers in 2000. For my home State of Vermont, the program funded the purchase of 175 bulletproof vests for police officers in 2000. For the second year in a row, the program was a great success.

Mr. President, I ask unanimous consent that these two charts listing the number of bulletproof vests purchased and the Federal grant amounts for each state in 1999 and 2000 under the Bulletproof Vest Partnership Grant Program be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. The Bulletproof Vest Partnership Grant Act of 2000 builds on the success of this program by doubling its annual funding to $50 million for fiscal years 2002–2004. It also improves the program by guaranteeing jurisdictions with fewer than 100,000 residents receiving the full 50–50 matching funds because of the tight budgets of these smaller communities and by making the purchase of stab-proof vests eligible for grant awards to protect corrections officers in close quarters in local and county jails.

We have 20 cosponsors on the new bill, including a number of Democrats and Republicans. This is a bipartisan bill that is not being treated in a bipartisan way. For some unknown reason a Republican Senator has a hold on this bill and has chosen to exercise that right anonymously.

More than ever before, police officers in Vermont and around the country face deadly threats that can strike at any time, even during routine traffic stops. Bulletproof vests save lives. It is essential the we update this law so that many more of our officers who are risking their lives everyday are able to protect themselves.

I hope that the mysterious ''hold'' on the bill from the other side of the aisle will disappear. The Senate should pass without delay the Bulletproof Vest Partnership Grant Act of 2000 and send to the President for his signature into law.

Before we recessed last July, I informed the Republican leadership that the House of Representatives had passed the companion bill, H.R. 4033, by an overwhelming vote of 413–3. I expressed my hope that the Senate would quickly follow suit and pass the House-passed bill and send it to the President. President Clinton has already endorsed this legislation to support our Nation's law enforcement officers and is eager to sign it into law.

I find it ironic that the Senate in July passed the Federal Law Enforcement Animal Protection Act, H.R. 1791. That bill increased the penalties for harming dogs and horses used by federal law enforcement officers. President Clinton signed that bill into law on August 2nd.

The majority acted quickly to protect dogs and horses used by law enforcement officers but has stalled action on legislation to provide life-saving protection for law enforcement officers themselves. The Senate should have moved as quickly in July to pass the Bulletproof Vest Partnership Grant Act of 2000 and sent it to the President for his signature into law.

Several more months have come and gone. Unfortunately, nothing has changed. Not knowing what the misunderstanding of our bill is, I find it is impossible to overcome an anonymous, unstated objection. I, again, ask whoever it is on the Republican side who has a concern about this program to please come talk to me and to Senator CAMPBELL. I hope that the Senate will do the right thing and pass this important legislation without further unnecessary delay.

EXHIBIT 1

BULLETPROOF VEST PARTNERSHIP GRANT ACT—YEAR 1999

| State | Total vests | Approved amount |
|---|---|---|
| Alabama | 2,287 | $230,343.84 |
| Alaska | 395 | 90,309.65 |
| Arizona | 1,705 | 334,099.97 |
| Arkansas | 778 | 180,830.13 |
| California | 28,106 | 2,843,427.56 |
| Colorado | 1,844 | 303,622.83 |
| Connecticut | 3,637 | 547,507.96 |
| Delaware | 1,526 | 69,533.76 |
| District of Columbia | 844 | 44,899.70 |
| Florida | 9,641 | 985,708.59 |
| Georgia | 4,067 | 528,480.98 |
| Guam | 145 | 6,000.00 |
| Hawaii | 330 | 100,865.57 |
| Idaho | 711 | 101,673.49 |
| Illinois | 9,035 | 1,337,252.98 |
| Indiana | 5,375 | 774,582.31 |
| Iowa | 1,954 | 441,262.08 |
| Kansas | 1,257 | 195,605.72 |
| Kentucky | 1,510 | 234,990.82 |
| Louisiana | 3,112 | 330,409.06 |
| Maine | 626 | 161,374.59 |
| Maryland | 3,772 | 329,998.45 |
| Massachusetts | 2,255 | 274,032.76 |
| Michigan | 2,932 | 658,931.12 |
| Minnesota | 1,052 | 146,378.98 |
| Mississippi | 1,283 | 201,931.59 |
| Missouri | 2,919 | 478,933.33 |
| Montana | 435 | 101,647.37 |
| Nebraska | 905 | 127,329.90 |
| Nevada | 394 | 84,441.26 |
| New Hampshire | 450 | 143,632.09 |
| New Jersey | 5,336 | 838,439.10 |
| New Mexico | 1,388 | 321,910.87 |
| New York | 13,004 | 1,240,481.60 |
| North Carolina | 5,974 | 750,998.79 |
| North Dakota | 397 | 81,443.98 |
| Northern Mariana Islands | 375 | 38,000.00 |
| Ohio | 5,506 | 1,084,863.95 |
| Oklahoma | 3,042 | 348,374.03 |
| Oregon | 1,847 | 342,712.74 |
| Pennsylvania | 8,360 | 1,018,781.60 |
| Puerto Rico | 1,496 | 212,091.20 |
| Rhode Island | 792 | 192,873.46 |
| South Carolina | 2,286 | 451,685.53 |
| South Dakota | 228 | 57,206.42 |
| Tennessee | 2,576 | 331,638.90 |
| Texas | 9,245 | 1,350,816.23 |
| Utah | 1,326 | 325,181.42 |
| U.S. Virgin Island | 356 | 6,000.00 |
| Vermont | 361 | 96,386.81 |
| Virginia | 3,559 | 426,197.77 |
| Washington | 1,840 | 387,177.81 |
| West Virginia | 645 | 128,878.93 |
| Wisconsin | 2,065 | 441,721.01 |
| Wyoming | 221 | 49,814.46 |
| Total | 167,497 | 22,913,725.04 |

BULLETPROOF VEST PARTNERSHIP GRANT ACT—YEAR 1999

| State | Number vests | BVP funding |
|---|---|---|
| Alabama | 2,498 | 333,476.91 |
| Alaska | 202 | 38,435.26 |
| Arizona | 2,569 | 474,444.89 |
| Arkansas | 408 | 164,433.89 |
| California | 27,477 | 2,983,332.71 |
| Colorado | 2,288 | 388,322.15 |
| Connecticut | 1,904 | 308,881.86 |
| Delaware | 2,214 | 216,210.35 |
| District of Columbia | 1,580 | 171,768.76 |
| Florida | 11,769 | 1,433,916.06 |
| Georgia | 4,780 | 749,046.97 |
| Guam | ..... | ..... |
| Hawaii | 2,331 | 388,037.21 |
| Idaho | 477 | 120,627.95 |
| Illinois | 6,761 | 923,328.88 |
| Indiana | 3,842 | 513,415.07 |
| Iowa | 1,011 | 210,632.67 |
| Kansas | 1,048 | 201,192.38 |
| Kentucky | 1,363 | 241,682.86 |
| Louisiana | 3,510 | 421,933.86 |
| Maine | 576 | 120,651.83 |
| Maryland | 2,782 | 265,643.15 |
| Massachusetts | 3,582 | 754,073.82 |
| Michigan | 3,427 | 622,564.00 |
| Minnesota | 709 | 234,776.23 |
| Mississippi | 1,364 | 239,899.81 |
| Missouri | 1,221 | 224,177.96 |
| Montana | 271 | 80,877.76 |
| Nebraska | 622 | 90,276.24 |
| Nevada | 1,176 | 141,612.32 |
| New Hampshire | 489 | 118,470.26 |
| New Jersey | 5,579 | 1,227,933.41 |

BULLETPROOF VEST PARTNERSHIP GRANT ACT—YEAR 1999—Continued

| State | Number vests | BVP funding |
|---|---|---|
| New Mexico | 1,195 | 200,141.76 |
| New York | 11,969 | 1,817,314.92 |
| North Carolina | 3,183 | 530,987.91 |
| North Dakota | 352 | 43,284.36 |
| Northern Mariana Islands | 355 | 107,033.50 |
| Ohio | 5,015 | 950,198.19 |
| Oklahoma | 3,389 | 562,865.11 |
| Oregon | 2,456 | 416,464.24 |
| Pennsylvania | 8,260 | 1,577,238.20 |
| Puerto Rico | 1,337 | 147,861.47 |
| Rhode Island | 313 | 84,417.94 |
| South Carolina | 1,727 | 256,551.50 |
| South Dakota | 157 | 27,845.87 |
| Tennessee | 2,154 | 286,436.37 |
| Texas | 5,962 | 802,886.82 |
| U.S. Virgin Island | 341 | 45,361.11 |
| Utah | 837 | 171,546.50 |
| Vermont | 175 | 43,806.27 |
| Virginia | 3,415 | 446,645.52 |
| Washington | 2,690 | 525,935.54 |
| West Virginia | 512 | 75,650.56 |
| Wisconsin | 2,418 | 437,207.69 |
| Wyoming | 159 | 44,134.89 |
| Total | 158,396 | 24,005,803.78 |

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, today is October 5, the first anniversary of an event I hope I will not see again in the Senate. I have spoken many times about the Senate being the conscience of the Nation, and it should be. A year ago today, I believe the country was harmed by a party-line vote. That party-line vote defeated the nomination of Justice Ronnie White to the Federal district court in Missouri. Justice White, on the Missouri Supreme Court, had the highest qualifications. He passed through the Senate Judiciary Committee. He had the highest ABA ratings. He is a distinguished African American jurist. Yet when it came to a vote, every Democrat voted for him and every Republican voted against him. I believe that was a mistake and one we will regret. I spoke on this nomination on October 15 and 21 of last year and more recently this year.

Fifty-one years ago this month—I was 9 years old—the Senate confirmed President Truman's nomination of William Henry Hastings to the Court of Appeals for the Third Circuit. That was actually the first Senate confirmation of an African American to our Federal courts—only 51 years ago. Thirty-one years ago, the Senate confirmed President Johnson's nomination of Thurgood Marshall to the U.S. Supreme Court. When we rejected Ronnie White, I wonder if we went backward or we moved forward.

This year, the Judiciary Committee has even refused to move forward with a hearing on Roger Gregory or Judge James Wynn to the Fourth Circuit. It is interesting—talk about bipartisanship—one of these men is a distinguished African American, a legal scholar, strongly supported by both the Republican and Democratic Senators from his State. Senator WARNER, a distinguished and respected Member of this body and a Republican, strongly supports him. Senator ROBB, an equally distinguished and respected Member of this body and a Democrat, a decorated war hero, also supports him, and the President nominated him. We cannot even get a vote.

I hope this does not continue. I suggest, again, whoever wins the Presidency, whoever wins seats or loses seats in the Senate, that we not do this next year.

This year, the Judiciary Committee reported only three nominees to the Court of Appeals all year. We denied a committee vote to two outstanding nominees who succeeded in getting hearings. I understand the frustration of Senators who know Roger Gregory, Judge James Wynn, Kathleen McCree Lewis, Judge Helene White, Bonnie Campbell, and others should have been considered and voted on.

There are multiple vacancies on the Third, the Fourth, Fifth, Sixth, Ninth, Tenth, and District of Columbia Circuits; 23 current vacancies. Our appellate courts have nearly half of the judicial vacancies in the Federal court system. That has to change. I hope it will.

I see my distinguished colleague and friend from Texas on the floor. I want to assure her I will yield the floor very soon.

But I hope we can look again and ask ourselves objectively, without any partisanship, can we not do better on judges?

I quoted Gov. George Bush on the floor a couple days ago. I said I agreed with him. On nominations, he said we should vote them up or down within 60 days. If you don't want the person, vote against them. The Republican Party should have no fear of that. They have the majority in this body. They can vote against them if they want, but have the vote. Either vote for them or vote against them. Don't leave people such as Helene White and Bonnie Campbell—people such as this—just hanging forever without even getting a rollcall vote. That is wrong. It is not a responsible way and besmirches the Senate, this body that I love so much.

I consider it a privilege to serve here. This is a nation of a quarter of a billion people; and only 100 of us can serve at any one time to represent this wonderful Nation. It is a privilege that our States give us. We should use the privilege in the most responsible way to benefit all of us.

When Senators do not vote their conscience, they risk the debacle that we witnessed last October 5th, when a partisan political caucus vote resulted in a fine man and highly qualified nominee being rejected by all Republican Senators on a party-line vote. The Senate will never remove the blot that occurred last October when the Republican Senators emerged from a Republican Caucus to vote lockstep against Justice White. At a Missouri Bar Association forum last week, Justice White expressed concern that the rejection of his nominations to a Federal judgeship will have a ''chilling effect'' on the desire of other young African American lawyers to seek to serve on our judiciary.

President Clinton has tried to make progress on bringing greater diversity to our federal courts. He has been successful to some extent. With our help, we could have done so much more. We will end this Congress without having acted on any of the African American nominees, Judge James Wynn or Roger Gregory, sent to us to fill vacancies on the Fourth Circuit and finally integrate the Circuit with the highest percentage of African American population in the country, but the one Circuit that has never had an African American judge. We could have acted on the nomination of Kathleen McCree Lewis and confirmed her to the Sixth Circuit to be the first African American woman to sit on that Court. Instead, we will end the year without having acted on any of the three outstanding nominees to the Sixth Circuit pending before us.

This Judiciary Committee has reported only three nominees to the Courts of Appeals all year. We have held hearings without even including a nominee to the Courts of Appeals and denied a Committee vote to two outstanding nominees who succeeded in getting hearings. I certainly understand the frustration of those Senators who know that Roger Gregory, Judge James Wynn, Kathleen McCree Lewis, as well as Judge Helene White, Bonnie Campbell and others should have been considered by this Committee and voted on by the Senate this year.

There continue to be multiple vacancies on the Third, Fourth, Fifth, Sixth, Ninth, Tenth and District of Columbia Circuits. With 23 current vacancies, our appellate courts have nearly half of the total judicial emergency vacancies in the federal court system. I note that the vacancy rate for our Courts of Appeals is more than 12 percent nationwide. If we were to take into account the additional appellate judgeships included in the Hatch-Leahy Federal Judgeship Act of 2000, S.3071, a bill that was requested by the Judicial Conference to handle current workloads, the vacancy rate on our federal courts of appeals would be more than 17 percent.

The Chairman declares that ''there is and has been no judicial vacancy crisis'' and that he calculates vacancies at ''less than zero.'' The extraordinary service that has been provided by our corps of senior judges does not mean there are no vacancies. In the federal courts around the country there remain 63 current vacancies and several more on the horizon. With the judgeships included in the Hatch-Leahy Federal Judgeship Act of 2000, there would be over 130 vacancies across the country. That is the truer measure of vacancies, many of which have been longstanding judicial emergency vacancies in our southwest border states. The chief judges of both the Fifth and Sixth Circuits have had to declare their entire courts in emergencies since there are too many vacancies and too few circuit judges to handle their workload.

The chairman misconstrues the lessons of the 63 vacancies at the end of

the 103rd Congress in 1994. I would point out that in 1994 the Senate confirmed 101 judges to compensate for normal attrition and to fill the vacancies and judgeships created in 1990. In fact, that Congress reduced the vacancies from 131 in 1991, to 103 in 1992, to 112 in 1993, to 63 in 1994. Vacancies were going down and we were acting with Republican and Democratic Presidents to fill the 85 judgeships created by a Democratic Congress under a Republican President in 1990. Since Republicans assumed control of the Senate in the 1994 election the Senate has not even kept up with normal attrition. We will end this year with more vacancies than at the end of the session in 1994. As I have pointed out, the vacancies are most acute among our courts of appeals. Further, we have not acted to add the judgeships requested by the Judicial Conference to meet increased workloads over the last decade.

According to the Chief Justice's 1999 year-end report, the filings of cases in our Federal courts have reached record heights. In fact, the filings of criminal cases and defendants reached their highest levels since the Prohibition Amendment was repealed in 1933. Also in 1999, there were 54,693 filings in the 12 regional courts of appeals. Overall growth in appellate court caseload last year was due to a 349 percent upsurge in original proceedings. This sudden expansion resulted from newly implemented reporting procedures, which more accurately measure the increased judicial workload generated by the Prisoner Litigation Reform Act and the Antiterrorism and Effective Death Penalty Act, both passed in 1996.

Let me also set the record straight, yet again, on the erroneous but oft-repeated argument that ''the Clinton Administration is on record as having stated that a vacancy rate just over 7 percent is virtual full-employment of the judiciary.'' That is not true.

The statement can only be alluded to an October 1994 press release. It should not be misconstrued in this manner. That press release was pointing out that at the end of the 103rd Congress if the Senate had proceeded to confirm the 14 nominees then pending on the Senate calendar, it would have reduced the judicial vacancy rate to 4.7 percent, which the press release then proceeded to compare to a favorable unemployment rate of under 5 percent.

Unfortunately, the chairman's assertions are demonstrably false. Contrary to his statement, the Justice Department's October 12, 1994 press release that he cites does not equate a 7.4 percent vacancy rate with ''full employment,'' but rather a 4.7 percent rate. Additionally, the vacancy rate was not reduced to 4.7 percent in 1994, and stands at three times that today.

The Justice Department release was not a statement of administration position or even a policy statement but a poorly designed press release that included an ill-conceived comment. Job vacancy rates and unemployment rates are not comparable. Unemployment rates are measures of people who do not have jobs not of Federal offices vacant without an appointed office holder.

When I learned that some Republicans had for partisan purposes seized upon this press release, taken it out of context, ignored what the press release actually said and were manipulating it into a misstatement of Clinton administration policy, I asked the Attorney General, in 1997, whether there was any level or percentage of judicial vacancies that the administration considered acceptable or equal to ''full employment.''

The Department responded:

> There is no level or percentage of vacancies that justifies a slow down in the Senate on the confirmation of nominees for judicial positions. While the Department did once, in the fall of 1994, characterize a 4.7 percent vacancy rate in the federal judiciary as the equivalent of the Department of Labor 'full employment' standard, that characterization was intended simply to emphasize the hard work and productivity of the Administration and the Senate in reducing the extraordinary number of vacancies in the federal Article III judiciary in 1993 and 1994. Of course, there is a certain small vacancy rate, due to retirements and deaths and the time required by the appointment process, that will always exist. The current vacancy rate is 11.3 percent. It did reach 12 percent this past summer. The President and the Senate should continually be working diligently to fill vacancies as they arise, and should always strive to reach 100 percent capacity for the Federal bench.

At no time has the Clinton administration stated that it believes that 7 percent vacancies on the federal bench is acceptable or a virtually full federal bench. Only Republicans have expressed that opinion. As the Justice Department noted three years ago in response to an inquiry on this very questions, the Senate should be ''working diligently to fill vacancies as they arise, and should always strive to reach 100 percent capacity for the federal bench.''

Indeed, I informed the Senate of these facts in a statement in the CONGRESSIONAL RECORD on July 7, 1998, so that there would be no future misunderstanding or misstatement of the record. Nonetheless, in spite of the facts and in spite of my July 1998 statement and subsequent statements on this issue over the past three years, these misleading statements continue to be repeated.

Ironically, the Senate could reduce the current vacancy rate to under 5 percent if we confirmed the 39 judicial nominees that remain bottled up before the Judiciary Committee. Instead of misstating the language of a 6-year-old press release that has since been discredited by the Attorney General herself, the chairman would have my support if we were working to get those 39 more judges confirmed.

I regret to report again today that the last confirmation hearing for federal judges held by the Judiciary Committee was in July, as was the last time the Judiciary Committee reported any nominees to the full Senate. Throughout August and September and now into the first week in October, there have been no additional hearings held or even noticed, and no executive business meetings have included any judicial nominees on the agenda. By contrast, in 1992, the last year of the Bush administration, a Democratic majority in the Senate held three confirmation hearings in August and September and continued to work to confirm judges up to and including the last day of the session.

I continue to urge the Senate to meet its responsibilities to all nominees, including women and minorities. So long as the Senate is in session, I will urge action. That highly-qualified nominees are being needlessly delayed is most regrettable. The Senate should join with the President to confirm well-qualified, diverse and fair-minded nominees to fulfill the needs of the Federal courts around the country.

As I noted on the floor earlier this week, the frustration that many Senators feel with the lack of attention this Committee has shown long pending judicial nominees has simply boiled over. I understand their frustration and have been urging action for some time. This could all have been easily avoided if we were continuing to move judicial nominations like Democrats did in 1992, when we held hearings in September and confirmed 66 judges that Presidential election year.

I regret that the Judiciary Committee and the Senate is not holding additional hearings, that we only acted on 39 nominees all year and that we have taken so long on so many of them. I deeply regret the lack of a hearing and a vote on so many qualified nominees, including Roger Gregory, Judge James Wynn, Judge Helene White, Bonnie Campbell, Enrique Moreno, Allen Snyder and others. And, I regret that a year ago today, the Senate rejected the nomination of Justice Ronnie White to the Federal District Court of Missouri on a partisan, party-line vote.

Mr. REID. Will the Senator yield for a question?

Mr. LEAHY. I yield for a question.

Mr. REID. I say to my friend from Vermont, the bulletproof vest bill that you wrote and that you have spoken about here on the floor this morning—is that right?

Mr. LEAHY. That is right.

Mr. REID. It would greatly benefit rural Nevadans; is that not right?

Mr. LEAHY. There is no question it would benefit rural Nevada. Of course, the distinguished deputy leader was in law enforcement himself. He knows the threat that police officers face. That threat is not exclusive to big cities, by any means.

Mr. REID. I say to my friend, the lead Democrat on the Judiciary Committee, Nevada is an interesting State. Seventy percent of the people in Nevada live in the metropolitan Las

Vegas area. Another about 20 percent live in the Reno metropolitan area. The 10 percent who are spread out around the rest of the State cover thousands and thousands of square miles, and there are many small communities that do not have the resources that the big cities have to provide, for example, bulletproof vests.

I say to my friend from Vermont, do you agree that people who work in rural America in law enforcement deserve the same protection as those who work in urban centers throughout America?

Mr. LEAHY. There is no question about it. In fact, in the 1999 bill they were able to purchase nearly 400 vests, many of those in the rural areas. If we get this through, now they can purchase 1,176 vests.

I say this because the Senate moved very quickly to pass a bill that increased the penalties if we harmed dogs or horses used by law enforcement. In other words, we could quickly zip this through and pass a bill saying the penalty will be increased if one harms a dog or horse used by law enforcement, but, whoops, we can't pass a bipartisan piece of legislation protecting the law enforcement officer himself or herself. I think of Alice in Wonderland, I have to admit, under those circumstances.

Mr. REID. I say to my friend, I am happy we are looking out for animals. I support that and was aware of that legislation, but I think it is about time we started helping some of these rural police departments in Nevada that are so underfunded and so badly in need of this protection.

Mr. LEAHY. I say to my friend from Nevada, I, too, support the bill protecting animals in law enforcement. But I wish we could have added this other part. If you have the police officer out with the police dog, that police officer deserves protection. If you have a police officer out there with a horse—in many parts of both urban and rural areas horses are still used for a number of reasons by police officers—then let's also protect the police officer.

Mr. President, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent, on behalf of the leader, at 1 o'clock today, the Senator from Illinois, Mr. FITZGERALD, be recognized to make closing remarks on the Interior appropriations conference report for up to 45 minutes, and following the use or yielding back of time, the cloture vote occur, notwithstanding rule XXII, and following that vote, if invoked, the conference report be considered under the following time restraints: 10 minutes equally divided between the two managers, 10 minutes equally divided between the chairman and ranking member of Appropriations; 30 minutes under the control of Senator LANDRIEU, 15 minutes under the control of Senator MCCAIN.

I further ask consent that following the use or yielding back of time, the Senate proceed to vote on adoption of the conference report, without any intervening action or debate.

Mr. REID. Reserving the right to object, I wonder if the Senator would be kind enough to change the time until 2 o'clock. I think that has been agreed to on your side. I did not hear. Senator FITZGERALD is to be given 1 hour rather than 45 minutes.

Mrs. HUTCHISON. Mr. President, that is acceptable. We could change the time to start at 2 o'clock today, with Senator FITZGERALD having 1 hour.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. HUTCHISON. In light of this agreement, Mr. President, the next vote will be at approximately 3 o'clock.

Let me revise, once again, the unanimous consent request to begin at 1 o'clock, leaving the 1-hour timeframe for Mr. FITZGERALD; therefore, in light of the agreement, the vote would occur at approximately 2 o'clock, with another vote on adoption of the conference report at 3:30 today. If I could wrap all of that in together as a unanimous consent request, that would be my hope. I make that unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. REID. The confusion is not on the part of the Senator from Texas. It is my confusion. I apologize for inserting that 2 o'clock time. There was some confusion on my part. The debate will start at 1 and we will vote around 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL APPOINTMENTS

Mrs. HUTCHISON. Mr. President, having heard my distinguished colleague from Vermont talk about the judicial selection process, I rise to commend Senator HATCH and his leadership of the Judiciary Committee.

It is very difficult to accommodate all of the requests and responsibilities that are entailed in a lifetime appointment to the Federal bench. I think Senator HATCH has done the very best job he possibly could in getting appointments through, appointments that are reflective of Clinton administration priorities. The vast majority of Clinton appointees have gone through. In my home State of Texas, we have had 20 nominations. Senator GRAMM and I have supported 18 of those, and 17 have gone through. There is still one pending that we support.

I think Senator HATCH has bent over backwards to do his due diligence but to respect the wishes of the Democratic side and the administration. I don't want to leave unchallenged some of the comments made that indicate that serious consideration has not been given to every single Clinton appointee and that in most cases those appointees have been put forward.

It is important that a lifetime appointment be scrutinized because there is no accountability of that lifetime appointment. We need to look at all of the factors surrounding a particular nominee, knowing the power that a Federal judge has and that the accountability is limited.

I applaud Senator HATCH. I think he has done a terrific job under very difficult circumstances. I hope he will continue the due diligence and also continue apace with the nominations process.

HOSPITAL PRESERVATION ACT

Mrs. HUTCHISON. Mr. President, I rise to discuss the Hospital Preservation Act that Senator ABRAHAM and I introduced last year. We achieved partial relief for hospitals last year, but we have reintroduced it this year in an attempt to get more relief for the beleaguered hospitals of our country.

Today we have both the House Ways and Means Committee and the Senate Finance Committee working on this very important legislation. We will have legislation that will, at least for this year, restore the cuts that are being made to our hospitals in Medicare payments, but I am hoping we can get more. In fact, there are many areas of our health care system that have been undercut by a combination of the Balanced Budget Act and have actually been cut even more forcefully by the Health Care Financing Administration than was ever intended by Congress.

When we passed the Balanced Budget Act, we said we would look at the effects, and if we needed to refine it in any way, we would do that. Congress has met its responsibility in that regard. We had the Balanced Budget Act Refinement Act passed. We have come back and restored cuts that were too much. That is what we are doing in the bill that is before us or will be before us very soon, that is now being considered by the House Committee on Ways and Means and the Senate Finance Committee. In fact, the legislation would increase payments to hospitals, nursing homes, home health care agencies, managed care organizations, and other health providers that are paid under Medicare.

This legislation is needed especially for our hospitals because they are the front line of our health care delivery system. This legislation builds on legislation Congress passed last year that reversed some of the cuts in provider payments that did result from the Balanced Budget Act and from excessive administrative actions taken by the Health Care Financing Administration.

Last year's bill contained important provisions that have helped preserve the ability of American hospitals to continue to provide the highest level of health care anywhere in the world. The Balanced Budget Refinement Act that

Congress passed last year did make the situation a little brighter for some of these struggling hospitals. It eases the transition from cost-based reimbursement to prospective payment for hospital outpatient services. It restores some of the cuts to disproportionate share payments, and it provides targeted relief for teaching hospitals and cancer and rehabilitation hospitals.

I was proud to have been the prime advocate in the Senate for one of the provisions in that bill that restored the full inflation update for inpatient hospital services for sole community provider hospitals, those located primarily in rural areas that provide the only institutional care in a 35-mile geographic area. However, last year's bill was really just a start. I think we have all heard from hospitals that they are really hurting. Hospitals are actually beginning to close, in Texas and all over the Nation. Independent estimates are that this trend will only get worse unless something is done.

I and many of my colleagues in Congress continue to hear from hospital administrators, trustees, health professionals that they were struggling to maintain the quality and variety of health services in the face of mounting budget pressures. With the statutory and HCFA-imposed cuts that they were seeing, many efficiently run hospitals began for the first time to run deficits and threaten closure. For many of these hospitals to close, particularly those in rural areas, would mean not only the loss of life-saving medical services to the residents of the area but also the loss of a core component of local communities. Jobs would be lost. Businesses would wither, and the sense of community and stability a local hospital brings would suffer.

My colleague, Senator Spence ABRAHAM of Michigan, and I began the task of looking for the best way to provide significant assistance to these hospitals to make sure the payments they were receiving for taking Medicare patients were fair and adequate to enable them to continue serving our Nation's seniors, and also to have the support they need to run their hospitals. We decided to try to expand the sole community provider hospital provision to all hospitals.

The bill we have introduced will make sure that Medicare payments for inpatient services actually keep up with the rate of hospital inflation. We will restore the full 1.1 percent in scheduled reductions from the annual inflation updates for inpatient services called for by the Balanced Budget Act. Moreover, rather than just applying to a small group of hospitals, this legislation would benefit every hospital in America, providing an estimated $7.7 billion in additional Medicare payments over the next 5 years.

Now, you may ask, where is that $7.7 billion going to come from? Well, when we passed the Balanced Budget Act, we projected savings of $110 billion over the 5-year period that should have occurred from the cuts we put in the Balanced Budget Act. But, in fact, instead of $110 billion, we are now projecting $220 billion in savings. So the $7.7 billion just for this part of the bill has already been saved, and $100 billion more is estimated when you take into account the whole 5 years.

So the bottom line is, we cut too much; we are going to restore part of those cuts; and we are still going to be approximately $100 billion ahead. So we will have saved $100 billion, as we intended to do, but we will restore the cuts that have caused such hardships to the hospitals throughout our country.

The bill that is being considered by the House Ways and Means Committee contains a full 1-year restoration in the inflation update for hospitals. The pending Senate Finance Committee bill would restore the cuts in 2001, but it only delays the 2002 cuts until 2003. This is progress.

I so appreciate Senator ROTH and Senator MOYNIHAN's efforts in the Senate Finance Committee. But I don't want to delay those cuts. I want to restore the cuts for the full 2 years. I hope that in the end we can go ahead and do that because these hospitals need to know that there is a stability in their budgeting, that they will be able to look at the restoration in the cuts for the next 2 years. They need to be able to plan. They need to know they will have the adequate funding for Medicare that they must have to give the services in the community and to support the hospital for all of the people and the health care needs of the community.

So we are not doing anything that would bust the budget or go into deficits. The fact is, this is a refinement. We have cut $100 billion too much, and we are restoring $8 billion of that.

In the bill that is being considered by the Senate Finance Committee, we also will strengthen the Medicare payments for the disproportionate share hospitals, for home health care agencies, for graduate medical education, and for Medicare+Choice plans. We are not out of the woods, but we are taking a major step in the right direction.

I commend Senator ROTH for his leadership of the committee, along with Senator MOYNIHAN. I implore Congress to move swiftly on this very important legislation. We cannot go out of session without addressing the issue of keeping our hospitals from suffering disastrous cuts in Medicare—cuts that they cannot absorb and cuts that are not warranted. This is our responsibility, Mr. President.

I thank my colleague, Senator ABRAHAM, for helping me so much on this issue. He has been a leader. After listening to hospital personnel in his home State of Michigan, he came to me and said, ''We have to do something; let's do it together,'' and I said, ''Great,'' because we must act before we leave this year in Congress. We cannot go forward without addressing this very important issue for the hospitals and health care providers of our country.

CERTIFICATION OF MEXICO

Mrs. HUTCHISON. Mr. President, I want to speak briefly on a sense-of-the-Senate resolution I have introduced on behalf of myself and Senators GRASSLEY, GRAMM, KYL, DOMENICI, DODD, FEINSTEIN, HOLLINGS, and SESSIONS.

We have submitted this sense-of-the-Senate resolution to deal with the issue of the certification of Mexico. Several of us introduced a bill earlier in the session after the election of the new President of Mexico, Vicente Fox, to try to address the issue of two new administrations in both of our countries that will be faced with the automatic certification of the issue of how we are dealing with illegal drug trafficking as a bilateral effort in our two countries, but with two administrations that have not had time to sit down and come up with a plan that would cooperate fully in this very important effort.

Since time is so short, we have come up with a sense-of-the-Senate resolution that I think will at least say it is the will of the Senate. If we can pass this before we adjourn sine die, I think it will be a major step in the right direction to give some relief to the two new Presidents who will be sworn in for both of our countries and to say, first of all, we in the Senate take this very seriously. One of the most important issues for our countries is dealing with illegal drug trafficking between Mexico and the United States. Realizing that neither President could be held accountable yet for the programs that should be put in place, we are going to have a 1-year moratorium.

This is the sense-of-the-Senate resolution:

Whereas Mexico will inaugurate a new government on 1 December 2000 that will be the first change of authority from one party to another;

Whereas the 2nd July election of Vincente Fox Quesada of the Alliance for Change marks an historic transition of power in open and fair elections;

Whereas Mexico and the United States share a 2,000 mile border, Mexico is the United States' second largest trading partner, and the two countries share historic and cultural ties;

Whereas drug production and trafficking are a threat to the national interests and the well-being of the citizens of both countries;

Whereas U.S.-Mexican cooperation on drugs is a cornerstone for policy for both countries in developing effective programs to stop drug use, drug production, and drug trafficking; Now, therefore, be it

*Resolved,*

(a) The Senate, on behalf of the people of the United States

(1) welcomes the constitutional transition of power in Mexico;

(2) congratulates the people of Mexico and their elected representatives for this historic change;

(3) expresses its intent to continue to work cooperatively with Mexican authorities to promote broad and effective efforts for the health and welfare of U.S. and Mexican citizens endangered by international drug trafficking, use, and production.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the incoming new governments in both Mexico and the United States must develop and implement a counterdrug program that more effectively addresses the official corruption, the increase in drug traffic, and the lawlessness that has resulted from illegal drug trafficking, and that a one-year waiver of the requirement that the President certify Mexico is warranted to permit both new governments time to do so.

I appreciate very much Senator GRASSLEY working with me on this sense-of-the-Senate resolution. All of my cosponsors represent a bipartisan effort across the borders and across both sides of the aisle.

Mr. President, I want to just say I went to Mexico leading a delegation of Members of Congress. It was the first congressional delegation to visit Mexico with the new President-elect, and we were able to sit down and visit with both President Zedillo, the President of Mexico, and the President-elect, Vicente Fox. I want to say how encouraged we were with the dynamism of President-elect Fox, with his absolute assurance that this drug issue is one of the most important of all the issues between our two countries, and they promised to work hand in hand with the new administration that will be elected in the United States in November, and with Members of Congress to do everything they can working with us to cooperate in stopping the cancer on both of our countries that this drug trafficking is causing.

When we have a criminal element in Mexico and a criminal element in the United States, that is bad for both of our countries. It is preying on the ability of our country to have full economic freedom, to grow and prosper, and to have friendly relations across our borders. The drug trafficking issue is the big cloud over both of our countries. I believe that President-Elect Fox is going to pursue this vigorously.

I also want to say that President Zedillo has taken major steps in that direction for his country. He, first of all, laid the groundwork for the democracy that clearly was shown in this last election. Instead of handpicking a successor and not allowing free primaries, he did the opposite. He allowed the free primaries and he said in every way they were going to have open and free elections. President Zedillo has made his mark on Mexico. He was a very important President for recognizing that the time had come for free and open elections in Mexico. He is to be commended, and I think he will go down in the history books as one of the great Presidents of Mexico.

In addition, President Zedillo tried very hard to cooperate in the effort that we were making in drug trafficking. I would say that no one believes that we are nearly where we need to be in that regard. But I think he took some very important first steps.

I see a ray of sunshine in Mexico. Our country to the South is a very important country to the United States. They are our friends. We share cultural ties. We share family ties.

It is in all of our interests that we have the strongest bond between Mexico and the United States—just as we have with Canada and the United States. These are our borders. I have always said that I believe the strengthening of our hemisphere is going to be a win for all three of our countries.

I want to go all the way through the tip of South America in our trading relations and in the building of all of our economies because I think that is our future. Our countries depend on each other. We are interdependent, and our friendship and our alliances will be important for the security and viability of all of our countries in the Western Hemisphere.

I am very pleased that we have introduced this sense of the Senate. I urge my colleagues to help us pass this sense of the Senate so that we will be able, next session, to say that the Senate has spoken, and that we want to give some time to certification so that our countries can go forward with our two new Presidents and have a strong working relationship.

Thank you, Mr. President. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent I be allowed to speak for no more than 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY POLICY

Mr. CRAIG. Mr. President, my attention was drawn this morning to an article in the Washington Times where our Secretary of Energy, Bill Richardson, defends energy policy by saying something that I found fascinating, to the point of absurdity. He says, ''We are not in an energy crisis.''

I am not quite sure how Mr. Richardson defines ''crisis,'' but I do know Mr. Richardson has recognized, at least for 12 months, a problem. Am I to understand that the reason for the absence of an energy policy in the Clinton administration is that we recognize a problem, but we are not going to do anything about it until it becomes a crisis?

Home heating oil last year, in the Northeast, began at 80 cents to 90 cents a gallon. It went to nearly $2 before that season was over. It was contracted this summer at $1.19, and it is now selling at $1.40. I call that a crisis if I am low income and I want a warm home this winter. I call it a crisis if I want to travel cross-country and I can't afford to fill my gas tank. I call it a crisis if I am a trucker and I can't up my contracts to absorb my fuel or energy costs and I must turn my truck back in, as thousands are now doing—turning their trucks back in on the lease programs under which they acquired them when they planned to move the commerce of America across this country.

Mr. Secretary, earlier this year, you flew numerous times to the Middle East with a tin cup in hand, begging the sheiks of the OPEC nations to turn the valve on just a little bit and let out a little more oil, hopefully dropping the price of crude and therefore lowering the cost at the pump. For a moment in time it worked. Then the price started ratcheting up as the markets began to understand that what had happened was pretty much artificial and pretty much rhetorical in nature and that, in fact, the supplies had not increased to offset the demand.

While all of that was going on, underneath the surface of this issue were a few basic facts. We have lost over 30 refineries in the last decade because they couldn't afford to comply with the Clean Air Act; they couldn't retrofit in a profitable way. They were not given tax credits and other tools because it was ''big oil'' and you dare not cause them any benefits that might ultimately make it to the marketplace so the consumer could ultimately benefit. Those refineries went down.

Here we are at a time when the price of crude oil peaked and the Vice President ran to the President and said please release SPR, and that has been done, or at least it is now being organized to be done, and it may lower prices. Yet that was a Strategic Petroleum Reserve that was destined to be used only for a crisis. And the Secretary of Energy says no crisis. He himself said yesterday before the National Press Club there is no energy crisis in this country. But there was a crisis last week and the President agreed to release the oil out of SPR.

I don't get it. I do not think I am that ignorant. I serve on the Energy Committee. We reviewed this. We have argued for a decade that there is a problem in the making, but this administration will not put down a policy, even though they see a problem, unless the problem becomes a crisis.

But now there is not a crisis, so why are we releasing the Strategic Petroleum Reserve, which was designed not only for a crisis but for a national emergency, one that was inflicted upon us by a reduction or a stoppage of the flow of foreign crude coming into our economy that might put our economy at risk.

The Secretary says we have a short-term problem and we will work it out in time.

Mr. Secretary, what does ''working it out'' mean? Have you proffered or proposed a major energy policy before the Congress of the United States? No, you

have not. Have you suggested an increase in production of domestic resources so we could lower our dependency on foreign oil? No, you have not, Mr. Secretary.

So the American public ought to be asking of this administration, the Vice President, the President, and the Secretary of Energy: Mr. Secretary, Mr. President, and Mr. Vice President, if there is no crisis, then why are you tapping the very reserves that we have set aside for a time of crisis? Somehow it doesn't fit.

There were political allegations 3 or 4 weeks ago when the Vice President was asking the President to release the petroleum reserve. He was saying there was a crisis, or a near crisis. That got done. And yesterday,

> In remarks before the National Press Club, [Secretary] Richardson said the ''political campaign'' was behind Gore's accusations against [big] oil companies and that a surge in demand for oil in the United States and abroad is the real reason gasoline, heating-oil and natural-gas prices have soared this year. ''We are not in an energy crisis.''

Mr. Secretary, if you are traveling or if you are not wealthy and you have to pick up the 100 percent increased cost in your energy bills and your heating bills, I am going to tell you that is a crisis. But my guess is, it is typical of this administration, a problem is a problem until there is a crisis, and then you find a solution; 8 years without a solution to this problem spells crisis.

I am sorry, Mr. Secretary, but your rhetoric doesn't fit the occasion, nor does it rectify the problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes, and I ask to be followed by the Senator from West Virginia, Mr. ROCKEFELLER, who will speak on the same subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ''CAPTIVE SHIPPER'' PROBLEM

Mr. DORGAN. Mr. President, the Senator from West Virginia, Mr. ROCKEFELLER and I, along with the Senator from Montana, Mr. BURNS, have been working on legislation dealing with our railroad service in this country. We have introduced legislation, S. 621, entitled the Railroad Competition and Service Improvement Act which addresses problems associated with shippers who are ''captive'' or dependent on one railroad for their shipping needs. Mr. President, I have with me a letter from over 280 chief executive officers of American corporations writing about this subject.

I ask unanimous consent it be printed in the RECORD following my presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. DORGAN. These CEOs of some of America's largest companies, and companies all across this country, join us expressing concern about what has happened to America's railroads. There is no competition in the railroad industry in this country. The deregulation of the rail industry occurred, now, over 20 years ago. At that point, we had 42 class I railroads. Now we are down to only about four major railroad operations in this country—two in the East and two in the West. Rather than encouraging some competitive framework in the rail industry, the deregulation of the railroad industry has resulted in a handful of regional monopolies. They rely on bottlenecks to exert maximum power over the marketplace.

These megarailroads dominate railroad traffic, generating 95 percent of the gross ton miles and nearly 94 percent of the revenues, and they control 90 percent of all coal movement in this country, 70 percent of all grain movement in America, and 88 percent of all chemical movement in this country.

It is quite clear what consolidation has meant to all Americans. Let me give a practical example. If you are a farmer in my State of North Dakota and you want to sent a load of wheat to market and you put that load of wheat on a railcar in Bismarck, ND, and send it to Minneapolis, MN, a little over 400 miles, you will pay $2,300. If you are going to ship that same carload of wheat from Minneapolis to Chicago, about the same distance, you do not pay $2,300, you pay less than $1,000.

Why the difference? Why are we charged more than double as North Dakotans to ship wheat about the same distance? Because there is no competition on the line from Bismarck to Minneapolis, but there is competition between Minneapolis and Chicago, so the prices are competitive. Where there is competition, there are lower rates. Where there is no competition, there are monopoly prices. They say to businesses and farmers: Here's the charge; if you don't like it, don't use our service.

What other service exists? There is only one line, only one railroad. There is a monopoly service, and they are engaged in monopoly pricing, and we have no regulatory authority to say this is wrong.

We have what are called ''captive shippers.'' These are Main Street businesses, family farmers, big companies, small companies, and they are held captive by the railroad companies that say to them: We have the rails, we have the cars, we have the company, and here's what the service is going to cost you; if you don't like it, tough luck.

In the circumstance I just described, the railroad says to a North Dakota farmer: We're going to charge you double what we charge other people. Why? Because we choose to. Why? Because we want to; because we have the muscle to do it, and if you don't like it, take a hike.

That is what is going on in this industry where there is no competition and where we have shippers being held captive all across this country.

Do rail costs matter much to my part of the country? Let me give another example.

Grain prices have collapsed. A farmer does not get much for grain these days. If you take wheat to an elevator in Minot, ND, that elevator pays about $2.40 a bushel for it, which is a pittance—it is worth a lot more than that—the cost to ship that $2.40 a bushel wheat to the west coast is nearly $1.20 a bushel. Half the value of that wheat on the west coast ends up being transportation costs by the railroad industry.

How can they do that? It's pricing gouging and nobody can do much about it because there is no regulatory authority to say it is wrong. They hide behind the Staggers Rail Act which deregulated the railroads, gave them enormous power, and resulted in a substantial concentration. The result is, all across this country we have shippers who are now held captive, they are locked in by an industry that says: This is what we are going to charge you; if you don't like it, that's tough luck.

What happens if someone believes this is really arbitrary, really unfair and they intend to complain about it? We had what was called the Interstate Commerce Commission. That was a group of folks who had died from the neck up. Nobody told them, but they were dead from the neck up and had one big rubber stamp down there. It said: ''Approved'' They had one big rubber stamp and one big ink pad. Whatever the railroads wanted, the ICC said: ''Approved.''

We got rid of the ICC. Now we have a Surface Transportation Board, and we have someone at the Surface Transportation Board, Linda Morgan, to whom I pay a compliment. She put a moratorium on mergers. We had another proposal for a merger, and she slapped on a moratorium. That merger fell apart. Good for her. It is the first good sign of life for a long while among regulators. Good for her. But all of the merger damage is pretty well done. Linda Morgan is fighting a lonely battle at the Surface Transportation Board.

Let me show you what happens when somebody files a complaint for unfair rail charges. You file a complaint, and here are the steps. First of all, you need to ante up some money. The filing fee for the standard procedure of complaint will be $54,000. It differs in some cases. If you have a beef with the railroad, first of all, understand you are taking on somebody with a lot more money and muscle than you have, No. 1. No. 2, you are going to pay a filing fee to file a complaint against the railroad freight rates, and then when you file the complaint, you ought to expect to live a long time because you are not going to get a result for a long, long time. In fact, some folks in Montana filed a complaint against a railroad. It took 17 years—17 years—for the complaint to go through the process, and then it never really got resolved in a

satisfactory way. That is why rail shippers understand it does not make much sense to take the railroads on.

You have the railroad with the muscle to make these things stick, and then you have regulators who have largely been braindead for a long, long time and do not want to do much. The exception again is we have a new Surface Transportation Board. Linda Morgan showed some courage, so there is some hope with the current STB.

What is happening in this country must change. Senator ROCKEFELLER, who has been a leader on this issue, and I have held hearings on it. We both serve on the Senate Commerce Committee. We are joined by Senator BURNS in our efforts. It is a bipartisan effort.

We want to pass the S. 621, but we are not going to get it done by the end of this year. What we are hoping for is that the 280 plus CEOs of companies across this country, large and small, who wrote this letter saying they are sick and tired of being held captive by shipping rates imposed by railroads that are noncompetitive—a rate that does not often relate to value for service—will get the attention in Congress that they deserve. We hope these CEOs continue to weigh in, in a significant way, with those who matter in this Congress to say: ''Let's do something serious about this issue.'' This is a tough issue but it is one Congress has a responsibility to tackle.

I pay credit to my colleague from West Virginia, Senator ROCKEFELLER. He has been working on this issue for a long time. I have been privileged to work with him. We know that which is worth doing takes some time to get done often, but we are not going to quit. The message to the 280 companies that have signed this letter, the message to our friends in Congress is: We have a piece of legislation that tries to tackle this issue of monopoly concentration and inappropriate pricing in the railroad industry. It tackles the issue on behalf of captive shippers all across this country—family farmers and Main Street businesses and others—and we are not going to quit.

We hope as we turn the corner at the start of this next Congress that we will be able to pass legislation that will give some help and some muscle to those in this country who are now paying too much. They expect to be able to operate in a system that has competition as a regulator in the free market, and that has not existed in the rail industry for some long while.

I yield the floor, and I believe my colleague from West Virginia will also have some things to say.

EXHIBIT 1

SEPTEMBER 26, 2000.

Hon. JOHN MCCAIN,
*Chairman, Senate Commerce Committee, Washington, DC.*
Hon. ERNEST HOLLINGS,
*Ranking Member, Senate Commerce Committee, Washington, DC.*

DEAR CHAIRMAN MCCAIN AND SENATOR HOLLINGS: We are writing to ask that shipper concerns with current national rail policy be given priority for Commerce Committee action next Congress. The Staggers Rail Act was enacted in 1980 with the goal of replacing government regulation of the railroads with competitive market forces. Since that time, the structure of the nation's rail industry has changed dramatically. Where there were 30 Class I railroad systems operating in the U.S. in 1976, now there are only seven. While major railroads in North America appear poised to begin another round of consolidations in the near future, the Surface Transportation Board continues to adhere to policies that hamper rail competition. Structural changes in the rail industry combined with STB policies have stopped the goal of the Staggers Rail Act dead in its tracks.

We depend on rail transportation for the cost-effective, efficient movement of raw materials and products. The quality and cost of rail transportation directly affects our ability to compete in a global marketplace, generate low cost energy, and contribute to the economic prosperity of this nation. Current rail policies frustrate these objectives by allowing railroads to prevent competitive access to terminals, maintain monopolies through ''bottleneck pricing,'' and hamper the growth of viable short line and regional railroads through ''paper barriers.''

We applaud the Commerce Committee's leadership on behalf of consumers concerning proposed mergers in the airline industry. America's rail consumers also need your support and leadership to respond effectively to the dramatic changes that are underway in the rail industry. Bipartisan legislation is currently pending in both the Senate and House of Representatives that takes a modest, effective approach in attempting to remove some of the most critical impediments to competition. Please work with us and take the steps that are needed to create a national policy that ensures effective, sustainable competition in the rail industry.

Sincerely,

Fred Webber, President and CEO, American Chemistry Council;
Glenn English, CEO, National Rural Electric Cooperative Association;
Alan Richardson, Executive Director, American Public Power Association;
Tom Kuhn, President, Edison Electric Institute;
Henson Moore, President and COE, American Forest and Paper Association;
Kevern R. Joyce, Chairman, President and CEO, Texas-New Mexico Power Company;
Jeffrey M. Lipton, President and CEO, NOVA Chemicals Corporation;
Robert N. Burt, Chairman and CEO, FMC Corporation;
Allen M. Hill, President and CEO, Dayton Power and Light Company;
Paul J. Ganci, Chairman and CEO, Central Hudson Gas & Electric Corporation;
David T. Flanagan, President and CEO, CMP Group, Inc;
Charles F. Putnik, President, CONDEA Vista Company;
Thomas S. Richards, Chairman, President and CEO, RGS Energy Group, Inc;
W. Peter Woodward, Senior Vice President, Chemical Operations, Kerr-McGee Chemical LLC;
Phillip D. Ashkettle, President and CEO, M.A. Hanna Company;
Eugene R. McGrath, Chairman, President and CEO, Consolidated Edison, Inc.;
David M. Eppler, President and CEO, Cleco Corporation;
Robert B. Catell, Chairman and CEO, KeySpan Energy;
Thomas L. Grennan, Executive VP, Electric Operations, Western Resources, Inc,;
Joseph H. Richardson, President and CEO, Florida Power Corporation;
Wayne H. Brunetti, President and CEO, Xcel Energy, Inc.;
Myron W. McKinney, President and CEO, Empire District Electric Company;
Erle Nye, Chairman, TXU Corporation;
Corbin A. McNeill, Jr., Chairman, President and CEO, PECO Energy Company;
James E. Rogers, Vice Chairman, President and CEO, Cinergy Corp.;
Stanley W. Silverman, President and CEO, The PQ Corporation;
Robert Edwards, President, Minnesota Power;
William G. Bares, Chairman and CEO, The Lubrizol Corporation;
Stephen M. Humphrey, President and CEO, Riverwood International;
Thomas A. Waltermire, Chairman and CEO, The Geon Company;
James R. Carlson, Vice President, Flocryl Inc.;
John M. Derrick, Jr., Chairman and CEO, Pepco;
David D. Eckert, Executive Committee Member, Rhodia Inc.;
Frederick F. Schauder, Ltd., CFO and HD of Business Service Center, Lonza Group, Ltd.;
Marvin W. Zima, President, OMNOVA Solutions Performance Chemicals;
Simon H. Upfill-Brown, President, and CEO, Haltermann, Inc.;
Thomas A. Sugalski, President, CXY Chemicals, USA;
John L. MacDonald, Chairman and President, JLM Industries Inc.;
David A. Wolf, President, Perstorp Polyols, Inc.;
Roger M. Frazier, Vice President, Pearl River Polymers Inc.;
Yoshi Kawashima, Chairman and CEO, Reichhold, Inc.;
Geroge F. MacCormack, Group Vice President, Chemicals and Polyester, DuPont;
C. Bert Knight, President and CEO, Sud-Chemie Inc.;
James A. Cederna, President and CEO, Calgon Carbon Corporation;
Bernard J. Beaudoin, President, Kansas City Power and Light;
William S. Stavropoulos, President and CEO, The Dow Chemical Company;
Andrew J. Burke, President and CEO, Degussa-Huls Corporation;
Geroge A. Vincent, Chairman, President & CEO, The C.P. Hall Company;
William Cavanaugh, III, Chairman, President and CEC, Carolina Power & Light Company;
Richard B. Priory, Chairman, President and CEO, Duke Energy Corporation;
Howard E. Cosgrove, Chairman, President and CEO, Conectiv;
Gary L. Neale, Chairman, president and CEO, NiSource Inc.;
Robert L. James, President & CEO, Jones-Hamilton Co.;
Vincent A. Calarco, Chairman, President and CEO, Crompton Corporation;
Earnest W. Deavenport, Jr., Chairman and CEO, Eastman Chemical Company;
Reed Searle, General Manager, Intermountain Power Agency;
Robert Roundtree, General Manager, City Utilities of Springfield, MO;
Walter W. Hasse, General Manager, Jamestown Board of Public Utilities;
Glenn Cannon, General Manager, Waverly Iowa Light and Power;
Jeffrey L. Nelson, General Manager, East River Electric Power Cooperative;
Mike Waters, President, Montana Grain Growers Association;
Terry F. Steinbecker, President & CEO, St. Joseph Light & Power Company;
Hugh T. McDonald, President, Entergy Arkansas, Inc.;
Dave Westbrock, General Manager, Heartland Consumers Power;

David M. Radtcliffe, President & CEO, Georgia Power Company;
Stephen B. King, President and CEO, Tomah3 Products, Inc.;
Donald W. Griffin, Chairman, President and CEO, Olin Corporation;
Ian MacMillan, Technical Manager, Octel-Starreon LLC;
Martin E. Blaylock, Vice President, Manufacturing Operations, Monsanto Company;
G. Ashley Allen, President, Milliken Chemical, Division of Milliken & Co.;
Dwain S. Colvin, President, Dover Chemical Corporation;
Bill W. Waycaster, President and CEO, Texas Petrochemicals LP;
David C. Hill, President and CEO, Chemicals Division, J.M. Huber Corporation;
Mark P. Bulriss, Chairman, President and CEO, Great Lakes Chemical Corporation;
Michael E. Ducey, President and CEO, Borden Chemical, Inc.;
Chuck Carpenter, President, North Pacific Paper Co.;
Richard R. Russell, President and CEO, GenTek Inc.; General Chemical Corporation;
John T. Files, Chairman of the Board, Merichem Company;
John C. Hunter, Chairman, President and CEO, Solutia Inc.;
William M. Landuyt, Chairman and CEO, Millennium Chemicals, Inc.;
Kevin Lydey, President and CEO, Blandin Paper Company Inc.;
J. Roger Harl, President and CEO, Occidental Chemical Corporation;
Rajiv L. Gupta, Chairman and CEO, Rohm and Haas Company;
Sunil Kumar, President and CEO, International Specialty Products;
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Harry J. Hyatt, President, Sasol North America;
Eugene F. Wilcauskas, President and CEO, Specialty Products Division, Church & Dwight Co., Inc.;
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Joseph F. Firlit, President and CEO, Soyland Power Cooperative;
Ronald Harper, CEO and General Manager, Dakota Coal Company and Dakota Gasification Co.;
Richard Midulla, Executive VP and General Manager, Seminole Electric Cooperative, Inc.;
Dan Wiltse, President, National Barley Growers Association;
William L. Berg, President and CEO, Dairyland Power Cooperative;
Charles L. Compton, General Manager, Saluda River Electric Cooperative;
Don Kimball, CEO, Arizona Electric Power Cooperative, Inc.;
Gary Smith, President and CEO, Alabama Electric Cooperative, Inc.;
Stephen Brevig, Executive VP and General Manager, NW Iowa Power Cooperative;
Frank Knutson, President and CEO, Tri-State G and T Association, Inc.;
Robert W. Bryant, President and General Manager, Golden Spread Electric Cooperative;
Marshall Darby, General Manager, San Miguel Electric Cooperative, Inc.;
Thomas W. Stevenson, President and CEO, Wolverine Power Supply Cooperative;
Kimball R. Rasmussen, President and CEO, Deseret G and T Cooperative;
Thomas Smith, President and CEO, Oglethorpe Power Corporation;
Evan Hayes, President, Idaho Grain Producers Association;
Gary Simmons, Chairman, Idaho Barley Commission;
Randy Peters, Chairman, Nebraska Wheat Board;
Terry Detrick, President, National Association of Wheat Growers;
Leland Swenson, President, National Farmers Union;
Frank H. Romanelli, President and CEO, Metachem Products, L.L.C.;
Frederick W. Von Rein, Vice President, GM Fisher Chemical, Fisher Scientific Company LLC;
Raymond M. Curran, President and CEO, Smurfit Stone Container Corp.;
Floyd D. Gottwald, Jr., Chairman and CEO, Albemarle Corporation;
Richard G. Bennett, President, Shearer Lumber Products;
John Begley, President and CEO, Port Townsend Paper Company;
Gregory T. Cooper, President and CEO, Cooper Natural Resources;
Mark J. Schneider, Chief Executive Officer, Borden Chemicals and Plastics;
Kees Verhaar, President and CEO, Johnson Polymer;
L. Ballard Mauldin, President, Chemical Products Corporation;
George M. Simmons, President of First Chemical Corporation, ChemFirst Inc;
Christopher T. Fraser, President and CEO, OCI Chemical Corporation;
Gerhardus J. Mulder, CEO and Vice Chairman of the Board, Felix Schoeller Technical Papers, Inc.;
John F. Trancredi, President, North American Chemical Co., IMC Chemicals Inc.;
Christian Maurin, Chairman and CEO, Nalco Chemical Company;
Nicholas P. Trainer, President, Sartomer Company, Inc.;
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Gordon Jones, President and CEO, Blue Ridge Paper Products Inc.;
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Duane C. McDougall, President and CEO, Willamette Industries, Inc.;
Kennett F. Burnes, President and COO, Cabot Corporation;
Aziz I. Asphahani, President and CEO, Carus Chemical Company;
Thomas M. Hahn, President and CEO, Garden State Paper Company;
Dan F. Smith, President and CEO, Lyondell Chemical Company;
Frank R. Bennett, President, Bennett Lumber Products Inc.;
Joseph G. Acker, President, Hickson Dan Chemical Corporation;
James F. Akers, President, The Crystal Tissue Company;
Lee F. Moisio, Executive Vice President, Vertex Chemical Corporation;
Richard G. Verney, Chairman and CEO, Monadnock Paper Mills, Inc.;
Helge H. Wehmeier, President and CEO, Bayer Corporation;
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Larry M. Games, Vice President, Procter & Gamble;
David C. Southworth, President, Southworth Company;
Harvey L. Lowd, President, Kao Specialties Americas LLC;
Richard Connor, Jr., President, Pine River Lumber Co., Ltd.;
William Wowchuk, President, Eaglebrook, Inc.;
W. Lee Nutter, Chairman, President and CEO, Rayonier;
Robert Carr, President and Chief Operating Officer, Schenectady International, Inc.;
Robert Strasburg, President, Lyons Falls Pulp & Paper, Inc.;
J. Edward, CEO, Gulf States Paper Corporation;
Gorton M. Evans, President and CEO, Consolidated Papers, Inc.;
John K. Robinson, Group Vice President, BP Amoco p.l.c.;
David J. D'Antoni, Sr. Vice President and Group Operating Officer, Ashland Inc.;
Pierre Monahan, President and CEO, Alliance Forest Products, Inc.;
Peter Oakley, Chairman and CEO, BASF Corporation;
Charles K. Valutas, Sr. Vice President and Chief Administrative Officer, Sunoco, Inc.;
Leroy J. Barry, President and CEO, Madison Paper Industries;
Norman S. Hansen, Jr., President, Monadnock Forest Products, Inc.;
Dan M. Dutton, CEO, Stinson Lumber Company;
Michael L. Kurtz, General Manager, Gainesville Regional Utilities;
William P. Schrader, President, Salt River Project,
Jim Harder, Director, Garland Power and Light;
Gary Mader, Utilities Director, City of Grand Island, Nebraska;
Robert W. Headden, Electric Superintendent, City of Escanaba, Michigan;
Darryl Tveitakk, General Manager, Northern Municipal Power Agency;
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Tom Heller, CEO, Missouri River Energy Services;
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Larry M. Giustina, General Manager, Giustina Land and Timber Co.;
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Thomas E. Gallagher, Sr. Vice President, Coastal Paper Company;
F. Casey Wallace, Sales Manager, Allegheny Wood Products Inc.;
Terry Freeman, President, Bibler Bros Lumber Company;
William Mahnke, Vice President, Duni Corporation;

Neil Carr, President, Elementis Specialties;
Chris A. Robbins, President, EHV Weidmann Industries Inc.;
James Lieto, President, Chevron Oronite Company LLC;
Marvin A. Pombrantz, Chairman and CEO, Baylord Container Corp.;
M. Glen Bassett, President, Baker Petrolite Corporation;
Glen Duysen, Secretary, Sierra Forest Products;
Kent H. Lee, Senior Vice President of Speciality Chemicals, Ferro Corporation;
James L. Burke, President and CEO, SP Newsprint Company;
Dana M. Fitzpatrick, Executive Vice President, Fitzpatrick and Weller, Inc.;
Bert Martin, President, Fraser Papers Inc.;
Carl R. Soderlind, Chief Executive Officer, Golden Bear Oil Specialties;
Charles L. Watson, Chairman and CEO, Dynegy, Inc.;
Alan J. Noia, Chairman, President and CEO, Allegheny Energy;
Ronald D. Earl, General Manager and CEO, Illinois Municipal Electric Agency;
Steven Svec, General Manager, Chillicothe Municipal Utilities;
Michael G. Morris, Chairman, President and CEO, Northeast Utilities;
Jay D. Logel, General Manager, Muscatine Power and Water;
Robert A. Voltmann, Executive Director & Chief Executive Officer, Transportation Intermediaries Association;
Andrew E. Goebel, President and Chief Operating Officer, Vectren Corporation;
Bob Johnston, President and CEO, Municipal Electric Authority of Georgia;
Rick Holly, President, Plum Creek;
A.D. Correll, Chairman and CEO, Georgia-Pacific Corporation;
Robert M. Owens, President and CEO, Owens Forest Products;
Charles E. Platz, President, Montell North America Inc.;
Nirmal S. Jain, President, BaerLocher USA;
Will Kress, President, Green Bay Packaging Inc.;
Stanley Sherman, President and CEO, Ciba Specialty Chemicals Corporation;
Charles A. Feghali, President, Interstate Resources Inc.;
Charles H. Blanker, President, Esleeck Manufacturing Company, Inc.;
Dennis H. Reilley, President and CEO, Praxair, Inc.;
Vohn Price, President, The Price Company;
Lawrence A. Wigdor, President and CEO, Kronos, Inc.;
Eric Lodewijk, President and Site Manager, Roche Colorado Corporation;
James L. Gallogly, President and CEO, Chevron Phillips Chemical Company;
Takashi Fukunaga, General Manager, Specialty Chemicals, Mitsui & Co. (USA), Inc.;
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F. Quinn Stepan, Sr., Chairman and CEO, Stepan Company;
John R. Danzeisen, Chairman, ICI Americas Inc.;
Harold A. Wagner, Chairman and CEO, Air Products and Chemicals, Inc.;
Bernard J. Darre, President, The Shepherd Chemical Company;
Frank A. Archinaco, Executive Vice President, PPG Industries, Inc.;
Gary E. Anderson, President and CEO, Dow Corning Corporation;
David S. Johnson, President and CEO, Ruetgers Organics Corporation;
Whitson Sadler, President and CEO, Solvay America, Inc.;
Peter L. Acton, General Manager, Arizona Chemical Company;
Wallace J. McCloskey, President, The Norac Company, Inc.;
Gregory Bialy, President and CEO, RohMax USA, Inc.;
Arthur R. Sigel, President and CEO, Velsicol Chemical Corporation;
H. Patrick Jack, President and CEO, Aristech Chemical Corporation;
Michael E. Campbell, Chairman and CEO, Arch Chemicals, Inc.;
James B. Nicholson, President and CEO, PVS Chemicals, Inc.;
D. George Harris, Chairman, D. George Harris and Associates;
James E. Gregory, President, Dyneon LLC;
Toshihoko Yoshitomi, President, Mitsubishi Chemical America Inc.;
William H. Joyce, Chairman, President & CEO, Union Carbide Corporation;
Kenneth W. Miller, Vice Chairman, Air Liquide America Corporation;
Norman Blank, Senior Vice President, Research & Development, Sika Corporation;
Edward W. Kissel, President and COO, OM GROUP, INC.;
Mario Meglio, Director of Marketing, Kuehne Chemical Company, Inc.;
Jerry L. Golden, Executive Vice President-Americas, Shell Chemical Company;
Thomas E. Reilly, Jr., Chairman and CEO, Reilly Industries, Inc.;
Joseph F. Raccuia, CEO, Encore Paper Company, Inc.;
Alex Kwader, President and CEO, Fibermark;
John A. Luke, Jr., Chairman and CEO, Westvaco Corporation;
George J. Griffith, Jr., Chairman and President, Merrimac Paper Co.;
George Harad, Chairman and CEO, Boise Cascade Corporation;
L. Pendleton Siegel, Chairman and CEO, Potlatch Corporation;
Monte R. Haymon, President and CEO, Sappi Fine Paper;
George D. Jones III, President, Seaman Paper Company, Inc.;
Jon M. Huntsman, Sr., Chairman, Huntsman Corporation;
Jerry Tatar, Chairman and CEO, The Mead Corporation;
Larry L. Weyers, Chairman, President and CEO, WPS Resources Corporation;
Jan B. Packwood, President and CEO, IDACORP, Inc.;
E. Linn Draper, Jr., Chairman, President and CEO, American Electric Power;
Steven E. Moore, Chairman, President and CEO, OGE Energy Corp.;
John MacFarlane, Chairman, President and CEO, Otter Tail Power Company;
H. Peter Burg, Chairman and CEO, First Energy Corp.;
John Rowe, Chairman, President and CEO, Unicom Corporation;
Erroll B. Davis, Jr., Chairman, President and CEO, Alliant Energy Corporation;
Alan Richardson, President and CEO, PacifiCorp;
William F. Hecht, Chairman, President and CEO, PPL Corporation;
Bob Stallman, President, American Farm Bureau Federation;
William Rodecker, Director, Occupational Health, Safety & Environmental Affairs, Eli Lilly and Company.

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The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from New Jersey.

ALS TREATMENT AND ASSISTANCE ACT

Mr. TORRICELLI. Mr. President, all of us in our public lives on occasion meet an individual under circumstances and remains with us. They are so powerful in their impact that they haunt us and, if we are true to our responsibilities, also lead us to involvement. It could be circumstances of a struggling family attempting to pay their bills. It could be someone in enormous physical or emotional distress.

I rise today because 3 years ago I met a young family from Burlington County, NJ, who had exactly this impact on me, my life, and my own service in the Senate.

Kevin O'Donnell was 31 years old, a devoted father who was skiing with his daughter one weekend, when he noticed a strange pain in his leg. It persisted, which led him to visit his family doctor. Here, he was shocked to learn, despite his apparent good health, the vibrancy of his own life and his young age, that he had been stricken with ALS, known to most Americans as Lou Gehrig's disease.

We are fortunate that ALS is a very rare disorder. It affects 30,000 individuals in our Nation, with an additional 5,000 new cases diagnosed every year. We should be grateful it is so rare because the impact on an individual and their health and their family is devastating. Indeed, there are few diseases that equal the impact of ALS on an individual.

It is, of course, a neurological disorder that causes the progressive degeneration of the spinal cord and the brain. Muscle weakness, especially in the arms and legs, leads to confinement to a wheelchair. In time, breathing becomes impossible and a respirator is needed. Swallowing becomes impossible. Speech becomes nearly impossible. Muscle by muscle, legs to arms to chest to throat, all motor activity of the body shuts down.

While ALS usually strikes people who are over 50 years old, indeed, there are many cases of young people being afflicted with this disease. Once the disease strikes, life expectancy is 3 to 5 years. But the difficulty is, life expectancy is not measured from diagnosis; it is measured from the first symptoms.

Diagnosing ALS is very difficult. What can appear as a pain in the leg can be overlooked for months. Muscle disorders can be ignored for a year. Doctors have a difficult time diagnosing Lou Gehrig's disease.

Not surprisingly, after diagnosed, the financial burdens are enormous. Work is impossible. Twenty-four hour care is likely. Wheelchairs, respirators, nursing care can easily cost between $200,000, to a quarter of a million dollars a year.

Families struggle with this financial burden while they are also struggling with the certainty of death at a young age.

This leads me to the responsibilities of this institution.

Patients with ALS must wait 2 years before becoming eligible for Medicare. For 2 years—no help, no funds, no assistance. As a result, 17,000 ALS patients currently are ineligible for Medicare services. And thousands of these

individuals will die having never received one penny of Medicare assistance. Their death from ALS is a foregone conclusion. It could come in a year or 2 years or 3, but we are requiring a 2-year waiting period before there is any assistance.

Clearly, ALS, the problems of diagnosis, the certainty of death, the rapid deterioration of the human body, was not considered with this 2-year waiting period.

Nearly 3 years ago, I first introduced legislation that would eliminate the 24-month waiting period for ALS from Medicare. Most of the people who were with me that day here in the Senate when we introduced this legislation are now dead. Most of them never received any Medicare assistance. Only I remain, having been there that day offering this legislation again to bring help to these people.

But their agony and the burdens on their families have now been succeeded by thousands of others, who at the time probably had never heard of ALS disease, certainly did not know that Medicare, upon which their families had come to rely, would be out of reach to them in such a crisis.

The ALS Treatment and Assistance Act, since that day, has enjoyed bipartisan support, with 28 cosponsors in the Senate, 12 Republicans and 16 Democrats. In the House of Representatives, 280 Democrats and Republicans have cosponsored the legislation.

This spring, the Senate unanimously adopted this legislation as part of the marriage penalty tax bill, which, of course, did not become law.

Both Houses, both parties have responded to this terrible situation.

Two weeks ago, when Senator MOYNIHAN and Senator DASCHLE introduced S. 3077, the Balanced Budget Refinement Act of 2000, I was very proud that the ALS provision was included in their legislation. Last Wednesday, the ALS waiver was included in the balanced budget refinement legislation approved by the House Commerce Committee. So there is still hope.

As every Member of this institution knows, the calendar is late. Regretfully, we are again at a time of year when the legislative process ceases to work as it is taught in textbooks across the country. There will not be an opportunity for me to advocate this legislation for ALS patients by offering an amendment on the Senate floor to the Medicare package developed by the Finance Committee. That option is simply not going to exist under the procedures and the calendar of the Senate.

I am, therefore, left with the following circumstances. Having lost many of those ALS patients, on whose behalf I originally began this effort, a new group of families are now helping me across the country. They, too, have a year or two remaining in their lives and need this help.

If I can succeed in getting this provision, with the support of my colleagues, in the balanced budget refinements that ultimately will be passed by this Senate, for those people before their deaths, there is still hope. If I fail, then these people, too, will expire before they get any assistance from the Government.

I do not know of an argument not to pass this legislation. I do not know of a point that any Senator in any party, at any time, could make, to argue on the merits, that these ALS patients should not get a waiver under Medicare, in the remaining months or years of their lives, to get some financial assistance.

The unanimous support of the Senate previously, I think, is testament to the fact that we are of one mind. I simply now would like to ask my colleagues, in these final days, knowing that there will be a Medicare balanced budget refinement bill, that this provision be included.

I also, Mr. President, ask unanimous consent to have printed in the RECORD a copy of the letter that was sent to Chairman ROTH last week, signed by 16 of my colleagues in the Senate, Democrats and Republicans, asking for inclusion of the ALS legislation in a balanced budget refinement package.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, DC, September 25, 2000.*

Hon. WILLIAM V. ROTH,
*Chairman, Senate Finance Committee, Washington, DC.*

DEAR CHAIRMAN ROTH: As the Finance Committee prepares to mark-up a Balanced Budget Act refinement package for Medicare providers, we urge your support for the inclusion of an important provision of S. 1074, the Amyotrophic Lateral Sclerosis Treatment Act. This provision would eliminate the 24-month waiting period for Medicare which prevents ALS patients from receiving the immediate care they desperately need.

As you know, ALS is a fatal neurological disorder that affects 30,000 Americans. Its progression results in total paralysis, leaving patients without the ability to move, speak, swallow or breathe and therefore totally dependent on care givers for all aspects of life. Without a cure or any effective treatment, the life expectancy of an ALS patient is only three to five years.

A common problem for individuals stricken with ALS is that, due to the progressive nature of the disease and the lack of any diagnostic tests, a final diagnosis is often made after a year or more of symptoms and searching for answers. This delay results in a loss of valuable time that could have been spent in starting treatment early. Once a diagnosis is finally made, the tragedy is needlessly worsened by Medicare's 24-month waiting period which forces ALS patients to wait until the final months of their illness to receive care.

Eliminating this unfair restriction for ALS patients enjoys strong bipartisan support in the Senate and the House. In fact, the House version of this bill has the support of 280 cosponsors. Including this legislation in a BBA refinement package will represent a first real step toward improving the quality of life for Americans stricken with ALS. We look forward to working with you, and appreciate your consideration of this important legislation.

Sincerely,

Mr. TORRICELLI. Mr. President, I thank you for the time and I thank my colleagues for their indulgence. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. First, I would like to comment on the comments that were made by Senator TORRICELLI from New Jersey. I thought they were profound, moving, and obviously urgent.

What I regret to have to report to him is that the Senate Finance Committee, on which I serve on the minority side, has concluded there will be no markup. There will with no markup on the balanced budget amendment. So this is very sad. This is part of the denigration of the process of this entire institution.

There is no health care legislation that has come out of the Finance Committee, or anywhere else, in the last 2 years. We could go through that litany.

But I want to report my profound discouragement to the Senator that we were told yesterday there would be no markup, no markup on the one thing that we could do to help not only the people you are talking about but all the hospitals and hospices and skilled nursing facilities, home health agencies in our States which are suffering.

So we have to rely on the good will of the President when he meets with leaders, Republican leaders. Hopefully, maybe a Democrat will be included in that meeting. Maybe something can happen.

But this is where we have arrived at in this institution. It is unfortunate. It is wretched. It has a terrible consequence for the people who you so movingly and eloquently talked about.

RAILROAD COMPETITION

Mr. ROCKEFELLER. Mr. President, I come before the Senate today to speak about an issue—the plight of captive shippers—on which the Senator from North Dakota, Mr. DORGAN, spoke and on which I have been working for 16 years, every day I have been in the Senate, with a complete, absolute, and total lack of success. One doesn't ordinarily admit those things, but I say that because that is how bad the situation is. That is how unwilling the Congress is to address this problem even though it affects every single Senator and every single Congressman in the entire United States of America without a single exception.

How did this happen is the same question as asking why is it that people complain about planes being late but don't take any interest in aviation policy. We are a policy body. We are meant to deliberate; we are meant to discuss issues. We don't. We don't take any interest in aviation. So we complain but don't do anything. We take no interest in railroad policy, and so we don't complain and we don't do anything.

As a result, the American Association of Railroads, which is one of the

all-time most powerful lobbying groups in the country, has its way. As Senator DORGAN said, they have their way although there are only really four or five railroads left. When I came here in 1985, as the junior Senator from West Virginia, there were 50 or 60 class I railroads. Those are the big ones. Now there are four or five, probably soon to be two or three.

When the Staggers Act was passed to deregulate the railroads, which unfortunately this Congress did in 1980, they divided it into two parts. They said for those railroads which had competition, the market would set the price. But they said there are about—let's pick the number—20 percent of all railroads which have no competition. In the coal mines, steel mills, granaries, and manufacturing facilities that these railroads serve, there is no competition. Their rates would be determined by the Interstate Commerce Commission at that time. Now it is called the Surface Transportation Board. Very few of my colleagues know anything about the Surface Transportation Board or knew anything about the Interstate Commerce Commission, even though many of their people are suffering vastly from the consequences of the inaction of these two bodies.

We don't have railroad competition in many aspects of our economy. You can't move coal by a pickup truck and you can't fly it in an airplane, you have to move it in a train. Sometimes you can put it in a truck, but you have to basically put it in a train. The Presiding Officer knows that very well; he comes from a State that produces coal.

I also am going to submit the same letter the Senator from North Dakota did for the RECORD so it appears at the conclusion of my remarks. It is an extraordinary letter to Chairman MCCAIN and Senator HOLLINGS signed by 282 CEOs—not government relations people, not lobbyists, but by CEOs. It is the most extraordinary document of commitment and anger over a subject I have seen in the 16 years I have been in the Senate. I have never seen anything like this before.

This is obviously a matter of enormous importance to my State. Most of what we produce has to be moved by railroad: Chemicals; coal; steel; lumber. It is a place where railroads have an enormous presence and railroads dominate.

This letter seeks to make railroad policy a top concern. These people say it is their top legislative concern. They represent virtually every industry, and all parts of the country.

I don't know how we got to this situation. I think it is ignorance on the part of the Congress, it is inattention, to some degree laziness on the part of the Commerce Committee and the Congress. It doesn't rise to the level of a crisis which hits us one day and grabs all the headlines. It is like the ALS about which the Senator from New Jersey was talking. It just creeps slowly. It just gradually destroys parts of the economy.

Let me explain the situation this way. Imagine if I decided I wanted to fly to Dallas, TX, from Charleston, WV, and I was told I had to go through Atlanta. We don't have a lot of direct connections out of West Virginia. And suppose the airline told me, told this Senator, that they would not tell me how much my ticket would cost from Atlanta to Dallas. I would be outraged. All kinds of people would jump into the action. They couldn't do that. That would be illegal. It would be wrong.

The railroads can do what the airlines are prevented from doing. They can refuse to quote you a price on what is called bottleneck situations, where they will not tell you how much it is going to cost on a monopoly segment. By doing that they control the price of whatever you are shipping, wherever you are shipping it. That is wrong.

One of the reasons they are able to do that is that railroads, unlike virtually every other industry that has been deregulated, have antitrust exemption. Why do railroads have antitrust protection? Can anybody give me a reason they would have antitrust protection? They have been deregulated. No other industry that has been deregulated has an exemption from our antitrust law, but the railroads do, because the American Railroad Association moves very quietly and skillfully under the radar of attention. It is a huge and powerful group. It doesn't make waves, doesn't cause notice. It hands out tremendous amounts of money, but they do their work below the radar screen.

As a result, when chemicals move out of the Kenawha Valley and the Ohio Valley in West Virginia and when coal moves out of southern West Virginia and northern West Virginia, we are victims in many circumstances to captive shipping. We are captives of the railroads. They can charge our companies whatever they want, and they do. It is illegal, but the railroads have on their side the Surface Transportation Board, which is supposed to ''regulate'' them, but instead is concerned only with how much money the railroads are making. So why should the railroads do anything other than make the most money they can? And they do.

I know of no other situation like that in America. I come from a family that knew something about monopoly. And, properly and correctly, a President named Theodore Roosevelt came along and ended that because it was wrong. It was done in those times. That is the way those businesses were done, but it was wrong.

Well, it is wrong what the railroads are doing today on captive shipping. For 16 years we have been fighting this—16 years, no progress, nothing. The STB comes up and they say: We need to have rules and regulations from the Congress. The folks in the Commerce Committee say: We are having all kinds of hearings.

We don't have hearings. We technically have hearings, but they are not hearings. They are not probing hearings. A couple people drop in; a couple people drop out. Consumers everywhere suffer from this, and they don't even know about it. We should, because it is our responsibility to protect consumers. Where the law says the railroad companies cannot do something which they are doing, we should be upset by that. And if it is 20 percent of railroad traffic, we should be angry about it. But we don't care. We don't care.

Again, many, if not most, of the products and commodities—coal and chemicals especially—being shipped by companies in West Virginia these products are shipped by companies, are shipped by companies that are captive to a single railroad. Only one line serves most of these plants. The railroads have all power: This is what you are going to pay; if you don't want to pay it, then we won't serve you.

And they use a lot of other strong-arm tactics, which I will not go into, although I am protected on the floor and I could, and I would be happy to, but I won't do it. But they use strong-arm tactics; they know how to use them and they do use them. There are four or five major railroads, and they can use strong-arm tactics and get away with it. All the others have been merged and eaten up. So the shippers are forced to pay whatever the railroads want to charge. If my colleagues think that is fair, fine.

This is what it's like: When you walk into a grocery store to buy bread, you know what bread is supposed to cost. But no, the grocer says, no, you have to pay three times the usual cost. I don't think my colleagues would stand for that. But my colleagues do put up with this, by continuing to let railroads charge whatever they want—not what the market says the cost should be—even though it costs their constituents and companies in their states more money than it should, and puts people out of work.

Why won't my colleagues get interested in this subject? Why won't they require the STB and the railroads to follow the law? Why doesn't the Commerce Committee take this more seriously?

I cannot remember any significant period of time since I have been in this body that I have not had a steady flow of complaints from my ''captive'' shippers—large and small companies that are captive to one railroad. They have no alternative but to pay what the railroad says they must. There is only one line going in; what are they going to do? Carry it out by hand? The Staggers Act said the railroads shouldn't exercise this kind of control. The captive shippers cannot set their own price. The railroads set the price on the monopoly segment, often without telling shippers what the price is, and thereby control the price along the entire route. This happens—today and every day—in the American economy. This is free market?

So businesses in my State and in your State, Mr. President, and the

State of the Senator from Alaska are hindered from making the kinds of profits and putting a number of people to work because we in Congress choose to ignore an enormous American problem.

I'd like to say a little bit about why this has all happened. I have talked about the diminution of the number of railroads. We have just two railroads on the east coast and two on the west coast, and one running the length of the Mississippi. These five railroads collect 95 percent of all freight revenues, as Senator DORGAN said. Pretty soon, that number may be reduced to just two railroads, period. These railroads are not exactly having a hard time. This level of ''competition''—with just a few railroads controlling 95 percent of the traffic—means, prima facie, that we really have no competition at all. You just say 95 percent, and there you have it. By definition, there is no competition.

During the last 5 years, the pace of railroad consolidation has been dizzying. In 1996, the merger of the Union Pacific and Southern Pacific Railroads threw the entire country into crisis. Did we care? Yes, briefly, for a week or so. There were some stories in the Wall Street Journal—we heard about the Houston railyard being shut down—and some of the rest of the country noticed, too. It was a strange and confusing railroad problem, and we didn't have time to figure it out; that was our attitude. So it came and it went. But it cost endless millions of dollars and endless lost jobs.

But we need to look at what happened. The results of that merger—creating one huge, unresponsive railroad, from two large unresponsive railroads—were major service disruptions, plant closings, thousands of lost workdays, and endless millions of dollars lost by companies all over this country.

We had the same thing on a smaller scale in West Virginia and in the East. We have had our own merger. Conrail was divided kind of piecemeal between CSX and Norfolk Southern Railroads. A period of disruption followed that merger also—perhaps not the scale of the UP–SP debacle—but still devastating and frustrating to my manufacturers in my State and throughout the Northeast. The railroads didn't worry because they knew nobody here was paying any attention.

Rail consolidation isn't the only culprit. Several unjustified and counterintuitive rulings made by the Surface Transportation Board and its predecessor agency, the Interstate Commerce Commission, have stifled railroad competition and made matters much worse.

These agencies have enormous power in our economy. Their key decision was the 1996 ''bottleneck'' decision to which I have already referred. That allows a railroad to remain in control of its essential facilities, known as ''bottlenecks'' and effectively prevent a rail customer from getting to a competing railroad, or even getting a price. In other words, where railroads share a line, they won't let you use it. They won't let anybody else use it. They won't tell you what it would cost even if you work out some kind of arrangement. They control the cost of shipping along your whole route, and they shut you down.

The court of appeals upheld the decision of the STB as not being ''arbitrary or capricious.'' So that seems to be on the side of the railroads. In its decision, the court of appeals went out of its way to say that the bottleneck decision was, one, not the only interpretation that the STB could have made under the law; and, two, not necessarily the interpretation the court itself would have made.

Since then, the STB, predictably, has refused to revisit this decision and seems to take the official position that it does not have the legal authority to reach any other conclusion without specific direction from Congress to put competition first. Well, I don't have any problem with that, except Congress hasn't been paying any attention and probably won't do that anytime soon. There is no chance we will do that in the Commerce Committee now. Public anger hasn't been galvanized, and congressional anger hasn't been galvanized. Congressional passiveness rules.

Under the protective rulings of the Surface Transportation Board, railroads are the only industry in the Nation that have both been deregulated and allowed to maintain monopoly power over its essential facilities. Congress, the Federal agencies, and the Federal courts have specifically prevented telephone companies, airlines, natural gas pipelines, and electric utilities from controlling essential facilities, while at the same time they enjoy the benefits of deregulation.

I reject the notion that the Staggers Rail Act intentionally allowed railroads to use their bottleneck facilities to prevent customers access to competition. That is wildly illogical and wildly untrue. It goes against every principle of the American market economy. Likewise, it makes no sense, and runs counter to the law of the land, for the STB to view protection of the financial health of the railroads as its overriding mission, which they do. In all of their history, they have never found a railroad to be revenue adequate. That is the technical term. In other words, they have never found a railroad which is making enough money. The railroads have to make more money, suppress competition, according to the STB.

So if we in Congress really care about the long-term viability of the freight railroad industry, we have to examine and make fundamental changes to the policy. But first we have to understand it—and we don't, and we won't, until people get motivated.

The railroad industry itself is given unwarranted special treatment, about which I have spoken, regarding the antitrust review. They are totally exempt from review by the Antitrust Division of the Department of Justice. Instead, it is left to the Surface Transportation Board to determine whether a merger or acquisition is ''in the public interest.''

Now, fortunately, as the Senator from North Dakota indicated, the STB is quite concerned about its merger policy. Hurrah. They see, as I do, the very real and ominous possibility that a final round of railroad mergers could leave us with just two transcontinental railroads carrying 97 percent of all American rail freight.

So the STB responded this year by instituting a 15-month moratorium on major railroad mergers. They are also conducting a rulemaking on their merger procedures.

I commend this unprecedented and important letter from 282 chief executive officers of huge American companies and small American companies to all of my colleagues. My guess is that very few colleagues will read that letter because we are passive, because this issue is under our radar. Or more accurately, we have decided to ignore it. When it comes to ignoring this problem, we have an unblemished record of success, even though our inaction hurts companies and people in every part of this country.

Their letter sends a compelling message to Congress that the status quo on railroad policy is unacceptable and must be changed. Senator BURNS, Senator DORGAN, and I have a bill to do exactly that, if we can get anybody to pay attention to it.

I thank the Presiding Officer. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank my colleague from West Virginia. I sympathize with the exposure that his State has. Of course, my State, unfortunately, is not connected to the rest of the United States by rail. We have a State-owned railroad and would like to have the opportunity to have a railroad connection. I am sympathetic to his cause.

ENERGY CRISIS

Mr. MURKOWSKI. Mr. President, I would like to address a couple of situations that I think are paramount in our consideration of issues before us today. I know most of my colleagues are aware of the current situation in Belgrade and the uprising against the dictatorship of Milosevic. I understand the situation is very grave at this time. I know we are all hopeful there will be no serious loss of life as a result of the uprising. I am sure my colleagues will join me in our prayers and hopes that the opposition's Kostunica will be successful in ousting Milosevic and instituting a democratic and peaceful new government in Yugoslavia. I know the Senate hopes for the best and that the nightmare in Yugoslavia may soon be at an end.

Unfortunately, we have a similar situation in the Middle East and the fighting that is going on between the Israelis and the Palestinians. Over 67 people have been killed.

I think it appropriate at a time when we are facing an energy crisis in this country to recognize the volatility associated with the area where we are most dependent on our oil supply; namely, the Middle East. Fifty-eight percent of our oil is imported primarily from OPEC.

As we look at the situation today, we recognize the fragility, if you will, and the sensitivity associated with relying on that part of the world, particularly when we see the action by this administration in the last few days of drawing down oil from the Strategic Petroleum Reserve which is set up for the specific purpose of ensuring that we have an adequate supply in storage if, indeed, our supply sources are interrupted.

By drawing that reserve down 30 million barrels, we sent a signal to OPEC that we were drawing down own our savings account making us more vulnerable, if you will, to those who hold the leverage on the supply of oil; namely, OPEC, Venezuela, Mexico, and other countries.

I wanted to make that observation and further identify, if you will, that we have a situation that needs correction. We still have time to do it in this body; that is, to pass the EPCA reauthorization bill.

As a consequence of the effort by the majority leader yesterday to bring that bill up—H.R. 2884—the reauthorization bill, I think it is important that we recognize why we need it.

First, it reauthorizes the Strategic Petroleum Reserve. The authorization expired in March of this year.

It creates a home heating oil reserve with a proper trigger mechanism that is needed.

It provides State-led education programs on ''summer fill'' and fuel budgeting programs.

It requires the Secretary of Defense to concur with drawdowns and indicate that those drawdowns will not impact national security.

It strengthens weatherization programs by increasing the per-dwelling allowance.

It requires yearly reports on the status of fuel supply prior to the heating season.

We have worked hard at trying to bring this to the floor and get it passed.

Yesterday, the Senator from California indicated there was still opposition to the bill. It is my understanding that comments were made about the bipartisan substitute we have offered. As a consequence, I believe there is a need for a response.

One, the Senator claimed that we could take up and pass the underlying bill—H.R. 2884—without amendment.

This simply can't happen. The underlying bill does not contain responsible trigger mechanisms to protect SPR from inappropriate withdrawal.

The Secretary of Energy has asked for a more responsible trigger mechanism than is contained in the underlying bill. The Secretary is right. We need that. This is our insurance policy if we have a blowup in the Middle East.

Second, by accepting the House bill, we would lose the opportunity to strengthen the weatherization program contained in the substitute and we would also lose the mandate for a yearly report from the Department of Energy on the status of our fuel heading into the winter contained in the substitute.

These are important issues. I am sure the Senator from California would agree that she would support these.

But, as a consequence, to suggest that we can accept the House bill that doesn't include the triggering mechanism is the very point that I want to bring up.

The Senator from California also said the Federal Government should not be in the oil business and that they don't do well in the oil business. I certainly agree. We don't do well with the Strategic Petroleum Reserve. We have bought high and sold low out of that reserve.

But it is even more important now that we have moved some of our oil to build up a heating oil reserve.

Isn't it ironic that the facts are, since the beginning of this year, more than 152,000 barrels of distillate—heating oils, light diesels, and so forth—have been exported each day. We are exporting fuel oils and heating oils that we ought to be holding in our reserve since we have a shortage of heating oil for the Northeast States that are so dependent on it. That is not what we are doing.

According to today's Wall Street Journal, that number is ballooning even higher because of tight supplies and higher prices in Europe. In other words, we need more of it here, but we are sending it over to Europe—as opposed to the administration putting a closure or requiring that crude oil be taken out of SPR and be refined for heating oil and held in this country in reserve.

That isn't in the requirement for the 30 million barrels that went out of SPR. The companies that bid on it can do whatever they wish with it. So we haven't accomplished anything. Where is it going? It is going to Europe.

I agree with the Senator from California that the Federal Government should not be in the oil business. They are doing a lousy job of it, and their SPR withdrawal is strictly a political cover to try to imply that the administration is doing something about the crisis so we don't get too excited about the election that is coming up. It is a charade.

The Senator from California claims the royalty-in-kind provisions are a charade allowing oil companies to pay fair market value—and this Senator is trying to undercut efforts to resolve valuation issues.

While I would like to take credit for all the provisions in our bill, in fairness, they were worked out with the ranking member of the committee, Senator BINGAMAN, and the administration. In fact, the royalty-in-kind program was initiated in 1994 by none other than Vice President GORE as part of the reinvention of government to test new, more efficient ways of collecting its royalty share.

If the Senator from California is saying that AL GORE's efforts to reinvent government have been a failure and have cost the American taxpayer millions of dollars, I would certainly respect her opinion.

Furthermore, a provision requires that the Government receive benefits ''equal to or greater'' than it would have received under a royalty evaluation program.

Finally, the Senator accused me—the Senator from Alaska—of trying to move this program ''in the dark of night.''

Well, I am disappointed by that statement. Prior to even taking this substitute up on the floor, my staff approached the staff of the Senator from California to work to resolve concerns in a good-faith effort.

The staff of Senator BINGAMAN, the ranking member of the Energy Committee, which I chair, spent countless hours answering the Senator's questions and addressing her concerns. Unfortunately, those efforts evidently have been unsuccessful.

So any argument that the RIK language in this bill has not gone through an appropriate process pales in comparison to that alleged lack of process involved in a ''rider'' on the same subject the Senator from California supports in the Interior appropriations bill.

You cannot have it both ways.

The arguments are simply empty rhetoric premised on the assumption that oil companies are inherently bad and any program dealing with them must be flawed. The implication is that the oil companies are profiteering.

There is no mention that we were selling oil in this country at $10 a barrel a year ago. Now it is $33 a barrel.

Who sets the price of oil? Is it ''Big Oil'' in the United States? No. It is OPEC. OPEC provides 58 percent of the supply. It is Venezuela and Mexico. You pay the price, or you leave it.

I am prepared to bring up this bill under a reasonable time agreement, debate the issue at length, and have the Senator from California offer an amendment to strike the provision if she finds it objectionable. That is her right. I support that right.

But it is time we move the Senate version of this very important bill to reauthorize the Strategic Petroleum Reserve, and establish a home heating oil reserve, and get the administration focused on the reality that the oil they propose to take out of SPR is being refined and sent over to Europe to meet

their heating oil demands. That is the reality.

If we don't move this legislation, the Senator from California will have to bear the responsibility. It is unconscionable to me at a time when we face an energy crisis—not only oil and natural gas but other areas and in our electric industry—that we find some other important bills being held up. We have passed out of the Committee an electric power reliability bill. The purpose was the recognition that we have a shortage of generating capability in this country.

We have not expanded our generating capacity to meet the demand. As a consequence of that, we have not progressed with a distribution system to meet the demand that is growing. So out of the Committee, along with Senator GORTON, we specifically worked to get an electric power reliability bill. It is sitting here waiting for passage. What it does—and the administration wants it—it sets up a way to share the shortage.

That sounds ironic, but we have a shortage of generating capacity. We have seen spiking costs very high, hundreds and thousands of dollars, for short periods of time. The reliability bill administers in a fair manner, to ensure that if there is any surplus in one area, it is moved to other areas without the exposure of spiking. We cannot seem to move that on the floor of the other body. We are going into a timeframe where, if we get a cold winter and higher electric demands, we will need that legislation.

Another bill, of course, that we considered is our electricity deregulation bill, a comprehensive bill. The problem was there was a mandate to have 7½ percent of our energy derived from renewables. That is easy to say. The administration mandated that bill. But there is no way to enforce it because we simply don't have the technical capability to achieve 7½ percent of our energy from non-hydro renewables. It is less than 2 percent now.

They say we haven't spent enough money or been dedicated or made a commitment. I remind my colleagues, we have extended in 5 years $1.5 billion in direct spending to subsidize development of renewables. We have given tax incentives for renewables of $4.9 billion. I support renewables, but we just can't pick them up. The wind doesn't always blow outside. In my State of Alaska, it is not always sunny. Solar panels do not always work.

As a consequence, I remind my colleagues, when you fly out of Washington from time to time, you don't leave here on hot air, you need energy. We have a crisis. We have not passed the electric power reliability legislation, we have not passed comprehensive electricity deregulation, and we are in a situation where we have taken oil from SPR and now we are seeing that oil move to Europe.

I want to use the remaining time to do a contrast because I want to emphasize the significance of the energy policies as proposed by our two Presidential candidates. Make no mistake, on energy policy the differences between Vice President GORE and Governor Bush could not be more clear.

Let's look at costs. We have added up the Bush proposal, $7.1 billion over 10 years. The Gore proposal, which the newspapers have added up—which are usually somewhat favorable to the Vice President—costs 10 times more than that, somewhere between $80 and $125 billion. They are still trying to pin down the figures. The Vice President wants to raise prices and limit supply of fossil energy, which makes up over 80 percent of our energy needs. By discouraging domestic production, the administration has forced us to be more dependent on foreign oil, placing our national security at risk and, of course, raising prices.

The Vice President's only answer in the first debate was to give you solar, wind, biomass technologies, that are not yet available. Again, I remind my colleagues, we have spent $1.5 billion in direct spending and $4.9 billion in tax incentives over 5 years trying to develop more renewables.

In contrast, Governor Bush would expand domestic production of oil and natural gas, reduce imports below 50 percent, and ensure affordable and secure supplies by developing resources at home. He would invest ample resources into emerging clean fossil technologies, renewable energy, and energy conservation programs, but, most of all, he won't bet on our energy future. Governor Bush will use the energy of today to yield cleaner, more affordable energy sources for tomorrow.

Now, let's look at the record. The Vice President has said he has an energy plan that focuses not only on increasing the supply but also working on the consumption side. The facts show the Vice President doesn't practice what he preaches. The administration has actually decreased energy supply during the past 7½ years. They have opposed domestic oil production and exploration. We have 17 percent less production since Clinton-Gore took office. We have closed 136,000 oil wells and 57,000 gas wells since 1992. They oppose the use of plentiful American coal and clean coal technology. The EPA makes it uneconomical to have a coal-generating plant. The demand is there for energy, but clearly coal is simply almost off limits because of the process.

We force the nuclear industry to choke on its waste. We are one vote short in this body of passing a veto override, yet the U.S. court of appeals, in a liability case, ruled the Government had the responsibility to take the waste. The cost to the taxpayers here is somewhere between $40 and $80 billion in liability due the industry as a consequence of the Federal Government's failure to honor the sanctity of the contract.

They have threatened to tear down hydroelectric dams. Where are they going to place the traffic that moves on barges? Put it on the highways? That will take away 10 percent of our Nation's electricity.

They ignored electric power reliability and supply concerns. Go out to San Diego and see the price spikes there—no new generation, no new transmission in southern California.

They have claimed to support increased use of natural gas, yet they have kept Federal lands off limits to natural gas production; approximately 64 percent of the overthrust belt in the Midwest—Wyoming, Colorado, Montana—is off limits to exploration. We all remember in this body the Vice President coming and sitting as President of the Senate, utilizing his tie-breaking vote in 1993 to raise the gas tax.

We recall initially he wanted a Btu tax to reduce consumption of energy when the administration first came in. There has been a series of taxes. We heard a lot about it in the debate the other day. The Vice President said the tax plan favors the richest 1 percent. Yet 2 percent of the people pay 80 percent of the taxes. He didn't mention that.

Talking about crude oil and the Vice President, instead of doing something to increase the domestic supply of oil, the Vice President seems to want to blame big oil for profiteering as a cause for high prices. This simply is an effort to distract attention from the real problems, to cover for this Administration's lack of a real energy strategy.

One year ago, oil was being given away at $10 a barrel. Who was profiteering, Mr. Vice President? Were American oil companies simply being generous? The small U.S. companies—''Small Oil''—were suffering, with 136,000 stripper and marginal oil wells closed. Our domestic energy industry was in real trouble. Stripper wells cannot make it at $10 a barrel.

The six largest oil companies—AL GORE's ''big oil''—only comprise 15 percent of the world oil market. In contrast, OPEC—Saudi Arabia, Iran, Venezuela, Mexico, Iraq—produce 30 million barrels a day and control 41 percent of the world's oil market. OPEC controls the supply. Therefore, they set the price, not the United States.

If we don't like their price, I guess we don't have to buy their oil. But obviously we are addicted to it. By discouraging domestic exploration and increasing our reliance on foreign oil, the Vice President would take away that option, essentially, forcing us to pay OPEC's price for oil, holding us hostage to foreign governments, as the case is now.

What about Governor Bush? He would encourage new domestic oil and gas explorations. As he said Tuesday: The only way to become less dependent on foreign sources of crude oil is to explore at home. Charity begins at home.

Just opening up the ANWR Coastal Plain in my State of Alaska to exploration would increase domestic production by a million barrels a day. I bet it would drop the price of oil $10 to $15 a barrel. The same amount, a million barrels a day, is slightly more than what we import from Iraq. Here is a person we don't trust, whom we fought a war against, yet we are dependent on, and that is Saddam Hussein. Shouldn't we produce this oil at home rather than risk our national security by relying on Iraq for energy needs?

Yesterday I gave a few facts, not fiction, about oil exploration and gas exploration in my State. My colleague from Nevada, who is not on the floor today, continued to refer to outdated estimates and recoverable oil from ANWR using oil prices. He said at a price of $18 a barrel, ANWR was likely to yield a low-end estimate of 2.4 billion barrels, but that still is 1 million barrels a day for 6 years, Mr. President.

And the prices will be much higher than that—they will be $25 a barrel, or more. According to the U.S. Geological Survey, the ANWR Coastal Plain is likely to yield 10 billion barrels of recoverable oil, nearly as much as Prudhoe Bay. But it is interesting to reflect on Prudhoe Bay because that one area has supplied one-fifth of our oil needs for the last 20 years. ANWR could do the same for the next 20 years. Remember the realities associated with estimates. They estimated Prudhoe Bay would produce 10 billion barrels, and it has produced over 12 billion and is still producing over a million a day.

I want to talk about natural gas because Governor Bush's energy plan is more than just increasing the domestic supply of oil. He would also expand access to natural gas on Federal lands and build more gas pipelines.

The Vice President makes no mention of natural gas, leaving the most critical part of America's energy mix policy simply unsaid. Yet natural gas is vital for home heating and electric power. 50 percent of U.S. homes, 56 million, use natural gas for heating. Natural gas provides 15 percent of our Nation's electric power, and that generating capability has no place to go for more capacity other than natural gas because you can't get permitted. Mr. President, 95 percent of our new electric power plants will be powered by natural gas as the fuel of choice, but this administration refuses to allow the exploration and production of gas, or the construction of pipelines, to increase the supply of gas to customers.

Demand has gone up faster than supply. This yields higher prices. And our demand for gas will only increase. The EIA expects natural gas consumption to increase from 22 trillion cubic feet now to 30 to 35 trillion cubic feet by 2010.

The administration touts natural gas as its bridge to the energy future—our cleanest fossil fuel—fewer emissions, efficient end use for industrial and residential applications, huge domestic supply, no need to rely on imports. Yet they place Federal lands off limits to new natural gas production. Where are we going to get it? Mr. President, 64 percent of the Rocky Mountain overthrust belt is off limits. The roadless policy of the Foreign Service locks up 40 million acres of public land, and there is a moratorium on OCS drilling until 2012. Where is it going to come from, thin air?

AL GORE would even cancel existing leases. He made a statement in Rye, NH, on October 21, 1999:

> I'll make sure there is no new oil leasing off the coasts of California and Florida. And then I would go much further: I will do everything in my power to make sure that there is no new drilling off these sensitive areas—even in areas already leased by previous administrations.

The American people ought to wake up. Where is our energy going to come from? Now there is no strategic natural gas reserve, is there, like we have for an oil, for the Vice President to fall back on in the case of natural gas prices. This administration simply ignored energy, and now we are in trouble and they are covering their behind.

Natural gas is now over $5.30 per thousand cubic feet. Less than 10 months ago it was $2.16.

The differences are clear. The Vice President would limit new natural gas production and force higher prices for consumers. Governor Bush would encourage domestic production of natural gas and the construction of pipelines to get it there.

We talked, finally, about renewables. The Vice President said Tuesday that:

> We have to bet on the future and move beyond the current technologies to have a whole new generation of more efficient, cleaner energy technologies.

That sounds fine, but how are we going to get there? I think we all agree in this case our energy strategy should include improved energy efficiency, as well as expanded use of alternative fuels and renewable energy and a mix of fuel oil, natural gas, nuclear, and hydro.

But the critical question is how do you get there from here? The Vice President would make a bet. He would bet that by diminishing supply of conventional fuels such as oil and natural gas, you will be more willing to pay higher prices and make renewables competitive. He will support higher energy taxes, just as he did in 1993 when he cast the tie-breaking vote to raise gas taxes. And he will favor more regulations, more central controls on energy use standards for each part of our everyday life.

The Vice President will tell you what kind of energy you could use, how much of it you could use, and how much you would have to pay for it.

In contrast, Governor Bush would harness America's innovative technological capability and give us the technologies of tomorrow by using the American ''can do'' spirit. Governor Bush would set aside the up-front funds from leasing Federal lands from ANWR, for oil and gas—the ''bid bonuses''—to be earmarked for basic research into renewable energy. He has a plan. It is a workable plan. It is not smoke and mirrors. The production royalty from oil and gas leases would be invested in energy conservation and low-income family programs such as LIHEAP or weatherization assistance. Using tax incentives, Governor Bush would expand use of renewable energy in the marketplace—building on successful experience in the State of Texas. As a result of Governor Bush's efforts on electricity restructuring, Texas will be one of the largest markets for renewable energy, about 2000 new megawatts.

Finally, Governor Bush would also maintain existing hydroelectric dams and streamline the Federal relicensing process. AL GORE would breach the dams in the Pacific Northwest.

The Vice President will try to lay the blame on Congress. He said we have only approved about 10 percent of their budget requests for renewable energy. Here again the Vice President is twisting the facts. According to the Congressional Research Service, we have provided $2.88 billion in funding for renewable energy since 1992; 86 percent of their request.

The conclusion, the bottom line, is the contrast between the candidates and their energy policies could not be more clear. The Vice President wants to raise prices and limit the supply of fossil energy which makes up over 80 percent of our energy needs, replacing it with solar, wind, and biomass technologies which are just not widely available or affordable today.

Governor Bush would expand the domestic production of oil and natural gas, ensuring affordable and secure supplies. He won't bet on our energy future. Governor Bush will use the energy of today to yield cleaner more affordable energy sources for tomorrow.

The choice for the American consumers on November 7 is clear. Support a candidate with a positive plan to reduce dependence on Saddam Hussein, the Middle East, and other areas; produce here at home and use all our energy resources, our coal, our oil, our hydro, our nuclear, and natural gas because we are going to need them all to keep the U.S. economy going.

Remember, you can't fly out of here on hot air.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The time until 2 o'clock is under the control of the Senator from Illinois.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent I be allowed to speak for up to 5 minutes, with the consent from the Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

YUGOSLAVIA

Mrs. HUTCHISON. Mr. President, it is my intention to speak for a couple of

minutes, and then I will suggest the absence of a quorum and ask if the distinguished Chair would also like to say a few words. And if he indicates such, I will step aside.

I want to speak about something that is happening that is very important to our country and to the rest of the world. As we speak, hundreds of thousands of Yugoslavian people are demonstrating in the streets, saying they want the election result to be declared. It was an election. There is a question about how free it was.

Certainly President Milosevic is trying to have a runoff, to have time to get his troops back together. But it is clear the people of Yugoslavia are standing up for their rights. During all the time the United States has been dealing with the issue of President Milosevic and his wife continuing to keep down the people of Yugoslavia and the satellite countries—Montenegro, Macedonia, Kosovo—to keep them from having the opportunity to express their free will, we in America have said to the people of Yugoslavia: Please, make your voices heard.

We will be supportive of what the people of that country want to happen. Clearly, there has been somewhat of a revolution in this last election period.

I hope and pray for the people of Yugoslavia that they will get their voice, that they will have their voices heard, that they will have representation in Parliament, and that the truly elected President of Yugoslavia will be able to take office.

It is impossible for us to know if the election was fair. It is impossible for us to know if there should be a runoff. Certainly the people have taken matters into their own hands, and they have shown a spirit that cannot be denied.

The hearts and prayers of the people of America are with the people of Yugoslavia today, hoping they will be able to have a free and fair Presidential election; that they will be able to have a Parliament that is truly representative of the people of Yugoslavia. That extends to the people of Montenegro, the people of Macedonia, the people of Kosovo, that they, too, will have their free will to be in control of their countries.

We are watching in our country and we wish them the best. We hope the people of Yugoslavia can take control of their own destiny. That is what we would wish for every person in the world, for every country in the world, and no less certainly for Yugoslavia.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FITZGERALD. Mr. President, I express my appreciation to all the Members of this distinguished body and, in particular, our Senate leaders on both sides of the aisle for the opportunity they have given me over the last couple days to speak to a matter of great importance, in my mind, a matter which, though it concerns only a relatively small portion of the Interior conference committee report that is before the Senate, I think nonetheless is a matter that goes to the heart of the Government's appropriations process.

I want to review and describe the filibuster I have conducted since about 2 days ago. It has had four major parts.

First, I explained the project about which I was concerned: The Abraham Lincoln Presidential Library to be built in Springfield, IL. This is a project I support, and I am working to help make sure the project is adequately funded over the next couple years in the Senate.

Second, I explained our insistence on Federal competitive bidding and described the bill the Senate supported which detailed the competitive bid provision. This body, on its own, when focused on the narrow issue of whether the Federal funding the Congress is approving for the Abraham Lincoln Library would require that the project be competitively bid in accordance with Federal bidding guidelines, all Members from all 50 States, agreed that the Federal competitive bid guidelines should be attached.

However, the Interior conference committee report that is before us has stripped out that competitive bidding requirement, and since the project now is in the heart of this Appropriations Committee report, which has many other projects and appropriations for programs and Departments of the Federal Government all over the country, it is now in a bill that will no doubt pass the Senate.

Third, I compared the State versus the Federal procurement process and procedure.

Finally, I gave the context in which these concerns arise. I read a series of articles from publications from throughout the State of Illinois that discussed, first, the various contexts in which the issues of competitive bidding have come up in the State of Illinois and, second, the potential for insider abuse when there are not tight requirements that competitive bidding be applied to a government construction project or a government lease or to practically any kind of project in which the Federal or State government is involved.

It has been my effort to make the best possible case that Federal competitive bidding rules should be attached to the Lincoln Library.

I began by reviewing the time line of this project. This project was first discussed 2 years ago, or more, under the administration of then Gov. Jim Edgar of the State of Illinois. In the first few months of February 1998, Governor Edgar at that time was proposing a $40 million library. Later, we saw how, by March of 1999 in a new administration, the project had grown to a $60 million project. Then we saw how, by April of 1999, they were discussing $148 million project to construct the Abraham Lincoln Presidential Library in Springfield, IL.

Since then, I think the numbers have fallen back down, and we are really talking about a $115 million to $120 million project: $50 million will come from the Federal Government, $50 million will come from the State, and the rest will come from private sources.

I also talked about the specific language in the Interior conference committee report that is before us.

I noted that that authorization for $50 million in funding, coupled with an appropriation for $10 million that would be distributed in this fiscal year, does not specify who is to get the $50 million authorization. The authorization language does not require that the money be delivered to the State of Illinois. It says the money will be delivered to an entity that will be selected later by the Department of the Interior in consultation with the Governor of the State of Illinois.

I have been concerned by the wide open nature of that language. When you think about wording a bill that money will be funneled to an entity that is going to be selected later, we do not know what that entity is. That raises cause for concern. What happens if that money falls outside of the hands of State or Federal officials altogether and is in private hands? Will there be any controls on it at all?

I also mentioned that I was concerned, if this money did go to the State of Illinois—it may well go to the State of Illinois—the State would probably hand it over to its Capital Development Board.

I noted that the Illinois Capital Development Board, which builds many of the State's buildings, such as prisons, built the State of Illinois Building in the city of Chicago, IL. They have an unusual provision in the general State procurement code, a highly irregular and unusual provision, that allows the Capital Development Board to establish ''by rule construction purchases that may be made without competitive sealed bidding and the most competitive alternate method of source selection that shall be used.''

I pointed out that with this lack of a hard and fast requirement, if the money were to flow to the State of Illinois, and the Capital Development Board were to construct this library, the Capital Development Board, by their own statute, would have the authority to opt out of competitively bidding this project.

I do not think a project of any magnitude, paid for by the taxpayers, should be done without competitive bidding. Obviously, there is too much potential for abuse. We want to make sure we get the best value for the taxpayers. It would be irresponsible for

the Congress to not require competitive bidding, in my judgment, and not just on a small project but most particularly for a very large project such as this, a $120 million project.

I also want to note—to give some scale to the size of a $120 million building—we have some Illinois structures and cost comparisons. The source for this is the State Journal-Register, the newspaper in Springfield, IL, from a May 1, 2000, article.

They said that the estimated cost, adjusted for inflation, of building the Illinois State Capitol in today's dollars would be $70 million. So $120 million is much more expensive. The Lincoln Library would be much more expensive than the State capital.

There is another building in Springfield that is worth $70 million. That is the Illinois State Revenue Department building, the Willard Ice Building, built in 1981 to 1984. It would probably cost about $70 million to build. That is a huge building.

The Prairie Capital Convention Center: It is estimated to have cost $60 million in today's dollars.

The Abraham Lincoln Library will be much more expensive than all of these very major buildings in Springfield, IL. On a project of this magnitude, obviously we need to have the construction contracts competitively bid.

In discussing the State procurement code, I noted that the State Capital Development Board had the ability to opt out of competitively bidding projects. It was for that reason, when I saw the language of this measure that originally came over to us from the House, I decided we ought to look at attaching tougher guidelines.

We compared the State procurement code to the Federal procurement code, and I determined that in order that we not have to worry about the State opting out of competitive bidding, and in order that we not have to worry about some other flaws in the State procurement code, we would instead attach the Federal guidelines.

When I was in Springfield as a State senator for 6 years, back in 1997 I voted for the current State procurement code. It is indeed some improvement over the old State procurement laws. Nonetheless, it does have some problems and it could be better. I regret that I missed the loophole that allows the Capital Development Board to opt out of competitively bidding a project.

I also discussed, at length, yesterday how the Capital Development Board was sending around a letter saying they would competitively bid this project, no matter what. They also suggested that their rules require them to competitively bid this project.

That contention is conclusively demolished by the language of the State statute, which shows that they do not have to competitively bid. They are sending out a letter saying they would competitively bid. Obviously, that does not create a legal requirement. They sent the letter to me. Maybe it creates a contractual obligation to me, but it does not make them legally accountable in the bidding process. How can you hold someone accountable if the code is optional? That is the problem with the State procurement code.

Furthermore, I noted, when I had a discussion with Senator DURBIN—he, of course, along with all other Senators in this body, supported the passage of the Senate provision which required competitive bidding in accordance with the Federal guidelines. However, he did raise the question, How would the State be able to adapt itself so it would apply the Federal competitive bidding guidelines?

I pointed out that the State code contemplates, in fact, that from time to time Federal guidelines will be attached on grants from the Federal Government and that the State has statutory authority to adopt all its forms and procedures in order to make sure they can comply with guidelines imposed by the Federal Government, much in the same way the State would have to comply with any guidelines the Federal Government gave along with funding for education, for health care for the indigent, for Medicaid dollars, or the like. Absolutely, there is nothing wrong with that, nor is there anything unusual about that. That is why the State contemplates it in its procurement code.

I also reviewed, at length, the context in which this debate has occurred. I read a series of articles from publications throughout the State of Illinois into the RECORD. Those articles discuss the various contexts in which competitive bidding had come up before in the awarding of construction contracts, of leases for State buildings, of licenses for riverboats.

I also discussed loans the State had given out back in the early 1980s to build luxury hotels, loans that never were repaid, and it seemed the borrowers had never really been held fully accountable.

I told you that from my experience of several years in the Illinois State legislature, I could not casually dismiss this history. It is seared in my memory from many bruising battles I had when I was a State senator in the Illinois State Senate from 1993 to the end of 1998.

Finally, we asked the question whether the Lincoln Library is another one of those insider deals, such as the ones we discussed when we read into the RECORD stories of leases of State buildings to the State in which it seemed the people who owned the property made out real well but the State seemed to be paying very exorbitant rental rates, and also mishaps that we had with construction projects in the past.

We described how, with the very lucrative Illinois riverboat licenses, some of which could be worth in the hundreds of millions of dollars each, the minute you got one of those riverboat licenses, you would have the ability to earn in some cases $100 million a year, and that these licenses could be considered extremely valuable. They would probably sell on the open market for many times the amount of annual earnings that would accrue to one of those licenses.

We described how those very valuable licenses were given out in the State of Illinois on a no-bid basis for a total consideration of $85,000 apiece. I described how I thought that was wrong, that those licenses, instead of being handed out as political bonbons to connected political insiders who happen to be longtime, big-dollar contributors to both sides of the aisle, that we should not have just given them away like that. They should have been competitively bid, and the people who wanted those lucrative licenses should not have been going through the legislature or through a gaming board made up of officials handpicked by the Governor to see who would become the next multimillionaire in the State of Illinois.

Had we had competitive bidding for those riverboat licenses, then we might not have had all the articles written about how it was that only a handful of politically connected people just happened to wind up being the ones who got these phenomenally lucrative gambling licenses.

They were lucrative licenses not only because they were gambling licenses but because they were monopoly licenses. There could be only 10 riverboats in the State of Illinois. If there could only be 10 restaurants or 10 hotels in the State of Illinois, then the license to operate one of those restaurants or hotels would be very valuable as well.

We reviewed at length all the problems that happened and all the questions that get raised when a governmental body gives out privileges or contracts or leases without tight procedures to make sure that political favoritism does not enter into the equation and without tight guidelines to make sure there is a fair and equitable competitive bidding process.

After this whole discussion, in which some names of prominent political people seemed to be coming up again and again and again in many of the articles, we finally arrived at the question, is this Abraham Lincoln Library to be built in Springfield—the construction has not started yet; it is scheduled to start on Lincoln's birthday next year, 2001; they have awarded some architecture and engineering contracts and some design contracts—just another insider deal? We concluded that it may or may not be. We won't know until it is done, until we see how it is done. But we concluded that, clearly, given the whole history of problems we have seen again and again and again in recent State history with the awarding of construction contracts, leases, privileges, licenses, that we ought to do our very best to prevent this project from becoming just one more insider deal. And

we noted what a horrible, ugly irony it would be if a monument to ''Honest Abe'' Lincoln, arguably our country's greatest President, wound up having any taint at all.

That is what we are seeking to avoid. We should do our very best to prevent it from becoming an insider deal.

Moreover, we have many red flags that have to be taken into account. We have the price increases from $40 to $60 to now $120 million. We have the location of the library. The library site has recently been selected. This is a map of Springfield. This is the State Capitol complex. This is where Abraham Lincoln's home is. It is now run by the National Park Service. There is, in fact, an entire neighborhood that has been renovated and kept up to look as we think it looked in the day and age that Abraham Lincoln and his family lived there.

This is where the Capital Convention Center is. This is where the Abraham Lincoln Library is now planned. That was the site selected. Maybe that is the best site. I don't know. One may never know. It is close to the old State Capitol, which Abraham Lincoln actually served in and spoke in when he was a State legislator. It is near the Abraham Lincoln law office. Is it the best site? I don't know. Did political favoritism come into consideration in selecting that site? I don't know. We don't know.

One thing is interesting, though. This hotel, the Renaissance Springfield Hotel, is very close to the proposed library. That is the hotel that, as we discussed yesterday, was built with taxpayer money in the form of a State loan given out back in the early 1980s. The loan was never paid back, though some payments were made on the loan. The people who got the loan still own the hotel and still manage it. Presumably if the Lincoln Library results in increased tourism revenue and more people coming to visit the city of Springfield, there will be a lot of tourist dollars. Some projections estimate as much as $140 million in tourist revenue will be added by the construction of the library in Springfield. Certainly some of that would probably accrue to the benefit of those who have the Renaissance Springfield Hotel.

The price increases, the location of the library, we note these things. We note the involvement of individuals whose names have come up in the past and were described again and again in many of the articles read into the RECORD. And we note the general problem that the State has had with projects such as this in the past.

Given all these red flags, isn't it appropriate that we be extra careful and that we do everything we can to ensure that the project be appropriately competitively bid? It is for that reason that I attached the Federal competitive bid guidelines when the authorization bill came into the Senate. These guidelines were adopted unanimously in the Senate Energy Committee and, ultimately, the whole Senate unanimously adopted these guidelines and sent the bill back to the House.

We are here today because we have to vote on the Interior conference committee report which has appropriations for the project tucked in, but with the Senate requirements for competitive bidding in accordance with Federal guidelines stripped out. It is the fact that those competitive bid guidelines are not contained within the authorization and appropriations for the library in this Interior conference committee report that I am here on the floor of the Senate.

Mr. President, this debate, as I have said, goes to the very heart of the appropriations process itself. We need to take great care with the taxpayers' money. The money represents precious hours of hard work, sweat, and time away from their families. The American people are fundamentally generous and they will permit reasonable expenditures for the good of their country and their communities. The people of Springfield, IL, are as generous as any, and they are as fine a people as any.

I have heard more from the people of Springfield, IL, than from anywhere else in my State about the importance to them of having an honest and ethical bidding process on this library that they hope will be a credit to their community for ages to come. But while the people are generous and they are willing to permit us to make reasonable expenditures in support of our States and communities, the taxpayers do expect that they not be abused. We need to do our best to make sure there are sufficient safeguards so that the people can know their hard work is not being trampled on, that politically connected individuals are not deriving private profit at the expense of the taxpayers, all under the guise of a public works project.

I know that in this Chamber our remarks go out to the entire country. I am well aware of it in this debate because our office is receiving correspondence from people all over the United States who find interesting what has happened in Illinois. But I want to address these remarks now exclusively to the people of my State—the land of Lincoln—Illinois.

In a very short time now, the Senate will soon take a vote on the Interior appropriations conference report. This is the vehicle that contains the Lincoln Library provisions we have been talking about in this filibuster.

When the Senate votes, we will lose because the Interior bill itself is a bill with considerable support for projects around the country—it is an $18 billion bill that literally has implications for every State in the Nation—my colleagues will vote for it. Even those who, along with me, believe the Lincoln Library should have Federal competitive bidding rules attached to the money that will be appropriated today will do so.

As I have noted, all Members of this body, earlier this week, voted in favor of Federal competitive bidding guidelines for this project when we had a vote just on that narrow issue. We cannot have a vote to take out the language that is in the conference committee report that does not require the competitive bidding. These are the rules of the Senate. However, when the vote is called and we lose, I do not want the people of Illinois to be discouraged by the difficulties we have encountered. If nothing else, from the materials we have introduced into the RECORD, it is clear that the political culture of Illinois is entrenched and formidable—so entrenched and formidable that a simple provision such as competitive bidding could become controversial.

Our effort in these last couple of days is just a baby step. Real change can only come as the people of Illinois see more, know more, and gradually come to realize that they do indeed have the power to make it different. Real change comes from the bottom, from the people up. All those of us in this body can do is observe, think, exercise our very best judgment, and then make the case.

Today and yesterday, we have made the case. In a little while, the opponents of our simple competitive bid requirement will prevail. But the next time you hear of leases, or loans, or capital projects, or riverboat licenses going to political insiders, you will remember this debate; and together we will rejoin the fight and redouble our efforts for the next time.

Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Is there objection? I object.

Mr. GRASSLEY. May I speak just on the bill?

The PRESIDING OFFICER. Can we suggest the absence of a quorum?

Mr. GRASSLEY. I don't want to go through that if I don't have to.

Mr. FITZGERALD. Mr. President, I yield the remainder of my time to the occupant of the chair, Senator VOINOVICH from Ohio.

(Mr. FITZGERALD assumed the chair.)

ELECTIONS IN THE BALKANS

Mr. VOINOVICH. Mr. President, as my colleagues are well aware, I have a keen interest in what happens in the Balkans because I believe what happens in Southeastern Europe impacts on our national security, our economic well-being in Europe, the stability of Europe and yes, world peace.

For the better part of the 20th Century, Western Europe and the U.S. have had an enormous stake in what has occurred in Southeastern Europe.

However, we have not done enough to pay attention to what is happening there, dating back to the time when former Secretary of State, Jim Baker, said of Yugoslavia that ''we don't have a dog in this fight.''

Unfortunately, that line of thinking has prevailed, and we've allowed Slobodan Milosevic to wreak havoc. Over the last decade, he has spread death and destruction to the people of Serbia, Kosovo and Croatia and we all know that U.S. troops now are in Kosovo and Bosnia because of him.

Even a U.S. and NATO led air war last year was not sufficient to bring an end to the Milosevic regime.

Since the end of the war, I have been working hard on three essential items that I believe will bring peace and stability to the region. First, I have been working with leaders here and abroad to help stop the ethnic cleansing in Kosovo; second, to try and make sure that we keep our promises to the Stability Pact of Southeast Europe. To that end, I recently met with Bodo Homback, the head of the Stability Pact to underscore the importance of the Stability Pact; and third, I have been working tirelessly to support democracy in Serbia, a cause I took on when I was governor of the State of Ohio.

When I was in Bucharest at the Organization for the Security and Cooperation of Europe, OSCE, in July of this year, I introduced a resolution on Southeastern Europe that called to the attention of the OSCE's Parliamentary Assembly the situation in Kosovo and Serbia, and made clear the importance of democracy in Serbia.

I pointed out to my OSCE colleagues in that resolution that Milosevic was a threat to the stability, peace and prosperity of the region. I argued that in order for the nations of that region to become fully integrated into Europe—for the first time in modern history—Milosevic's removal from office was absolutely essential.

My resolution put the OSCE, as a body, on record as condemning the Milosevic regime and insisting on the restoration of human rights, the rule of law, free press and respect for ethnic minorities in Serbia. I was pleased that my resolution passed, despite strong opposition by the delegation from the Russian Federation.

Many people had become resigned to the fact that if the NATO bombing and the hardships that followed the end of the air war did not produce widespread anti-Milosevic sentiment, the prospect for Milosevic's removal from office by the Serbian people would not happen any time soon. Even Milosevic himself felt confident enough in his rulership of Yugoslavia to call for general elections nine months earlier than they were supposed to occur.

On Sunday, September 24th, historic elections took place in Yugoslavia in spite of the worst type of conditions that could possibly hamper free and fair elections, including military and police presence at polling places; ballots counted by Milosevic appointees; reports of ''ballot stuffing;'' intimidation of voters during the election process; and the refusal to allow independent observers to monitor election practices and results.

In spite of all that, the people won. They won because of the old Serbian slogan—Samo, Sloga, Srbina, Spasava—which translates into ''only unity can save the Serbs'', or, ''in unity there is strength for the Serbs.''

And I might say the opposition finally got its act together with prayers to St. Sava, and with enlightenment from the Holy Spirit.

It was the political force of the people that propelled law professor, and political unknown, Vojislav Kostunica, to victory.

This monumental victory over an indicted war criminal proves that the Serb people strongly desire positive change. They want to see their country move beyond the angry rhetoric and nationalistic fires fanned by Milosevic.

And let me make this point clear: Mr. Kostunica's victory and his support are not the result of Western influence.

And although Milosevic had previously acknowledged that Mr. Kostunica had more votes, we learned yesterday afternoon that his pawns on the constitutional court declared that the September 24th elections were unconstitutional.

This latest and most blatant attempt by Milosevic to thwart the will of the people is the final insult to the citizens of Yugoslavia.

The citizens of Yugoslavia—through a constitutional election—have spoken. They have elected a new President.

The Serb people, driven by a desire to live free from the dictatorship of Milosevic, have been pushed to take their election mandate by force. They are, at this very moment, engaged in a struggle to throw off the shackles of oppression.

In light of these developments, I am prayerful that the Serb people will be able to enforce their will, and that they will remember their slogan—Samo, Sloga, Srbina, Spasava—and remain united at this very important time for freedom.

I also pray that the Serb military and police forces will avoid bloodshed, recognizing that their brothers and sisters only seek the freedom that a tyrant has denied them.

Let me be clear, Mr. President: this is not a revolution. The Serb people are enforcing the mandate of their election because this man who has been beaten refuses to relinquish power.

He ought to understand that he's either going to walk out of there or go out on a stretcher or in a body bag.

Mr. President, we in the United States must render our support to the Serb people immediately, and convince our allies and the nations of the world that Vojislav Kostunica is the new and legitimately elected leader of Serbia, and we need to convince Russia that they should immediately tell Milosevic that the game is over; it's time to go.

Mr. President, we also need to assure the Serbian people—who have been long-standing friends of this nation and also our allies in World War II—that we are still their friends and that it is Milosevic who has been the problem, not the Serbian people.

The Serb people need to know that with their new leader, Vojislav Kostunica, we will remove our sanctions against Serbia and help them reinvigorate their economy and re-establish their self-respect and the United States will welcome them into the light of freedom and a bright new chapter in Serbian history.

Thank you Mr. President. I yield the floor.

Mr. MCCAIN. Mr. President, once again, we are witness to the belated if inevitable fall of a tyrannical regime that failed to convince the population under its control that its worst enemy lay outside that nation's borders. As I speak, the Serbian people are storming Yugoslavia's Parliament building and seizing television stations. In the town of Kolubara, coal miners and tens of thousands of supporters have openly and peacefully defied the Milosevic regime's efforts at stemming the tide of history. A regime that stands accused of crimes against humanity is on its deathbed, and the United States must not hesitate to declare its unequivocal support for those brave enough to defy that regime.

The people of Yugoslavia have spoken very clearly. They turned out to elect a new President, and Slobodan Milosevic's efforts to manipulate the democratic process has not succeeded. The formidable internal security apparatus that Milosevic and his supporters in the Socialist Party, as well as the Yugoslav United Left, the Communist organization led by his wife Mirjana Markovic, have established cannot save him.

The new defense doctrine President Milosevic approved just 2 months ago listed as its highest priority preservation of the regime that today finds itself under the gravest threat to its survival. While the United States must exercise care in how its role in developments in Serbia are perceived, it must not fail to lend its moral support to those fighting for democracy.

Since 1992, the Balkans have been the scene of the bloodiest fighting in Europe since World War II. The wars that have ravaged Bosnia-Herzegovina and Kosovo produced a list of war criminals that will take years to try, in the event they are brought to justice. A tremendous amount of the blame for that situation resides in one man—Slobodan Milosevic. He was instrumental in creating the environment in which those atrocities occurred and presided over military campaigns that gave the world a new and onerous phrase: ethnic cleansing.

There are those who believe the United States did not have a role to play in supporting democratization in Serbia. Those of us who supported S.720, the Serbia Democratization Act, however, have remained firm in our conviction that U.S. support for democracy in that troubled nation was

something to be proud of and could play a positive role in facilitating positive change in Yugoslavia. That S.720 has remained stuck in the House is unfortunate, but the message that it sent merely by its introduction was powerful. We cannot selectively stand for freedom and should not be ashamed that it provides the moral foundation of our foreign policy. Ongoing events in Serbia illustrate vividly the intense desire for democracy in Serbia and the United States should not hesitate to state its strong support for the election of Vojislav Kostunica and for the forces of change in Yugoslavia.

The Balkan powderkeg is facing its most promising period of change since the end of the Cold War. We should not be idle witnesses to that change. I urge the House to speak forcefully on this issue by passing the Serbia Democratization Act at once. The symbolism of U.S. support for democratic change will not play into the hands of a discredited regime in its death throes. On the contrary, it will tell the people of Yugoslavia that we stand with them on the verge of a new era.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 4578, the Department of the Interior appropriations bill.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 4578, the Interior appropriations bill, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote:

The yeas and nays resulted—yeas 89, nays 8, as follows:

[Rollcall Vote No. 265 Leg.]

| | | |
|---|---|---|
| Abraham | Baucus | Bingaman |
| Akaka | Bayh | Bond |
| Allard | Bennett | Boxer |
| Ashcroft | Biden | Brownback |
| Bryan | Hagel | Murray |
| Bunning | Harkin | Nickles |
| Burns | Hatch | Reed |
| Byrd | Helms | Reid |
| Campbell | Hollings | Robb |
| Chafee, L. | Hutchinson | Roberts |
| Cleland | Hutchison | Rockefeller |
| Cochran | Inouye | Roth |
| Collins | Johnson | Santorum |
| Conrad | Kennedy | Sarbanes |
| Craig | Kerrey | Schumer |
| Crapo | Kerry | Sessions |
| Daschle | Kohl | Shelby |
| DeWine | Kyl | Smith (OR) |
| Dodd | Lautenberg | Snowe |
| Domenici | Leahy | Specter |
| Dorgan | Levin | Stevens |
| Durbin | Lincoln | Thomas |
| Edwards | Lott | Thompson |
| Enzi | Lugar | Thurmond |
| Frist | Mack | Torricelli |
| Gorton | McConnell | Voinovich |
| Gramm | Mikulski | Warner |
| Grams | Miller | Wellstone |
| Grassley | Moynihan | Wyden |
| Gregg | Murkowski | |

NAYS—8

| | | |
|---|---|---|
| Breaux | Graham | McCain |
| Feingold | Inhofe | Smith |
| Fitzgerald | Landrieu | |

NOT VOTING—3

| | | |
|---|---|---|
| Feinstein | Jeffords | Lieberman |

The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 8. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Washington.

Mr. GORTON. Will the Presiding Officer state what the order of business is now?

The PRESIDING OFFICER. There is a time limit on the conference report, 10 minutes equally divided between the two managers, 10 minutes equally divided between the chairman and ranking member of the Appropriations Committee, 30 minutes under the control of Senator LANDRIEU, and 15 minutes under the control of Senator MCCAIN.

Mr. GORTON. I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise in opposition to the bill.

I ask unanimous consent that a list of the unauthorized and unrequested earmarks, earmarks added in conference, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OBJECTIONABLE PROVISIONS IN H.R. 4578, CONFERENCE REPORT FOR FY 2001, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS

*Bill Language*

Additional $1,762,000 for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487.

Earmark of $2,000,000 provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program.

Earmark of $1,607,000 for security enhancements in Washington, D.C.

Earmark of $1,595,000 for the acquisition of interests in Ferry Farm, George Washington's Boyhood Home and for management of the home.

An additional $5,000,000 for Save America's Treasures for various locale-specific projects.

Earmark of $650,000 for Lake Champlain National Historic Landmarks.

Earmark of $300,000 for the Kendall County Courthouse.

Earmark of $365,000 for the U.S. Grant Boyhood Home National Historic Landmark which should be derived from the Historic Preservation Fund.

Earmark of $1,000,000 of the total of the grants made available to the State of Maryland under Title IV of the Surface Mining Control and Reclamation Act of 1977 if the amount is set aside in an acid mine drainage abatement and treatment fund established under a State law.

Earmark of $300,000 shall be for a grant to Alaska Pacific University for the development of an ANILCA training curriculum.

Provision stating that none of the funds in this Act may be used to establish a new National Wildlife Refuge in the Kankakee River basin that is inconsistent with the United States Army Corps of Engineers' efforts to control flooding and siltation in that area.

Provision stating that notwithstanding any other provision of law, the Secretary of the Interior shall designate Anchorage, Alaska, as a port of entry for the purpose of section 9(f)(1) of the Endangered Species Act of 1973.

Provision stating that notwithstanding any other provision of law, the Secretary of the Interior shall convey to Harvey R. Redmond of Girdwood, Alaska, at no cost, all right, title, and interest of the United States in and to United States Survey No. 12192, Alaska, consisting of 49.96 acres located in the vicinity of T. 9N., R., 3E., Seward Meridian, Alaska.

Provision which requires a land exchange regarding the Mississippi River Wildlife and Fish refuge.

Provision which authorizes a land exchange in Washington between the Fish and Wildlife Service and Othello Housing Authority.

Provision which authorizes the establishment of the First Ladies National Historic Site in Canton, Ohio.

Provision which authorizes the Palace of Governors in New Mexico.

Provision which authorizes the Southwestern Pennsylvania Heritage Preservation Commission.

Provision which redesignates the Cuyahoga Valley National Recreation Area as a National Park.

Provision which authorizes the Wheeling National Heritage Area in West Virginia.

Earmark of $500,000 to be available for law enforcement purposes on the Pisgah and Nantahala National Forests.

Earmark of $990,000 for the purpose of implementing the Valles Caldera Preservation Act, which shall be available to the Secretary for the management of the Valles Caldera National Preserve, New Mexico.

Earmark of $5,000,000 to be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment.

Earmark of $700,000 shall be provided to the State of Alaska for monitoring activities at Forest Service log transfer facilities, in the form of an advance, direct lump sum payment.

Earmark of $5,000,000 is appropriated and shall be deposited into the Southeast Alaska Economic Disaster Fund without further appropriation or fiscal year limitation. The Secretary of Agriculture shall distribute these funds to the City of Craig in fiscal year 2001.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to

the Forest Service in the National Forest System' and 'Capital Improvement and Maintenance' accounts and planned to be allocated to activities under the 'Jobs in the Woods' program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects.

Language stating that funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area.

Language stating that the Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark.

Language stating that funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California.

Earmark of $5,000,000 to be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to start a priority project for the acquisition of land, planning, design and construction of 79 staff quarters at Bethel, Alaska, subject to a negotiated project agreement between the YKHC and the Indian Health Service.

Provision stating that notwithstanding any other provision of law, for fiscal year 2001 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the 'Jobs in the Woods' component of the President's Forest Plan for the Pacific Northwest or the Jobs in the Woods Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands.

Provision which continues a provision regulating the export of Western Red Cedar from National forest System Lands in Alaska.

Provision which continues to limit mining and prospecting on the Mark Twain National Forest in Missouri.

Provision limiting competition for fire and fuel treatment and watershed restoration contracts in California.

Provision that amends the Columbia River Gorge National Scenic Area Act to expedite the acquisition of critical lands within the NSA dealing with land appraisal assumptions utilized by the Forest Service to acquire land within the Columbia River Gorge National Scenic Area.

Provision that adds the ''Boise Laboratory Replacement Act of 2000'' that permits the sale of the Forest Service Boise, ID, laboratory site, occupied by the Rocky Mountain Research Station, and the use of the proceeds to purchase interests in a multi-agency facility at the University of Idaho.

*Conference Report Language*

*Bureau of Land Management*

Earmark of $500,000 for Montana State University weed program.

Earmark of $750,000 for Idaho weed control.

Earmark of $900,000 for Yukon River salmon.

Earmark of $1,000,000 for Missouri River activities associated with the Lewis and Clark Bicentennial celebration.

Earmark of $500,000 for the Missouri River undaunted stewardship program.

Earmark of $700,000 for the development of a mining claim information system in Alaska.

Earmark of $500,000 for a coalbed methane EIS in Montana.

Earmark of $650,000 for the Montana cadastral project.

Earmark of $300,000 for the Utah geographic reference project.

Earmark of $2,400,000 for Alaska conveyance.

Earmark of $500,000 to prepare an EIS for future coal bed methane and conventional oil and gas development in the Montana portion of the Power River Basin.

Earmark of $500,000 for the Undaunted Stewardship program, which will allow for local input and participation in grants to protect historic sites along the Lewis and Clark Trail. This program is to be cooperatively administered by the Bureau and Montana State University.

Language which encourages the Bureau to work with the Waste Management Education and Research Consortium (WERC) at New Mexico State University in addressing the problem of abandoned mine sites in the western United States.

Earmark of $482,000 for an Alaska rural fire suppression program (Wildland fire management).

Earmark of $482,000 for a rural Alaska fire suppression program. (Wildland fire suppression).

Earmark of $8,800,000 is to be made available to the Ecological Restoration Institute (ERI) of Northern Arizona University, through a cooperative agreement with the Bureau of Land Management, to support new and existing ecologically-based forest restoration activities in ponderosa pine forests.

Earmark of $3,760,000 for construction at the Coldfoot Visitor Center.

Earmark of $400,000 for construction at the Fort Benton Visitor Center.

Earmark of $200,000 for construction at the California Train Interpretive Center.

Earmark of $500,000 for construction at the Blackwell Island Facility.

Language which encourages the Bureau to work with the town of Escalante and Garfield County, UT to ensure that the construction of the science center is consistent with the Escalante Center master plan.

Earmark of $5,000,000 for land acquisition in El Dorado County, CA.

Earmark of $2,000,000 for land acquisition at Organ Mountains, New Mexico.

Earmark of $2,000,000 for land acquisition for Upper Crab Creek, Washington.

*Fish and Wildlife Service*

Earmark of $2,000 for Everglades for resource management.

Earmark of $1,500,000 for cold water fish in Montana and Idaho.

Earmark of $270,000 for the California/Nevada desert resource initiative.

Earmark of $1,000,000 for Central Valley and Southern California habitat conservation planning.

Earmark of $500,000 for bighorn sheep conservation in Nevada.

Increases in the recovery program include $5,000,000 for matching grants for Pacific salmon conservation and restoration in Washington.

Earmark of $288,000 for wolf recovery in Idaho.

Earmark of $100,000 for wolf monitoring by the Nez Perce tribe.

Earmark of $600,000 for eider research at the Alaska SeaLife Center.

Earmark of $600,000 for Lahontan cutthroat trout restoration.

Earmark of $500,000 for the black capped vireo in Texas.

Increase of $1,400,000 for Washington salmon enhancement.

Increase of $4,000 for bull trout recovery in Washington.

Increase of $500,000 for private lands conservation efforts in Hawaii.

Increase of $50,000 for rehabilitation of the White River in Indiana in response to a recent fish kill.

Increase of $252,000 in project planning for the Middle Rio Grande Bosque program.

Increase of $350,000 for Long Live the Kings and Hood Canal Salmon Enhancement Group.

Increase of $575,000 to reduce sea bird bycatch in Alaska.

Increase of $360,000 for staffing and operations associated with the new port of entry designation in Anchorage, Alaska.

Increase of $5,000,000 for the Washington Hatchery Improvement Project.

Increase of $184,000 for marking of hatchery salmon in Washington.

Earmark of $11,051,000 for the Alaska subsistence program.

Earmark of $750,000 for the Klamath River flow study.

Earmark of $500,000 for Trinity River restoration.

Earmark of $200,000 for Yukon River fisheries management studies.

Earmark of $100,000 for Yukon River Salmon Treaty education efforts.

Increase of $2,000,000 for Pingree Forest non-development easements in Maine to be handled through the National Fish and Wildlife Foundation.

The increase provided in consultation for cold water fish in Montana and Idaho are for preparation and implementation of plans, programs, or agreements identified by the States of Idaho and Montana that will address habitat for freshwater aquatic species on non-Federal lands.

Earmark of $800,000 in new joint ventures funding for the Atlantic Coast.

Earmark of $750,000 in new joint ventures funding for Lower Mississippi.

Earmark of $650,000 in new joint ventures funding for Upper Mississippi.

Earmark of $1,400,000 in new joint ventures funding for Prairie Pothole.

Earmark of $700,000 in new joint ventures funding for Gulf Coast.

Earmark of $700,000 in new joint ventures funding for Playa Lakes.

Earmark of $400,000 in new joint ventures funding for Rainwater Basin.

Earmark of $1,000,000 in new joint ventures funding for Intermountain West.

Earmark of $550,000 in new joint ventures funding for Central Valley.

Earmark of $700,000 in new joint ventures funding for Pacific Coast.

Earmark of $370,000 in new joint ventures funding for San Francisco Bay.

Earmark of $400,000 in new joint ventures funding for Sonoran.

Earmark of $370,000 in new joint ventures funding for Arctic Goose.

Earmark of $370,000 in new joint ventures funding for Black Duck.

Earmark of $550,000 in new joint ventures funding for Sea Duck.

Earmark of $593,000 for Alaska Maritime NWR, AK (Headquarters/Visitor Center).

Earmark of $500,000 for Bear River NWR, UT (Water management facilities).

Earmark of $3,600,000 for Bear River NWR, UT (Education Center).

Earmark of $350,000 for Canaan Valley NWR, WV (Heavy equipment replacement).

Earmark of $500,000 for Clarks River NWR, KY (Garage and visitor access).

Earmark of $250,000 for Great Dismal Swamp NWR, VA (Planning and public use).

Earmark of $800,000 for John Heinz NWR, PA (Administrative wing).

Earmark of $700,000 for Kealia Pond NWR, HI (Water control structures).

Earmark of $180,000 for Kodiak NWR, AK (Visitor Center/planning).

Earmark of $130,000 for Mason Neck NWR, VA (ADA accessibility).

Earmark of $600,000 for Mason Neck NWR, VA (Non-motorized trail).

Additional $5,000,000 for National Conservation Training Center, WV (Fourth Dormitory).

Earmark of $2,000,000 for Noxubee NWR, MS (Visitor Center).

Earmark of $300,000 for Pittsford NFH, VT (Planning and design/hatchery rehabilitation).

Earmark of $115,000 for Seatuck & Sayville NWRs, NY (Visitor facilities).

Earmark of $1,512,000 for Silvio O. Conte NWR, VT (Education Center).

Earmark of $1,100,000 for White River NWR, AR (Visitor Center construction).

Earmark of $350,000 for White Sulphur Springs NFH, WV (Holding and propagation).

Earmark of $20,000 for White Sulphur Springs NFH, WV (Office renovations).

Earmark of $500,000 for land acquisition at Back Bay NWR (VA).

Earmark of $1,000,000 for land acquisition for Big Muddy NWR (MO).

Earmark of $1,000,000 for land acquisition for Bon Secour NWR (AL).

Earmark of $1,750,000 for land acquisition for Centennial Valley NWR (MT).

Earmark of $500,000 for land acquisition for Clarks River NWR (KY).

Earmark of $2,100,000 for land acquisition for Dakota Tallgrass Prairie Project (SD).

Earmark of $1,000,000 for land acquisition for Edwin B. Forsythe NWR (NJ).

Earmark of $1,150,000 for land acquisition for Grand Bay NWR (AL).

Earmark of $1,500,000 for land acquisition for Lake Umbagog NWR (NH).

Earmark of $500,000 for land acquisition for Minnesota Valley NWR (MN).

Earmark of $600,000 for land acquisition for Neal Smith NWR (IA).

Earmark of $1,000,000 for land acquisition for Northern Tallgrass NWR (MN).

Earmark of $800,000 for land acquisition for Patoka River NRW (IN).

Earmark of $1,300,000 for land acquisition for Prime Hook NWR (DE).

Earmark of $750,000 for land acquisition for Silvo O. Conte NWR (CT/MA/NH/VT).

Earmark of $1,500,000 for land acquisition for Stewart B. McKinney NWR (CT).

Earmark of $1,000,000 for land acquisition for Waccamaw NWR (SC).

Earmark of $1,000,000 for land acquisition for Walkill River (NJ).

*National Park Service*

Earmark of $975,000 for the 9 National Trails.

Increase of $2,300,000 for Harpers Ferry Design Center.

Earmark of $350,000 to repair the lighthouse at Fire Island NS.

Earmark of $75,000 to repair the Ocean Beach Pavilion at Fire Island, NS.

Earmark of $309,000 for repairs of the Bachlott House.

Earmark of $100,000 for the Alberty House which are both located at Cumberland Island NS.

Earmark of $500,000 for maintenance projects at the Ozark National Scenic Riverways Park.

Earmark of $200,000 for a wilderness study at Apostle Islands NL, WI.

Language that directs the National Park Service make sufficient funds available to assure that signs marking the Lewis and Clark route in the State of North Dakota are adequate to meet National Park Service standards.

Language that directs that, within the amounts provided for operation of the National Park System, the Service shall provide the necessary funds, not to exceed $350,000, for the Federal share of the cooperative effort to provide emergency medical services in the Hawaii Volcanoes National Park.

Language stating that consideration should be given to groups involved in hiking and biking trails in southeastern Michigan and the Service is encouraged to work cooperatively with groups in this area.

Increase of $100,000 for Gettysburg NMP technical assistance.

Increase of $250,000 for the National Center for Preservation Technology.

Language that directs that implementation funds for the Hudson River Valley National Heritage Area are contingent upon National Park Service approval of the management and interpretive plans that are currently being developed.

Earmark of $742,000 for Alaska Native Cultural Center.

Earmark of $100,000 for Aleutian World War II National Historic Area.

Earmark of $2,300,000 for Chesapeake Bay Gateways.

Earmark of $300,000 for Dayton Aviation Heritage Commission.

Earmark of $2,250,000 for Four Corners Interpretive Center.

Earmark of $500,000 for Lamprey River.

Earmark of $500,000 for Mandan On-a-Slant Village.

Earmark of $500,000 for National First Ladies Library.

Additional $40,000 for Roosevelt Campobello International Park Commission.

Earmark of $500,000 for Route 66 National Historic Highway.

Earmark of $495,000 for Sewall-Belmont House.

Earmark of $400,000 for Vancouver National Historic Reserve.

Earmark of $594,000 for Wheeling National Heritage Area.

Earmark of $100,000 for Women's Progress Commission.

An additional $7,276,000 for various locale-specific Historic Preservation projects.

Earmark of $500,000 for Antietam NB, MD (stabilize/restore battlefield structures).

Earmark of $1,360,000 for Apostle Islands NL, WI (erosion control).

Additional $600,000 for Apostle Islands NL, WI (rehab Outer Island lighthouse).

Earmark of $300,000 for Canaveral NS, FL (Seminole Rest).

Earmark of $300,000 for Canaveral NS, FL.

Earmark of $4,000,000 for Corinth NB, MS (construct visitor center).

Earmark of $779,000 for Cumberland Island NS, GA (St. Mary's visitor center).

Additional $1,000,000 for Cuyahoga NRA, OH (stabilize riverbank).

Earmark of $1,300,000 for Dayton Aviation NHP, OH (east exhibits).

Earmark of $114,000 for Delaware Water Gap NRA, PA/NJ (Depew site).

Earmark of $350,000 for Down East Heritage Center, ME.

Earmark of $500,000 for Dry Tortugas NP, FL (stabilize and restore fort).

Earmark of $129,000 for Edison NHS, NJ (preserve historic buildings and museum collections).

Earmark of $1,175,000 for Edison NHS, NJ.

Earmark of $1,500,000 for Ft. Stanwix NM, NY (completes rehabilitation).

Earmark of $386,000 for Ft. Washington Park, MD (repair masonry wall).

Earmark of $300,000 for Gateway NRA, NY/NJ (preservation of artifacts at Sandy Hook unit).

Earmark of $100,000 for George Washington Memorial Parkway, MD/VA (Belle Haven).

Earmark of $300,000 for George Washington Memorial Parkway, MD/VA (Mt. Vernon trail).

Earmark of $511,000 for Grand Portage NM, MN (heritage center).

Earmark of $1,500,000 for Hispanic Cultural Center, NM (construct cultural center).

Earmark of $3,000,000 for Hot Springs NP, AR (rehabilitation).

Earmark of $2,500,000 for John H. Chafee Blackstone River Valley NHC, RI/MA.

Earmark of $795,000 Kenai Fjords NP, AK (completes interagency visitor center design).

Earmark of $10,000,000 for Lincoln Library, IL.

Earmark of $290,000 for Lincoln Home NHS, IL (restore historic structures).

Earmark of $487,000 for Longfellow NHS, MA (carriage barn).

Additional $945,000 for Manzanar NHS, CA (establish interpretive center and headquarters).

Earmark of $2,543,000 for Missouri Recreation River Research & Education Center, NE (Ponca State Park).

Earmark of $500,000 for Morristown NHP, NJ.

Earmark of $500,000 for Morris Thompson Visitor and Cultural Center, AK (planning).

Earmark of $150,000 for Mt. Rainier NP, WA (exhibit planning and film).

Additional $7,500,000 for National Constitution Center, PA (Federal contribution).

Earmark of $6,000,000 for National Underground RR Freedom Center, OH.

Earmark of $338,000 for New Jersey Coastal Heritage Trail, NJ (exhibits, signage).

Earmark of $800,000 for New River Gorge NR, WV (repair retaining wall, visitor facilities, technical support).

Earmark of $445,000 for New River Gorge NR, WV (repair retaining wall, visitor facilities, technical support).

Earmark of $10,000,000 for Palace of the Governors, NM (build museum).

Earmark of $203,000 for Palo Alto Battlefield NHS, TX (completes visitor center).

Earmark of $1,614,000 for Palo Alto Battlefield NHS, TX (completes visitor center).

Earmark of $1,000,000 for Shiloh NMP, TN (erosion control).

Earmark of $3,000,000 for Southwest Pennsylvania Heritage, PA (rehabilitation).

Earmark of $240,000 for St. Croix NSR, WI (planning for VC/headquarters; rehabilitate river launch site).

Earmark of $330,000 for St. Croix NSR, WI (planning for VC/headquarters; rehabilitate river launch site).

Earmark of $445,000 for St. Gaudens NHS, NH (collections building, fire suppression).

Earmark of $20,000 for St. Gaudens NHS, NH (collections building, fire suppression).

Earmark of $340,000 for Statue of Liberty and Ellis Island, NY/NJ (ferry terminal utilities).

Earmark of $2,000,000 for Statue of Liberty and Ellis Island, NY/NJ (ferry terminal utilities).

Earmark of $500,000 for Tuskegee Airmen NHS, AL (stabilization planning).

Earmark of $365,000 for U.S. Grant Boyhood Home, OH (rehabilitation).

Earmark of $2,000,000 for Vancouver NHR, WA (exhibits, rehabilitation).

Earmark of $739,000 for Vicksburg NMP, MS (various).

Earmark of $550,000 for Vicksburg NMP, MS (various).

Earmark of $788,000 for Washita Battlefield NHS, OK (visitor center planning).

Earmark of $4,000,000 for Wheeling Heritage Area, WV

Earmark of $38,000 for Wilson's Creek NB, MO (complete library).

Earmark of $200,000 for Wright Brothers NM, NC (planning for visitor center restoration).

Earmark of $1,500,000 to complete the Federal investment at Fort Stanwix NM in New York.

Language expecting the Service to provide the necessary funds, within the amounts provided for Equipment Replacement, to replace the landing craft at Cumberland Island NS and replace the airplane at Glen Canyon National Recreation Area.

Earmark of $300,000 to initiate a Lincoln Highway Study to initiate a study to define the cultural significance and value to the Nation of the Congaree Creek site in Lexington County, SC, as part of the Congaree National Swamp Monument, and a study for a national heritage area in the Upper Housatonic Valley in Northwest Connecticut.

*Land Acquistion and Conservation Fund:*

Earmark of $200,000 for Apostle Islands NL (WI).

Earmark of $1,200,000 for Appalachian NST (Ovoka Farm) (VA).

Earmark of $1,000,000 for Brandywine Battlefield (PA).

Earmark of $1,200,000 for Chickamauga/Chattanooga NMP (TN).

Earmark of $1,000,000 for Delaware Water Gap NRA (PA).

Earmark of $3,250,000 for Ebey's Landing NHR (WA).

Earmark of $2,000,000 for Gulf Islands NS (Cat Island) (MS).

Earmark of $2,000,000 for Ice Age NST (Wilke Tract) (WI).

Earmark of $2,000,000 for Indiana Dunes NL (IN).

Earmark of $1,300,000 for Mississippi National River RA (Lower Phalen Creek) (MN).

Earmark of $2,700,000 for Petroglyph NM (NM).

Earmark of $2,200,000 for Saguaro NP (AZ).

Earmark of $1,000,000 for Shenandoah NHA (VA).

Earmark of $1,300,000 for Sitka NHP (Sheldon Jackson College) (AK).

Earmark of $1,100,000 for Sleeping Bear Dunes NL (MI).

Earmark of $1,500,000 for Stones River NB (TN).

Earmark of $1,500,000 for Wrangell-St. Elias NP & Pres. (AK).

Earmark of $2,000,000 for the purchase of Cat Island, MS (subject to authorization).

Earmark of $1,000,000 included for the Shenandoah Valley Battlefields National Historic District is contingent upon the final approval by the Secretary of the Interior of the Commission.

Earmark of $1,500,000 for the intended purchase of patented mining claims in Wrangell-St. Elias National Park by the National Park Service.

Earmark of $250,000 for the Hawaiian volcano program.

Earmark of $475,000 for Yukon Flats geology surveys.

Earmark of $1,200,000 for the Nevada gold study.

Earmark of $300,000 for Lake Mead/Mojave research.

Earmark of $300,000 for the Lake Champlain toxic study.

Earmark of $450,000 for Hawaiian water monitoring.

Earmark of $300,000 for the Southern Maryland aquifer study.

Earmark of $180,000 for a Yukon River chum salmon study.

Earmark of $750,000 for the continuation of the Mark Twain National Forest mining study to be accomplished in cooperation with the water resources division and the Forest Service.

Earmark of $4,000,000 to create NBII 'nodes' to work in conjunction with private and public partners to provide increased access to and organization of information to address these and other challenges. These funds are to be distributed as follows: $350,000 for Pacific Basin, Hawaii; $1,000,000 for Southwest, Texas; $1,000,000 for Southern Appalachian, Tennessee; $200,000 for Pacific Northwest, Washington; $250,000 for Central Region, Ohio; $200,000 for North American Avian Conservation, Maryland; $250,000 for Network Standards and Technology, Colorado; $400,000 for Fisheries Node, Virginia and Pennsylvania; $200,000 for California/Southwest Ecosystems Node, California; and, $150,000 for Greater Yellowstone Ecosystem Node, Montana.

Language stating that funding is provided for light distancing and ranging (LIDAR) technology to assist with recovery of Chinook Salmon and Summer Chum Salmon under the Endangered Species Act. These funds should be used in Mason County, WA

*Bureau of Indian Affairs*

Earmark of $500,000 for Alaska subsistence.

Earmark of $176,000 for the Reindeer Herders Association.

Earmark of $1,000,000 for a distance learning, telemedicine, fiber optic pilot program in Montana.

Earmark of $146,000 for Alaska legal services.

Earmark of $200,000 for forest inventory for the Uintah and Ouray tribes.

Earmark of $300,000 for a tribal guiding program in Alaska.

Earmark of $1,000,000 for the distance learning project on the Crow, Fort Peck, and Northern Cheyenne reservations.

Increase of $1,250,000 for Aleutian Pribilof church repairs, which completes this program as authorized.

Increase of $50,000 for Walker River (Weber Dam).

Increase of $200,000 for Pyramid Lake.

Increase of $2,000,000 for the Great Lakes Fishing Settlement.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

*Forest Service*

Earmark of $250,000 to the University of Washington silviculture effort at the Olympic Natural Resource Center. The managers have also agreed with Senate direction concerning funding levels for the wood utilization laboratory in Sitka, AK, and for operations of the Forest Research Laboratories located in Princeton, Parsons, and Morgantown, WV, and funds for the CROP study on the Colville National Forest, WA.

Language which directs the Forest Service to provide total operational funding of $750,000 to the Rapid City, SD, lab.

Language which directs the Forest Service to provide $502,000 in appropriated funds for the Wind River canopy crane, WA. This funding includes proposed funding for the New York City watershed and the Senate proposed funding for Utah technical education and State of Washington stewardship activities.

An additional $750,000 for an update of the cooperative study on the New York-New Jersey highlands area.

Language directing $1,400,000 to the Ossippee Mountain conservation, easement NH, and also to direct no less than $2,000,000 to the Great Mountain, CT, easement, and no less than $2,000,000 for the West Branch, ME, project.

Language stating the importance of forest protection in South Carolina and encourage the Forest Service to work with the appropriate State agencies to ensure continuation of these much needed protections.

Increase of $450,000 for the Chicago Wilderness Study.

Earmark of $500,000 for cooperative activities in Forest Park in St. Louis, MO.

Earmark of $250,000 in a direct lump sum payment for the United Fisherman of Alaska to implement an educational program to deal with subsistence management and other fisheries issues.

Earmark of $5,000,000 to assist a land transfer for Kake, AK; these funds are contingent upon an authorization bill being enacted.

Earmark of $2,000,000 to cost-share kiln-drying facilities in southeast and south-central Alaska.

Language stating that the funds provided for reforestation on abandoned mine lands in Kentucky are to be matched with funds provided in this bill to the Department of Energy for carbon sequestration research, as well as other non-federal funds.

Earmark of $900,000 for the University of Washington and Washington State University extension forestry effort.

Earmark of $1,878,000 for Columbia River Gorge economic development in the States of Washington and Oregon.

Earmark of $300,000 for the CROP project on the Colville NF, WA.

Earmark of $1,000,000 for acid mine clean-up on the Wayne NF, OH.

Earmark of $360,000 for the Rubio Canyon waterline analysis on the Angeles NF, CA.

Increase of $1,500,000 increase for aquatic restoration in Washington and Oregon.

Increase of $1,250,000 increase for Lake Tahoe watershed protection.

Increase of $300,000 for invasive weed programs on the Okanogan NF and other eastern Washington national forests with no more than five percent of these funds to be assessed as indirect costs.

Earmark of $200,000 for the Batten Kill River, VT, project.

Earmark of $700,000 for operations of the Continental Divide trail.

Earmark of $100,000 for the Monongahela Institute effort at Seneca Rocks, WV.

Earmark of $120,000 for the Monongahela NF, Cheat Mountain assessment, WV.

Earmark of $100,000 for cooperative recreational site planning on the Wayne NF, OH.

Earmark of $100,000 for cooperative efforts regarding radios for use at Tuckerman's Ravine on the White Mountain NF, NH.

Earmark of $68,000 for the Talimena scenic byway.

Language which directs the Forest Service to conduct a feasibility study on constructing a recreational lake on the Bienville NF in SMITH County, MS.

Earmark of $790,000 for forestry treatments on the Apache-Sitgreaves NF, AZ.

Earmark of $250,000 for a Pacific Crest trail lands team.

Earmark of $500,000 for special needs on the Pisgah and Nantahala NFs.

Additional $2,000,000 for the Quincy Library Group project, CA.

Additional $5,000,000 for Tongass NF, AK, timber pipeline.

Earmark of $500,000 in the minerals and geology management activity to support necessary administrative duties related to the Kensington Mine in southeast Alaska.

Earmark of $600,000 is provided for cooperative research and technology development between Federal fire research and fire management agencies and the University of Montana National Center for Landscape Fire Analysis.

Earmark $263,000 for Apache-Sitgreaves NF, AZ, urban interface.

Earmark of $6,947,000 for windstorm damage in Minnesota.

Earmark of $1,500,000 for the Lake Tahoe basin.

Earmark of $2,400,000 for work on the Giant Sequoia National Monument and Sequoia National Forests.

Earmark of $7,500,000 is a direct lump sum payment to the Kenai Peninsula Borough to complete the activities outlined in the spruce bark beetle task force action plan.

Ten percent of these funds shall be made available to the Cook Inlet Tribal Council for reforestation on Native inholdings and Federal lands identified by the task force.

Language emphasizing the need for a cost-share for the Grey Towers, PA, funding.

Language encouraging the Forest Service to work with Tulare County, CA, on plans for recreational facilities.

Earmark of $2,000,000 for the Forest Service to develop a campground in the Middle Fork Snoqualmie Valley in the Mt. Baker-Snoqualmie National Forest, WA.

Earmark of $2,000,000 to purchase non-development scenic easements in Pingree Forest, ME.

Earmark for Lake Tahoe, NV of $2,000,000 for cooperative erosion grants in State and private forestry, $1,250,000 for the NFS vegetation and watershed activity to enhance restoration of sensitive watersheds, $1,500,000 in capital improvement and maintenance to help fix the ailing road system, and $1,500,000 in wildfire management funding to enhance forest health by reducing hazardous fuel.

Earmark of $5,500,000 for management of national forest system lands for subsistence uses in Alaska as proposed by the Senate.

–The Forest Service is encouraged to give priority to projects for the Alaska jobs-in-the-woods program that enhance the southeast Alaska economy, such as the Southeast Alaska Intertie.

Increase of $2,000,000 is provided for a demonstration of solid oxide technology in Nuiqsut, Alaska.

Earmark of $278,000 for the Golden, CO, field office.

*Indian Health Service*

Earmark of $225,000 for the Shoalwater Bay infant mortality prevention program.

Increases for the Alaska immunization program include $70,000 for pay costs and $2,000 for additional immunizations.

Within the funding provided for contract health services, the Indian Health Service should allocate an increase to the Ketchikan Indian Corporation's (KIC) recurring budget for hospital-related services for patients of KIC and the Organized Village of Saxman (OVS) to help implement the agreement reached by the Indian Health Service, KIC, OVS and the Southeast Alaska Regional Health Corporation on September 12, 2000. The additional funding will enable KIC to purchase additional related services at the local Ketchikan General Hospital.

Earmark of $1,000,000 for the Northwest Portland area AMEX program.

Earmark of $4,500,000 is provided for construction of the Smithsonian Astrophysical Observatory's facility at Hilo, Hawaii.

TITLE V—EMERGENCY/SUPPLEMENTAL PROVISIONS

*Department of Interior*

$1,500,000 for the preparation and implementation of plans, programs, or agreements identified by the State of Idaho that will address habitat for freshwater aquatic species on non-Federal lands in the State.

$1,000,000 to be made available to the State of Idaho to fund habitat enhancement, maintenance, or restoration projects consistent with such plans, programs, or agreements.

$5,000,000 for the conservation and restoration of Atlantic salmon in the Gulf of Maine, with funds provided to the National Fish and Wildlife Foundation, the Atlantic Salmon Commission and the National Academy of Sciences for specified activities.

$8,500,000 to various specific locales to repair or replace buildings, equipment, roads, bridges, and water control structures damaged by natural disasters; funds are to be used for repairs to Service property in the states of Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, Virginia, and Washington.

$1,2000,000 for repair of the portions of the Yakima Nation's Signal Peak Road.

An additional $1,800,000 for repairs in Alaska, Colorado, Connecticutt, Florida, Georgia, Kansas, Maryland-Delaware-Washington, D.C., Massachusetts-Rhode Island, Nevada, New Hampshire-Vermont, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, South Carolina, South Dakota, and Virginia.

*Department of Agriculture*

$2,000,000 for an avalanche prevention program in the Chugach National Forest, Kenai National Park, Kenai National Wildlife Refuge and nearby public lands.

$7,249,000 to the National forest system for damage caused by severe windstorms in the States of Minnesota and Wisconsin.

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|---|---|
| Total earmarks in report .. | $372,064,000 |
| Total supplemental/emergency earmarks ..... | 28,249,000 |
| Total combined earmarks | 400,313,000 |

Mr. MCCAIN. Mr. President, first, I congratulate Mr. FITZGERALD, the Senator from Illinois, for his valiant effort to prevent a contract to be let without any competition. I do not understand why contracts that entail expenditure of taxpayers' funds should not be let in a competitive fashion so that the taxpayers can receive the maximum value for their investments in their Government. I congratulate Senator FITZGERALD for his valiant effort.

This year's final agreement provides a much-needed infusion of funding for conservation, wildlife management, and Native American programs. However, once again, I express my objections to the amount of excessive pork barrel spending and extraneous legislative riders included in this final agreement.

The agreement exceeds its overall budget by $2.5 billion, increasing spending by 25 percent, with funding levels that are close to $4 billion higher than the House bill and $3 billion more than the Senate bill.

We are entering a remarkable phase of American political history. The spigot is on, and it is on in a fashion I have not seen in the years I have spent in the Congress.

The new conference agreement has taken pork barrel spending to higher proportions by adding more than $120 million more in earmarks that either were not included in the Senate or House bill or added funding for unrequested or unauthorized projects. In addition to higher amounts of pork barrel spending, appropriators conveniently designated billions more in emergency spending, including nearly $30 million in ''emergency funds'' for locale-specific earmarks.

As I said, I have a list that was printed in the RECORD. Several of our favorites: $1.25 million for weed programs at Montana State University and Idaho—weed programs that are specific to two universities; $5.25 million for a new dormitory at the National Constitution Training Center; $20,000 for office renovations at the White Sulfur Springs National Fish Hatchery. Guess where. West Virginia. We have several fish hatcheries in my State of Arizona. I wonder if maybe we could get a little refurbishment for our offices, as well as those in West Virginia.

There is $487,000 for a carriage barn in Longfellow National Historic Site in Massachusetts—a carriage barn.

Here is one of my favorites. I think we should all be impressed by the pressing need for this: $176,000 for the Reindeer Herders Association. For the Reindeer Herders Association, $176,000 is earmarked.

That also happens to be out of the Bureau of Indian Affairs funding. Never mind that we have dilapidated housing, terrible schools, nutrition programs that need to be funded in the Bureau of Indian Affairs, my friends, but we put in $176,000 for that vitally needed Reindeer Herders Association. I am sure Santa Claus is very pleased that these funds will be going to the Reindeer Herders Association.

You will find something very interesting, Mr. President, as I go through the list of earmarks and as people read the RECORD. You will see the names Alaska, West Virginia, Washington State, and Hawaii appear with amazing frequency, which I am sure is pure coincidence.

So we have $1 million for a distance learning telemedicine, fiber-optic pilot program in Montana.

Here is an important one. Here is a vital item that had to be earmarked: $1.5 million to refurbish the Vulcan Statue in Alabama. I am not familiar with the Vulcan Statue, but I am sure it needed to be refurbished over any other statue in America that may need to be refurbished.

Here is one that should interest taxpayers and entertain all of us: $400,000 for the Southside Sportsman Club in New York. Take heart, all Southside sportsmen, help is on the way: $400,000 for your operations.

There is $5 million for the Southeast—guess where—Alaska Economic Disaster Fund, which was not included in either the Senate or House proposals, ordered to be used for Craig, AK, to assist with economic development. Times are tough in Craig, my friends. They need $5 million in Craig.

I urge those who are interested to find out what the population of Craig, AK, might be. I think that might turn out to be a fair amount of money per capita.

There is $500,000 for administrative duties at the Kensington Mine in southeast Alaska—ta-da, Mr. President—for administrative duties at the Kensington Mine in southeast Alaska.

We have lots of mines in my State. I hope they will consider helping them with their administrative duties in their mines, as well.

Mr. President, the list goes on and on and on.

So $2 million for the purchase of Cat Island in Mississippi; $5 million for a land transfer in Kake, AK; $4.6 million for the Wheeling National Heritage Area in West Virginia, which has received earmarks in previous Interior

appropriations without any authorization. I should point out that new legislative language was tacked on to this report to finally authorize this project, although it certainly never went through the normal process of approval.

I hope the taxpayers will be able to see how we are spending their dollars. It is remarkable.

I believe in the debate one of the candidates was saying: You ain't seen nothing yet. Mr. President, you ain't seen nothing yet. Wait until we get to the omnibus bill which very few of us will have ever seen or read when we vote yes or no on it. We will have a remarkable document, one I think historians in the centuries ahead will view with interest and puzzlement.

Mr. President, I yield the remainder of my time.

ATLANTIC SALMON CONSERVATION AND RESTORATION

Ms. COLLINS. I want to thank the distinguished Chairman of the Interior Appropriations Subcommittee for his invaluable help in securing funding for vital, time-sensitive, on-the-ground Atlantic salmon conservation and restoration programs in Maine on an emergency basis. Due to your efforts, $5.0 million in emergency appropriations were included in the Interior Appropriations conference report for this purpose. It is critical that these funds be on the ground this year in order to demonstrate a federal financial commitment to salmon in my State, and that a listing under the Endangered Species Act is not necessary to conserve and restore Maine's Atlantic salmon.

Mr. GORTON. My home state, too, has experienced the disruption that a federal endangered species listing can cause. I therefore appreciate the importance and urgency of the funds sought by the Senator from Maine.

Ms. COLLINS. The emergency appropriation included in the Interior Appropriations conference report will make a substantial contribution to salmon conservation and restoration efforts in the State. The funds will be made available to the National Fish and Wildlife Foundation (or ''NFWF''), which has made a commitment to me to allocate the monies to worthwhile projects as soon as possible. The conference report provides $5.0 million to NFWF, of which $2.0 million will be made available to the Atlantic Salmon Commission and $500,000 will be made available to the National Academy of Sciences. The remaining $2.5 million will be administered by NFWF to carry out a grant program that will fund on-the-ground projects to further Atlantic salmon conservation or restoration efforts in coordination with the State of Maine and the Maine Atlantic Salmon Conservation Plan.

The conference report contains language indicating that funds administered by NFWF will be subject to cost sharing. Is it your understanding, Mr. Chairman, that this language means the $2.5 million administered by NFWF to carry out a grant program must be matched, in the aggregate, by at least $2.5 million in non-federal funds?

Mr. GORTON. The Senator from Maine is correct. I expect that the $2.5 million grant program administered by NFWF will leverage at least $2.5 million overall in additional, nonfederal funds.

Ms. COLLINS. And is it also your understanding, Mr. Chairman, that the $2.0 million made available to the Atlantic Salmon Commission and the $500,000 made available to the National Academy of Sciences will not be subject to any matching requirement?

Mr. GORTON. That is also correct.

Ms. COLLINS. I want to again thank the distinguished Chairman of the Interior Appropriations Subcommittee. In crafting this conference report, he has accomplished a Herculean task with this usual grace and skill. And the $5.0 million he has helped secure will promote a vigorous and effective salmon conservation and restoration effort in my State.

Mr. GORTON. As I have said before, I greatly admire the Senator from Maine's tenacity and her unfailing devotion to the best interests of her State.

LAKE TAHOE LAND ACQUISITION COLLOQUY

Mr. REID. Mr. Chairman, I would like to request your help interpreting the language that was inserted into the conference report pertaining to the use of funds appropriated for the acquisition of environmentally sensitive property at Lake Tahoe. That language states that no funds may be used to acquire urban lots. To my knowledge, ''urban lots'' is a term that is not defined in this bill or any related statute or regulation. As a result, I want to make sure that we clarify what we intend by the term urban lot.

As you know, the plan to protect Lake Tahoe is predicated in large part of the Lake Tahoe Preservation Act of 1981 (H.R. 7306), commonly known as the Santini-Burton Act, and companion California and Nevada bond acts. Together, these State and Federal acts provide for the purchase and stewardship of environmentally sensitive lands in the Lake Tahoe Basin. The legislative history of the Santini-Burton Act indicated that approximately $150 million worth of land in Lake Tahoe would be purchased (approximately $100 million has been expended to date). The Santini-Burton Act generally identified lands eligible for purchase, and was followed by the adoption of a comprehensive plan identifying specific criteria for purchases. That plan was subject to an Environmental Impact Statement and accompanying public comment process, and this plan remains in effect to this day.

I am confident that, with the correct information in hand, Congress will direct the Forest Service to go forward with the completion of the program. In the meantime, however, the effort to protect Lake Tahoe is likely to sustain significant damage if the language in the conference report is mistakenly interpreted to reverse long standing policy decisions. That is why I am asking for your concurrence to direct the Forest Service to interpret the language in a manner consistent with the existing program.

Specifically, I want to make it clear that the term ''urban lot'' does not include environmentally sensitive lands. The current program designates a property's eligibility for acquisition according to its environmental sensitivity because that is the purpose of the acquisition program. Such designations reflect extensive analysis and the support of the local community. This report language should not be interpreted to change this methodology such that acquisition eligibility is based on an unspecified and invariably random geographic distinction. In all likelihood, any ill-conceived geographic standard would exclude the most environmentally sensitive property that the ongoing program is designed to protect.

I believe that the report language is consistent with the current practice of federal land acquisition in the Lake Tahoe basin. Do you share my understanding that the definition of ''urban lots'' includes only those properties that are presently qualified for urban development?

Mr. GORTON. That is my understanding.

Mr. REID. Then it makes sense for any prohibition on land acquisition referred to in the report language to apply only if to properties that satisfy all of the following criteria: (1) they are not adjacent to current forest system lands, (2) they are within Tahoe Regional Planning Agency's urban boundaries, (3) they are not adjacent to Lake Tahoe, or to waters or streamzones tributary to Lake Tahoe, and (4) they are presently eligible to take residential or commercial development. This clarification integrates the intent of the new conference report language to limit such acquisitions to essential sensitive lands while retaining the basic purpose of the Lake Tahoe land acquisition program.

Mr. GORTON. In response to my colleague, the senior Senator from Nevada, let me say that your understanding of the issues affecting Lake Tahoe is correct. Your concerns seem reasonable, as does your interpretation of the language in question.

Mr. REID. I appreciate the Chairman's understanding and concurrence on this very important issue.

REGARDING SEC. 156 AND ACCOMPANYING REPORT LANGUAGE

Mr. REID. Mr. President, as the Chairman knows, I included language in this bill that directs the Department of Interior to finalize the so-called 3809 regulations, which govern hardrock mining operations on public lands, and to do so consistently with the findings and recommendations of a study completed by the National Research Council or NRC. The language is identical to

language enacted in last year's omnibus bill. I want to emphasize my intent in offering this language, and request the Chairman's understanding and concurrence. Briefly, my intent is to ensure that the Department of Interior finalizes a rule that protects the environment and that takes into account the direction of Congress and the findings and recommendations of the NRC report.

Mr. GORTON. I am glad to assist my friend, the senior Senator from Nevada. In clarifying Congress' intent in enacting these provisions. I agree with his statement that the Committee intends for Interior to study the entire NRC report carefully and to adopt a rule that is consistent with the findings and recommendations of that report.

Mr. REID. Mr. President, last year Congress adopted this requirement that Interior finalize 3809 rule changes only if they are ''not inconsistent'' with the recommendations of the NRC report I already described. Parsing this statutory language to the point of absurdity, the Interior Solicitor quickly wrote and circulated a legal opinion concluding that Congress intended by this action to require Interior's consideration only of material in the report specifically labeled as ''recommendations''—amounting only to a few lines of the report—and no other information in the report. And, he went on to conclude that this law imposes no significant limitations on the agency's ability to finalize its proposed 3809 rule. This year we have adopted the consistency requirement again, just as it was written last year. I ask the Chairman, did we enact the language again just to ratify the legal conclusion that Interior could finalize 3809 rules essentially without restrictions?

Mr. GORTON. I thank my friend, and emphasize that we did not act again this year just to ratify the actions of the Department of Interior. The Committee to reemphasize its original intent: That Interior study the NRC report carefully, and that any final 3809 regulations promulgated be consistent with that report.

Mr. REID. One last question that I have concerns a statement made by some of our House colleagues during House consideration of the FY 2001 Interior appropriations bill in which they suggested an interpretation of the ongoing rulemaking including broad discretion to deny mining permits, by redefining the existing statutory definition of unnecessary or undue degradation. Does the Chairman of the subcommittee who helped develop this language agree that our House colleagues are suggesting an interpretation that clearly goes beyond current law and that section 156 specifically states that nothing in this provision shall be construed to expand existing authority.

Mr. GORTON. The Senator is correct. Section 156 states, ''nothing in this section shall be construed to expand the existing statutory authority of the Secretary.'' The interpretation suggested by our House colleagues would require additional statutory authority which Interior does not have and is specifically denied by this bill.

Mr. REID. I thank the Chairman for his help in clarifying the Committee's intent.

U.S. FOREST SERVICE NATIONAL FIRE RETARDANTS

Mr. CRAIG. Mr. President, I would like to engage in a colloquy with the distinguished Chairman of the Interior and Related Agencies Appropriations Subcommittee on an issue that affects the Forest Service and forest fire fighting in the West.

Mr. GORTON. I would be glad to engage in such a discussion with my friend, the distinguished Chairman of Forest and Public Lands Subcommittee of the Energy and Natural Resources Committee.

Mr. CRAIG. Mr. President, the U.S. Forest Service has announced its intention to move to gum thickened/sodium ferrocyanide aerially applied fire retardants in the 2004 bid process. The Service is to be commended for this initiative that seeks a more effective and environmentally friendly means to address the wildfires with which we have become so painfully accustomed in the West. Indeed, the Forest Service's own research shows that gum thickened retardants are 25–40 percent more effective than un-thickened retardants. The criteria called for in 2004, though, can be met today. Is it the Committee's view that the U.S. Forest Service should be striving for a more environmentally friendly product and should use such a product as soon as possible?

Mr. GORTON. I agree with that view. It should be the U.S. Forest Service's priority to use the most effective, environmentally protective aerially applied fire retardants.

Mr. CRAIG. Mr. Chairman, as you know, the after-effects of wildfires are devastating to the landscape. Mother Nature has a way of bringing life back to the land when all appears lost. However, even Mother Nature cannot erase for years the stains on the lands caused by some aerially applied fire retardants. This is especially of concern where historical and archeological resources, national parks, wilderness areas and urban/wilderness areas are concerned. Would you agree that U.S. Forest Service should preserve the option for local foresters to use less staining fugitive retardants where, in their judgment, it is warranted?

Mr. GORTON. I would agree that the U.S. Forest Service should preserve the option to use such fire retardants in order to minimize the long-term visual impacts of wildfires.

Mr. CRAIG. Mr. Chairman, the U.S. Forest Service has historically supported competition in the supply of fire retardants through the inclusion of a viability clause in its bids. For the first time, the upcoming 2001 bid process may be conducted by sealed bid. It is unclear whether viability will be a consideration. This is a critical issue in a fire season like the one we just experienced. Would you agree that the U.S. Forest Service should support competition in the supply of aerially applied fire retardants?

Mr. GORTON. I would agree that maintaining dual suppliers of high performance, environmentally acceptable fire retardants is critical to the mission of the Service.

Mr. CRAIG. I thank the Chairman for this clarification.

GREAT FALLS HISTORIC DISTRICT, PATERSON, NEW JERSEY

Mr. LAUTENBERG. Mr. President, I would like to inquire of the Chairman of the Subcommittee on Interior and Related Agencies, Senator GORTON, about one aspect of the conference report.

Mr. Chairman, the conference report to the Interior Appropriations bill for Fiscal Year 2001 does not include funding for construction projects in the Great Falls Historic District, located in the City of Paterson, New Jersey.

Mr. GORTON. The Senator is correct.

Mr. LAUTENBERG. Mr. Chairman, by way of background, the Great Falls Historic District was established in Section 510 of Public Law 104–33, the Omnibus Parks bill of 1996. This legislation, which I coauthored, is designed to preserve the historic character of the City of Paterson, New Jersey. Like Lowell, Massachusetts, Paterson holds a prominent place in our nation's industrial past. Few people realize that Paterson was the first planned industrialized city. Alexander Hamilton himself chose the area around the Great Falls for his laboratory, and he established the Society for Useful Manufacturers right in Paterson. The work of its citizens and the wealth of its natural resources soon caused Paterson to thrive, and it became a mecca for countless numbers of immigrants, including my own family. The skills and spirit of these immigrants made Paterson one of our nation's leading centers for textile manufacturing, earning the nickname ''Silk City.''

Mr. Chairman, the 1996 legislation authorizes the Secretary of the Interior to provide grants through the Historic Preservation Fund for up to one-half of the costs of preparing a plan for the development of historic, architectural, natural, cultural, and interpretive resources within the Great Falls District. The Secretary may also provide matching funds for implementation of projects identified in the plan. The total federal authorization for the Great Falls Historic District is $3.3 million.

Mr. Chairman, since the authorizing legislation establishing the Great Falls Historic District specifically enables the City to receive up to $250,000 in matching federal funds for preparation of a historic preservation plan, the Secretary could provide these funds through the funds provided in the conference report for the Historic Preservation Fund.

Mr. GORTON. The Senator is correct. This bill includes appropriations from the Historic Preservation Fund that could be used for eligible projects such as that for the Great Falls in Paterson.

Mr. BYRD. I concur with the Chairman that the Great Falls project is eligible to receive Historic Preservation Funds, for preparation of its plan.

Mr. LAUTENBERG. Mr. Chairman, I understand that the Great Falls Historic District would be eligible to receive up to $250,000 of these funds for preparation of a historic preservation plan, and that, once these plans are completed, an additional $50,000 in matching funds is available from the Historic Preservation Fund for technical assistance and $3 million is available for restoration, preservation, and interpretive activities.

Mr. Chairman, I would like to include a letter from the Mayor of the City of Paterson to the regional director of the National Park Service, expressing the City's interest in moving forward with development of the Great Falls development plan. I hope that this letter will confirm to the Service and to the Chairman and Ranking Member, that the City is fully prepared to provide the necessary match to develop the plan. I am confident that the City will work closely with the Service on development of a plan, and that, once it is completed, the City may apply for the remaining authorized funds for completion of specific projects.

Mr. GORTON. I appreciate the Senator's interest in this matter, and I ask unanimous consent that a copy of the letter be inserted in the RECORD.

Mr. LAUTENBERG. I thank the Chairman and the Ranking Member.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CITY OF PATERSON,
OFFICE OF THE MAYOR,
*Paterson, NJ, October 4, 2000.*

MARIE RUST,
*Northeast Regional Director, National Park Service, 200 Chestnut Street, Philadelphia, PA.*

Re: Public Law 104–333.

DEAR MS. RUST: This is to reaffirm our sincere interest in, and need of, the funding of Public Law 104–333. Ever since the authorization of the 3.3 million dollars for the Great Falls Redevelopment Act we have been anxiously awaiting the appropriation. We are committed to provide the necessary local match.

The preparation of the Development Plan required by the Act is an essential first step in documenting the feasibility of a National Park. After the Plan, our two primary activities in the district remain to be the redevelopment of the former ATP Site including the Gun Mill and the rehabilitation of the raceway. Both projects are essential to the achievement of the economic development objectives of the Urban History Initiative. The initial Gun Mill stabilization has been successfully completed. We are awaiting the execution of the Programmatic Agreement so that we may continue with the engineering and other site preparation and stabilization work for the former ATP Site. The overall raceway and prioritization has been completed. Final plans are ready for the Upper Raceway section.

We continue to pursue other sources of funding including TEA–21 Enhancement, the New Jersey Historic Trust, New Jersey Green Acres, and others. If these are not successful I will ask the City Council to bond any remaining local share. This is to assure you that we will secure the local match for whatever amount Congress appropriates.

Very truly yours,
MARTIN G. BARNES,
*Mayor.*

Mrs. BOXER. Mr. President, I have been a long time supporter of CARA—the Conservation and Reinvestment Act. The concept behind CARA was a visionary one—to take revenues generated from the extraction of offshore oil and gas resources and reinvest them permanently and automatically in our nation's invaluable wildlife, coastal, and public land resources.

The CARA proposal that was developed in a cooperative, bipartisan way by the Senate Energy Committee offered an opportunity for this Congress to make an historic contribution to conservation and to truly leave behind a legacy that we could be proud of and from which our children would benefit.

Instead, we are faced with a situation in which this overwhelmingly popular bill will never be considered on the Senate floor.

The House passed its version of CARA back in May by an overwhelming vote of 315 to 102; it was a vote that brought in supporters from across the political spectrum and around the country. More recently, a letter signed by 63 Senators was sent to the Senate leadership requesting that CARA be brought to the floor.

Yet the Republican leadership has refused to let this bill move forward.

I ask my colleagues, what does it take to get a vote around here? How can we say that we are doing the people's business, if a bill that is as broadly supported as CARA cannot even be voted upon?

We have now been presented with a package in the Interior appropriations bill that purports to fulfill the goals of CARA. I am tremendously disappointed to say that this package does very little to accomplish the goals of CARA.

CARA would have provided nearly $45 billion to important conservation programs over the next 15 years. The Interior proposal provides roughly $6 billion and only makes those funds available for the next 6 years.

But far more disappointing than the discrepancy in funding levels is the fact that the Interior proposal does little to guarantee that these funds will actually be made available each year for specific conservation purposes.

Instead, the Interior proposal will force important and beneficial programs like Urban Parks and Recreation to battle against other important programs like the Historic Preservation program for funding each year.

What made CARA remarkable was the fact that it would have provided the Urban Parks program, or state fish and wildlife agencies, or endangered species recovery efforts, with a predictable and reliable amount of funding.

This feature would have ensured that important conservation efforts would NOT be subject to the uncertainties of the annual appropriations cycle, but instead could be certain that funding would be available over the long term. And as a result, these conservation programs could have finally planned and implemented ambitious, long-term conservation efforts. The Interior appropriations proposal fails to provide this sort of certainty.

I will vote for the Interior appropriations bill. The bill funds many important programs that I care about and in making a nod to CARA it will provide some increased funding for things like the state's portion of the Land and Water Conservation Fund.

I am also pleased that the most egregious anti-environmental riders that appeared in earlier versions of this bill have been removed.

However, I hope nobody will interpret my vote for this bill as a sign of support for what I view as a hijacking of CARA. I remain deeply disturbed that a bill that had the potential to do as much good as CARA will never see the light of day.

Mr. SMITH of New Hampshire. Mr. President, it is with great regret that I rise today to oppose the Conference Report to the Interior Appropriations bill.

I want to begin by praising my colleagues on the Committee on Appropriations who have worked so hard on this bill and conference report. I know they have faced many difficult issues, competing demands for limited resources, and the pressure of time as this Congress winds down. And there are many good provisions in this bill, including several that will benefit my home State of New Hampshire. The bill includes two projects that have been particularly important to me and for which I requested funding—the Lamprey River & St. Gaudens. I appreciate the efforts of the Appropriations Committee to provide that funding.

Unfortunately, notwithstanding these and other good provisions, the bill fails to deliver what we as elected officials have promised the American people. I want to take this opportunity to explain, especially to my fellow Granite Staters, why I am voting against the Interior Appropriations Conference Report.

First, I am deeply disappointed that this bill does not include full funding for the Land and Water Conservation Fund or for the many important programs included in the Conservation and Reinvestment Act. In failing to provide this funding, I believe that we have truly squandered an opportunity that may never exist again. Even more importantly, I believe we failed to live up to the promise we made years ago to dedicate a percentage of the revenues from oil and gas production on the Outer Continental Shelf to the conservation and enhancement of fish, wildlife, lands and waters.

Congress came close to keeping that promise when the House passed by an

overwhelming margin of three to one a landmark conservation bill—the so-called Conservation and Reinvestment Act (CARA). The Senate Energy and Natural Resources Committee passed a companion bill in July. The CARA bill reflects our collective commitment to investing in the environment for ourselves and for future generations.

I am proud that I was able to play a part in bringing attention to the bill in the Senate. On May 24, 2000, I held a hearing on the Senate bill in the Committee on Environment and Public Works. Although that Committee, which I chair, did not have primary jurisdiction over the bill, I felt it was important to hold the hearing to help build support for the legislation and to highlight some of the very important programs that would be enhanced by the passage of the bill. These programs included funding for the Endangered Species Act and Pittman-Robertson Act, both of which are in the jurisdiction of the Committee on Environment and Public Works. I said it then, and I want to reaffirm it today. Now is the time for the Federal government to step up to the plate and assist in the efforts to protect our natural resources—not by grabbing up more Federal land, but by working in partnership with States and private landowners and providing much-needed funding for critically underfunded programs. The CARA bill would have done that.

Instead, the Interior Appropriations Conference Report includes a mere shadow of the real CARA.

Instead of providing full permanent funding for the Land and Water Conservation Fund, the Interior Conference Report appropriates only $600 million for one year and only $90 million of that is allocated for stateside funding. The CARA bill I cosponsored would have provided the States with a guaranteed $450 million a year to conduct numerous worthwhile conservation projects, including creating new parks and building soccer fields. The limited appropriation provided by the Conference Report, by contrast, with no guarantees for future years, isn't CARA; it's business as usual.

The bottom line is that Americans like to spend their time outdoors. Over half of all Americans will tell you that their preferred vacation spots are national parks, forests, wilderness areas, beaches, shorelines and mountains. And almost all Americans—94 percent believe we should be spending more money on land and water conservation.

I agree with those Americans who believe that it's time to invest some of the budget surplus in our environment. For years now, we have been telling the tax payers that there isn't any money available for conservation programs and that it's up to landowners to bear the burdens of saving our land and natural resources. Well, in my opinion, those days are over. It's past time for the federal government to contribute its fair share, and the Interior Conference Report falls far short in that respect.

Second, I am extremely troubled by the fact that the Conference Report provides no protections for private property rights. CARA did. The real CARA bill provided an unprecedented level of protection for the private land owner. For example, the Senate CARA bill that I cosponsored expressly prohibited the federal government from using any CARA funds to implement regulations on private property. In addition, all Federal acquisitions of land through the Land and Water Conservation Fund would have been subject to significantly more restrictions than under current law. Not one of those private property rights protections is included in the Interior Appropriations Conference Report.

Third, I cannot support the language in the Conference Report that establishes a vague new Federal ''wildlife conservation program'' that imposes new, but undefined, obligations on the States and gives broad discretion to the federal Fish and Wildlife Service to define those obligations. The Interior Appropriations Conference Report directs the Fish and Wildlife Service to create a new $300 million state grant program subject only to the approval of the Committee on Appropriations. That is inappropriate.

The Committee on Environment and Public Works is responsible for overseeing wildlife programs; it is our prerogative and responsibility to review, discuss, and ultimately authorize any wildlife program. Yet, this new program was inserted at the last minute, behind closed doors, without any public debate or consultation with the Committee of jurisdiction. For that reason, I must oppose its inclusion in this Conference Report. The concept may be a good one, but this is not the right process or the appropriate vehicle.

Finally, I must oppose the Conference Report because of the adverse impact it will have on thousands of citizens of New Hampshire who depend upon and enjoy the White Mountain National Forest.

When the Senate passed its Interior Appropriations bill in July, it included an important provision excluding the White Mountain National Forest from this Administration's broad policy of prohibiting the construction of all new roads in previously undisturbed areas of national forests, the so-called roadless policy. We excluded the White Mountain National Forest from this ''one-size-fits-all'' roadless policy, not because we want thousands of miles of new roads in the White Mountains, but because these decisions should be made at the local level through the forest planning process, by the people who live near, enjoy, and use the National Forest.

I have deep concerns about the Administration's roadless policy because I believe it is intended to limit public access and legitimate public use of our national forests. But even more importantly, in the context of the White Mountain National Forest, it would specifically override an existing forest management plan that maintains a balance between economic activity, recreation and environmental protection—a forest management plan that was developed through a collaborative process involving state and local government officials, local citizens, and federal officials. I firmly believe that States and local citizens should play a significant role in making the management decisions relating to the forest lands in their communities, including the decisions about roads.

It was for that reason that I strongly supported the language that was included in the Senate bill that allowed the citizens of New Hampshire to make those decisions through the forest planning process for the White Mountain National Forest, rather than simply mandating a blanket roadless policy from Washington, D.C. That important provision, however, has now been dropped from the Conference Report. I believe that Washington D.C.'s roadless policy will hurt New Hampshire. It will have significant economic, social, and ecological impacts. And it will undermine the cooperative dialogue that took place during the revision of the forest plan. Therefore, I cannot support a Conference Report that does not include language protecting the White Mountain National Forest from unnecessary and inappropriate interference from Washington's bureaucrats.

The Interior Appropriations bill passed by the Senate last July also included a specific exemption for North Country residents from the user fees that the National Forest Service charges for access to the White Mountain National Forest. That exemption has now been deleted.

I have long been opposed to user fees in the White Mountain National Forest because I believe it is fundamentally unfair to local residents. In areas, like the North Country of New Hampshire, where the Federal Government owns much of the land, communities lose a significant portion of their property tax base which they need to fund schools and other necessary social programs and infrastructure. Residents in these communities then have to make up the shortfall. The user fee, on top of the loss in local tax revenue, imposes an unfair burden for local citizens. It is wrong for the Federal government to charge local residents in the North Country a fee for enjoying the White Mountain National Forest when they are already subsidizing the Forest.

As I stated at the beginning, there are many good provisions in this Interior Conference Report. I applaud the work that my colleagues have done and appreciate the support they have given to important New Hampshire projects. Therefore, it is with great reluctance that I oppose the Conference Report.

Mr. WELLSTONE. Mr. President, I come to the floor today to speak about two provisions of great concern to my

state of Minnesota. While this conference report clearly missed the opportunity to make a historic, long term, commitment to our environmental heritage, I rise in support of this legislation because it does represent an important first step in many conservation accounts, and includes vital funding to restore Minnesota's National Forests.

First of all, I want to make clear that I am disappointed that the full Conservation and Reinvestment Act, CARA, was not included in this Interior Appropriations bill. CARA, as reported out of the Senate Energy and Natural Resources Committee, is landmark legislation that would commit $3 billion annually for 15 years to conservation and natural resource protection. CARA would provide $37.4 million of stable funding annually to the conservation and protection of Minnesota's natural resources.

However the compromise in this bill does not reflect the spirit or intent of the full CARA bill. First of all this Conference report does not guarantee multiple year funding for the states, which was the entire premise of CARA. When it comes to protecting our coastlines (on the North Shore in Minnesota) and open spaces (in Northern Minnesota), expanding our urban parks (in the metro Twin Cities area), or investing in wildlife conservation, the annual appropriation approach has proven not to work in the past and is unlikely to work in the future. In addition, the report does not include dedicated funding for wildlife conservation programs, which puts Minnesota's wildlife conservation needs in competition with other state conservation programs, and makes it possible that Minnesota would receive no funds for wildlife preservation from this legislation. While, overall I am encouraged that this legislation more than doubles conservation funding from the $742 million in the current fiscal year to $1.6 billion in FY 2000, we should not loose sight of the fact that this conference report is clearly no substitute for a full funded CARA bill.

On a related matter, I am pleased the conference committee has restored the balance of the Forest Service's request for Minnesota's National Forests. During consideration of the Interior Appropriations bill, Senators GORTON and BYRD agreed to my amendment to include $7.2 million in additional emergency funds for Minnesota's National Forests. And today the Senate will take an important step that will restore the balance of emergency funds requested earlier this year by the Superior, Chippewa and Chequamegon National Forests' for blowdown recovery efforts.

Furthermore, this legislation includes an important regular, FY 2001 appropriation for the Superior National Forest, that my colleague from Minnesota and I were able to work on together. These monies would be available to the Forest Service next year and are vital to continued recovery efforts in northern Minnesota.

These national forests bore the brunt of a massive once-in-a-thousand year wind and rain storm that devastated parts of northern Minnesota on July 4, 1999. The storm damaged over 300,000 acres in seven counties, including as much as 70 percent of the trees in our national forests, and washed out numerous roads. The damage caused by this storm has severely hindered the U.S. Forest Service's ability to responsibly manage the Chippewa and Superior National Forests.

The most troubling aspect of this storm for the people of northern Minnesota is the continued extreme risk of a catastrophic fire resulting from the tremendous amount of downed and dead timber. Funding provided to the Forest Service through this legislation will be used for immediate and future recovery efforts, and to reduce the threat of a major wildland fire.

The storm has changed affected portions of the forests for years to come and has created new risks and experiences for visitors and residents. Since July 4th, the Superior and Chippewa National Forests officials have been working with state, county, and local officials on storm recovery activities and planning to meet future needs.

Immediately after the storm the Forest Service, in conjunction with State, County and local governments began a search and rescue operation that lasted for 15 days from July 4 to July 19, 1999. Fortunately not a single life was lost in the storm, however there were 20 medical evacuations from the Boundary Waters Canoe Area Wilderness, BWCAW. The most severe case was a broken neck. In addition, the forest Service conducted a search of 2,200 camp sights in the BWCAW to ensure no one was trapped. And finally USFS crews cleared approx. 200 miles of roads, and reconstructed 6 miles of emergency roads.

Once the emergency search and rescue was completed, the U.S. Forest Service turned their attention to reducing hazards that could negatively affect visitors, residents and local businesses that depend on the BWCAW and the National Forests. The Forest Service brought in 191 people including an administrative team and several crews from across the country to return facilities to a safe condition so they could be reopened and used during the rest of the year.

And now the Superior National Forest is proposing to reduce the risk of fire escaping the Boundary Waters Canoe Area Wilderness, BWCAW, by using prescribed burning within the wilderness. The 1.1 million-acre BWCAW, located in northeastern Minnesota adjacent to the Canadian border, is one of the most heavily used wildernesses in the United States.

The proposal is to reduce the increased risk of wildfire associated with the July 4, 1999, storm. The proposed action is to treat approximately 47,000 to 81,000 acres of the wilderness with prescribed fire over a five to six year time period.

The goal of this project is to improve public safety by reducing the potential for high intensity wildland fires to spread from the BWCAW into areas of intermingled ownership, which include homes, cabins, resorts and other improvements, or across the international border into Canada. This will be accomplished in a manner which is sensitive to ecological and wilderness values, and protects fire personnel and BWCAW visitor safety during implementation.

While the Forest Service has been engaged in this work for many months, it is clear that much is yet to be done, and that it is going to take many years to dig out from under the storm and to restore the forest to a more normal and healthy state. However this cannot happen without adequate funding. This is a victory for all of Minnesota, and I am grateful to my colleagues for their support. I am very pleased that the Senate approved the remainder of these badly needed funds today, especially for the people of northern Minnesota, who cannot wait.

Mr. FEINGOLD. Mr. President, I am delighted that the conference report for Interior appropriations before this body today makes a significant investment in Wisconsin's only unit of the National Park System, the Apostle Islands National Lakeshore. The Lakeshore recently celebrated its 30th anniversary on September 26, 2000, and I rise today to express my gratitude to the Senior Senator from West Virginia (Mr. BYRD) and the Senator from Washington (Mr. GORTON) for working with me to ensure that some of the highest priority needs at the Lakeshore are met.

I have been raising the need for these funds since 1998. On April 22 of that year, I introduced legislation, named for former Senator Gaylord Nelson who was the sponsor of the federal legislation that created the Lakeshore, to try to make sure that the Park Service has the funds included in this bill today. This bill helps to fund a wilderness suitability study of the Lakeshore as required by the Wilderness Act. Most of the Lakeshore is managed as wilderness, yet the required study has not yet been completed so that Congress can evaluate whether there is a need for a formal legal designation. This bill retains amendment language that I offered during the Senate consideration of Interior appropriations and provides $200,000 for that purpose.

The bill also provides funds to the Park Service to protect the history Raspberry and Outer Island lighthouses which are threatened by erosion. The 21 islands of the Apostle Islands National Lakeshore have six lighthouses, the greatest number of lighthouses on any property in federal ownership anywhere in the country. They are all at least 100 years old, and many of them are still used as aids to navigation and are in need of Federal help.

By providing funds in this bill to ensure the success of the Lakeshore we contribute to another larger success—our efforts to clean and protect our environment and provide places for people to rest and refresh themselves. I have been very pleased in the willingness of the bill's managers to support my efforts to draw attention to this park. They have other, bigger parks that also have funding needs. But the managers understood my appeal on behalf of the people of Wisconsin with these funds. They know, as I do, that when the American people sit among the hemlocks on Outer Island, walk along the shore, travel to Devils Island, observe the waters of Lake Superior, they know protection of the Apostles is worth a federal investment.

The investments in the Apostles are authorized investments, part of the requirements that we gave the Park Service when we created the Lakeshore. As delighted as I am that these funds have been included by the managers, I remain concerned about the fact that this bill provides funds and policy direction for unauthorized projects, authorizes new projects and continues to contain a number of policy riders that affect environmental protection. Because these riders remain, I will vote against the bill.

I am concerned that this body is becoming habituated to the practice of environmental legislation by rider. This leaves Members of this body, like myself, who are very concerned about legislation which has the potential to adversely effect the implementation of environmental law, or change federal natural resource policy, with limited options. We must, by either striking the riders, or trying to modify their efforts, do the work of the authorizing committees on the floor of this body. With limited floor time on spending bills, and with the pressure to pass appropriations bills or risk shutting down or disrupting important Government programs, we do not do the best by the environment that we can and must do in our legislative efforts.

I believe that the Senate should not include provisions in spending bills that weaken environmental laws or prevent potentially environmentally beneficial regulations from being promulgated by the federal agencies that enforce federal environmental law.

For more than two decades, we have been a remarkable bipartisan consensus on protecting the environment through effective environmental legislation and regulation. I believe we have a responsibility to the American people to protect the quality of our public lands and resources. That responsibility requires that the Senate express its strong distaste for legislative efforts to include proposals in spending bills that weaken environmental laws or prevent potentially beneficial environmental regulations from being promulgated or enforced by the federal agencies that carry out Federal law.

Every year I hold a town hall meeting in each one of Wisconsin's 72 counties. When I hold these meetings, the people of Wisconsin continue to express their grave concern that, when riders are placed in spending bills, major decisions regarding environmental protection are being made without the benefit of an up or down vote.

When this bill passed the Senate initially on July 18, 2000, I was one of two Senators to vote against it because of legislative riders. I know that the bill managers worked long and hard to keep a number of the most controversial riders, many of which I was concerned about, off of this bill and I commend them for that. However, I am also concerned that there is a category of riders to which we have become habituated: riders on Alaska red cedar, riders on mining regulations, riders on grazing permits. There are also new authorizing provisions in this bill, such as developing forensic laboratory service fees for Fish and Wildlife investigations into wildlife mortality, and a new program to develop a reduced fee program for developing a reduced fee program to accommodate nonlocal travel through the National Park System. Why aren't these matters being discussed in the authorizing committees? These issues may have merit, but I think they should be handled by the committees of jurisdiction.

We cannot continue to put the Appropriations Committee in the position of having to decide which of these riders are more or less important. These measures need to be referred to the authorizing committees, and we need to restore the trust of the American people that we are proceeding with the people's business in a fashion which allows for open debate and actual deliberation.

I yield the floor.

Mr. DOMENICI. Mr. President, I am pleased to rise today in strong support of the conference report accompanying H.R. 4578, the Interior and related agencies appropriations bill for fiscal year 2001.

As a member of the Interior Appropriations Subcommittee and the joint House-Senate conference committee, I appreciate the difficult task before the distinguished subcommittee chairman and ranking member to balance the diverse priorities funded in this bill—from our public lands, to major Indian programs and agencies, energy conservation and research, and the Smithsonian and federal arts agencies. They have done a masterful job meeting important program needs in this final bill.

The pending conference report provides an unprecedented $18.9 billion in new budget authority and $11.9 billion in new outlays to fund the Department of Interior and related agencies. When outlays from prior-year budget authority and other completed actions are taken into account the Senate bill totals $18.9 billion in BA and $17.4 billion in outlays for fiscal year 2001. The Senate bill is exactly at the revised section 302(b) allocation for both BA and in outlays filed by the Appropriations Committee earlier today.

I would particularly like to thank Senator GORTON and Senator BYRD for their commitment to Indian programs in this year's Interior and related agencies appropriation bill. They have included increases of $160 million for Bureau of Indian Affairs education construction, $214 million for the Indian Health Service, and nearly $102 million for the operation of Indian programs.

I commend the subcommittee chairman and ranking member for bringing this important measure to the floor with significant resources totaling $1.6 billion to address the aftermath of the devastating summer and fall forest fires, including my initiative to undertake hazardous fuels reduction activities within the urban/wildland interface to protect our local communities—the so-called Happy Forests initiative.

This bill also includes an important, bipartisan compromise to establish a new Land Conservation, Preservation and Infrastructure Program that will dedicate $12 billion over the next six years to conservation programs. This is an unprecedented commitment to conservation efforts by the Federal Government. I am pleased to support this initiative in its final form.

I appreciate the consideration given by my colleagues to several priority items for my constituents in New Mexico, which are included in the final bill.

I urge my colleagues to support the final version of the fiscal year 2001 Interior and related agencies Appropriations bill, and I ask unanimous consent that the Budget Committee scoring of the bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 4578, INTERIOR APPROPRIATIONS, 2001, SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal year 2001, in millions of dollars]

| | General purpose | Mandatory | Total |
|---|---|---|---|
| Conference Report: | | | |
| Budget authority | 18,883 | 59 | 18,942 |
| Outlays | 17,284 | 70 | 17,354 |
| Senate 302(b) allocation: | | | |
| Budget authority | 18,883 | 59 | 18,942 |
| Outlays | 17,284 | 70 | 17,354 |
| 2000 level: | | | |
| Budget authority | 14,769 | 59 | 14,828 |
| Outlays | 14,833 | 83 | 14,916 |
| President's request: | | | |
| Budget authority | 16,413 | 59 | 16,472 |
| Outlays | 15,967 | 70 | 16,037 |
| House-passed bill: | | | |
| Budget authority | 14,723 | 59 | 14,782 |
| Outlays | 15,164 | 70 | 15,234 |
| Senate-passed bill: | | | |
| Budget authority | 15,875 | 59 | 15,934 |
| Outlays | 15,591 | 70 | 15,661 |
| CONFERENCE REPORT COMPARED TO | | | |
| Senate 302(b) allocation: | | | |
| Budget authority | | | |
| Outlays | | | |
| 2000 level: | | | |
| Budget authority | 4,114 | | 4,114 |
| Outlays | 2,451 | −13 | 2,438 |
| President's request [1] | | | |
| Budget authority | 2,470 | | 2,470 |
| Outlays | 1,317 | | 1,317 |
| House-passed bill: | | | |
| Budget authority | 4,160 | | 4,160 |
| Outlays | 2,120 | | 2,120 |
| Senate-passed bill: | | | |
| Budget authority | 3,008 | | 3,008 |

H.R. 4578, INTERIOR APPROPRIATIONS, 2001, SPENDING COMPARISONS—CONFERENCE REPORT—Continued

[Fiscal year 2001, in millions of dollars]

| | General purpose | Mandatory | Total |
|---|---|---|---|
| Outlays | 1,693 | ..... | 1,693 |

[1] The comparison between the conference report and the President's request is skewed because the conference report includes $1.5 billion in emergency firefighting funds that the President indicated he would request, but for which OMB never submitted a formal request to the Congress, so the amount is not reflected in the President's request.

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Ms. LANDRIEU. Mr. President, I am in line for time, but I would be happy to yield to the Senator for 5 or 10 minutes.

Mr. GRASSLEY. Ten minutes.

Ms. LANDRIEU. I just need the 30 minutes that were reserved for me. I would be happy to yield to the Senator from Iowa.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I come to the floor today, as I have many times in the last couple of months, to speak about an issue that is so important for so many Members in the Senate, and our colleagues on the House side, and to supporters everywhere, the Conservation and Reinvestment Act.

We will be voting on the Interior appropriations bill in just a few moments. I plan, with all due respect to those who have worked on this bill—and I acknowledge their hard work—to vote no because it fails to embrace the principles outlined in the Conservation and Reinvestment Act.

I express my respect for the members of the Appropriations Committee. They have a very tough job. They are charged with a great responsibility. While we have disagreed over this particular issue, we have worked together as we have tried and continue to try to reach a bipartisan compromise over this great battle for a legacy for our environment.

In particular, I thank Senator TED STEVENS from Alaska, our chairman, and Senator ROBERT BYRD from West Virginia, our ranking member, who have been very attentive to the calling and the requests of the CARA supporters in this regard. While we have disagreed on this issue, it has not been personal. My remarks today are intended strictly to be constructive and hopefully to help us chart a course to navigate in the future on this important issue.

I will read into and submit for the RECORD the excellent comments from individuals and Governors and mayors reflected in newspapers around our country, literally from the west coast to the east coast, from the south to the north, from interior communities to coastal communities, literally thousands and thousands of positive editorials and articles written about what we are attempting to do. From the State of Illinois, we have had some of our best editorials on this subject, of which the Presiding Officer has been a supporter.

From the Seattle Post, May 18, a few months ago this year, talking about CARA:

> It is a bold approach to environmental conservation and restoration. If ever there were a win-win for all the squabbling factions permanently encamped in the corridors of Capitol Hill to argue about the environment, this bill has to be it.

From the Providence Journal, RI, September 19:

> Even with the unusual level of bipartisan support that this measure has, it could easily get lost in the last days of an election-year session. Citizens should press Congress to get it on to the desk of President, who would sign it.

While time is short, where there is a will there is a way, and the people of Rhode Island surely believe that.

From the Los Angeles Times, September 18:

> This measure should be plucked from the pack and made law.

Chicago Tribune, from the home State of the Presiding Officer:

> As Congress churns through its last days before adjournment, one issue of environmental impact should not be left in the dust, the Conservation and Reinvestment Act, or CARA.

The New York Times just last week:

> Before adjourning next month, Congress should approve two of the most important conservation bills in many years. One bill, the Conservation and Reinvestment Act, would guarantee $45 billion over 15 years for a range of environmental purposes, including wilderness protection.

Again, from my own paper, the New Orleans Times Picayune, which a few months back, actually, in its frustration in trying to communicate our message, said:

> Senators from inland states don't seem to understand why Louisiana and other coastal states should receive the bulk of this environmental money generated by offshore revenues and maybe that is because their states aren't disappearing.

From the Tampa Tribune:

> The Conservation Reinvestment Act is a necessary and sensible measure that would allow our nation to safeguard its natural heritage. It deserves Senate support.

Finally, from the Detroit Free Press, one of our most supportive editorials, in June of this year:

> One of CARA's most exciting aspects, in fact, is the ability to focus on smaller projects than the Federal Government normally would, including urban green spaces, walkways, small slices of important habitat. For those with visions of a walkable riverfront in Detroit, of selective preservation of natural spots in the path of development, CARA is a dream come true—if the Senators controlling its fate will set it free.

I don't think CARA is going to get set free in the vote that we are going to have in just a few minutes, but that is the process. We will continue our fight. We will continue to talk about this important issue, and we will be organized and ready for next year.

In addition, there are still days left in this session where CARA could be, or something more like it, set free so that we can begin and can continue some of the very important environmental work going on in the country.

Let me say, not all of that environmental work takes place in Washington, D.C. Not all of that environmental work takes place among Federal agencies, although they have a role. A lot of this work takes place in our hometowns all across the Nation, with our Governors' offices, with our mayors and our county commissions, on ball fields and soccer fields, on cleanup days and Earth Days all over the Nation. That is the hope that CARA would bring that will be left on the table today.

I will submit all of these for the RECORD in my closing remarks.

In addition, let me make the point that some people have claimed that the CARA legislation was just helping coastal States. I will submit for the RECORD a wonderful editorial today from a place right in the middle of our Nation, the Kansas City Star, about the Conservation Reinvestment Act, realizing that time is short, but I want to read what they say from Kansas and Missouri:

> This is not the time to give up. Despite the apparent bipartisan agreement, this latest version of the Conservation and Reinvestment Act, also known as CARA, should not be the one approved by Congress.

Let us try to unite and find the will to salvage what we can, and perhaps there is a possible way to do that.

Let me read for the RECORD, as I begin closing, a letter to the editor of all the ones that were received, and there were literally hundreds written by many distinguished people from around our country, the one we received that just stood out above all the others was a wonderful letter written by Lady Bird Johnson and by the distinguished leader, Laurance Rockefeller, who is the uncle to our colleague from West Virginia whom we so admire and respect and for whom we have such affection. Laurance Rockefeller is 98 years old. I will read into the RECORD what Lady Bird and Laurence Rockefeller said about the actions we should be taking now:

> The 20th century can rightly be called America's conservation century. From President Theodore Roosevelt forward, Americans began to embrace their land rather than just use it. This ethic of conservation has created, protected and preserved tens of millions of acres of open space in America, encompassing everything from national parks to neighborhood soccer fields.
>
> But conservation is not something that concludes just because a century does. We are not done, nor will we ever be. While protecting our natural resources is often a

quiet, steady exercise, sometimes moments of great opportunity arise. We are at such a moment now.

They go on to write:

The U.S. Senate has before it legislation that would do more to protect America's heritage than anything in a generation. The Conservation and Reinvestment Act is in the true spirit of the early conservationists: It plans for the future while solving the immediate; it provides for recreation as well as preservation; it ensures significant state and local input and control; and it has bipartisan support. The House has passed the bill and the Senate Energy and Natural Resources Committee has approved it. With the administration supporting the legislation, all that is needed is Senate action in the remaining days of this Congress.

CARA's origins stretch back to 1958, when President Eisenhower created the Outdoor Recreation Resources Review Commission to conduct a three-year inquiry into America's growing outdoor needs. Its findings suggested a new approach: Not only should the Federal Government step up its lagging land acquisition program to round out our National Park System, but it should also embark on a new venture to provide matching funds that state and local governments could use to meet a broader set of outdoor needs.

In 1964, President Lyndon B. Johnson signed into law a bill creating the Land and Water Conservation Fund, which not only affirmed these commitments but set American conservation on a course it still follows.

The foresight embedded in LWCF—an emphasis on Federal/state/local partnerships, long-term planning, permanent acquisition and urban recreation—was strengthened later in the 1960s by tapping money from offshore oil and gas leases to fund LWCF projects. The wisdom of doing so was strikingly simple: Utilize the exploitation of one public natural resource in order to protect and conserve another. Congress had made a promise and found a way to keep it. And for years, the LWCF worked wonders. More than 37,000 projects have been sparked by the initiative, helping states and localities acquire 2.3 million acres of parkland and adding 3.4 million acres of new Federal lands to our national bounty. The LWCF has funded open space in literally every county in America, and is responsible for everything from helping preserve Civil War battlefields to purchasing land for Rocky Mountain National Park to building the baseball field down the street from your house.

After 15 years of generally faithful adherence to LWCF's unique bargain, Presidential administrations and Congress began to redirect large chunks of fund revenues from their intended purposes to other budget items. Since 1980, more than $11 billion has been diverted from these projects, creating a staggering backlog of Federal, state and local land protection needs.

They continue and write:

We urgently need to restore the promise. That's what CARA will do. CARA represents the first good opportunity in 20 years to set our conservation path back on track. It not only fully funds the LWCF, but also addresses critical needs in wildlife management, urban parks, coastal protection—

Which is so important to my State and to many of our States, particularly Mississippi, Alabama, and all along the east and west coasts—

and historic preservation. Most important, it establishes a dependable source of funding for these programs. The prescience of those who created the fund was that conservation especially could not be a haphazard thing; population growth, the inexorable march of development and simple wear and tear on resources require a permanent commitment. CARA returns us to that premise, providing approximately $3 billion a year and a firm precedent for future funding.

CARA returns us to another important ideal: bipartisanship.

Sometimes that is in too short supply here in Washington.

Republican Don Young of Alaska and Democrat George Miller of California did a masterful job of steering CARA through the House, winning a 315–102 vote. In the Senate, Republican Frank Murkowski of Alaska and Democrat Jeff Bingaman of New Mexico brought the bill out of committee with support from Senators of both parties. In these gridlocked times, CARA's bipartisan treatment is a reminder that policy can sometimes overcome politics.

They conclude by saying:

We hope the full Senate will heed that reminder and act on CARA now.

We have worked as partners on conservation issues for almost four decades. Our hope has always been that American leaders would act so that their children—all children—would have something to look forward to. By reviving the Land and Water Conservation Fund before Congress goes home this year, it can provide just that.

Unfortunately, the bill before us does not do what this vision outlined. It does do many good things, but it falls short of this vision. In the last 10 minutes that I have, I want to finalize my comments by making just a few more points and submit a letter for the RECORD.

According to the Webster's Dictionary, ''legacy'' means something handed down from an ancestor or predecessor or from the past, or to bequeath.

For more than 3 years, many in this body, dozens of Members of the House of Representatives, hundreds of mayors and Governors, thousands of environmentalists and wildlife groups, and millions of Americans have been calling for a true environmental legacy.

Those of my colleagues who will, in a few minutes, support the Interior appropriations conference report will do so for many good reasons. My great friend from Idaho, Senator CRAIG, spoke eloquently yesterday about the money in this bill to fight the wild fires raging across the western plains. That is a very good reason to support this bill.

As the temperature gets ready to dip across America this winter, there is great need for a home heating oil reserve, and that is in this bill. That is a very good reason to support it.

In my State of Louisiana, the Cat Island Refuge, which is the oldest cypress forest in North America—and it may be the only one left—gets money in this bill. The New Orleans Jazz Commission and the Cane River National Heritage Area, the oldest settlement in the Louisiana Purchase, are reasons to support this bill.

However, if anyone here is looking for a true legacy, a long-term commitment to our vanishing coastlines, our disappearing wildlife, and our crumbling parks and historic treasures, you will not find that in this bill.

The true legacy would have been the Conservation Reinvestment Act—a bill which has bipartisan support by a vast majority of the Congress and support from the President of the United States. However, today we will be asked to vote on what really amounts to sort of a CARA cardboard cutout—one that kind of looks like the real thing, but it is really flimsy and hollow, one which fails to deliver the great promise that we had at this opportunity for our children and our grandchildren.

For 3 years, a monumental and historic coalition built around this bill and congressional leaders designed it in a way to merit support across the aisle and across the Nation.

Early on, some environmentalists charged it was a pro-drilling bill. So we clarified the language to make sure it was drilling neutral to gather their support.

I think—and there are some of my colleagues on the floor who can attest to this—that perhaps we failed to go as far as we should have. But I believe we made great strides in meeting the concerns of some of those who claimed that this bill would have compromised private property rights and would have allowed the Federal Government to buy up land without willing seller provisions and congressional approval.

We worked mightily to meet those objectives, and we believe the compromise that we came up with was fair and good along these lines.

I know for the past few years I have cajoled, bargained, and spoken to so many of my friends and colleagues to listen to the merits of this proposal. I am sure on more than one occasion when they saw me coming, they ran the other way. But I believe this is so important that we should take this step now.

When I am asked how we can afford to do this, my answer is simple: How can we afford not to?

Since 1930, Louisiana has lost more than 1,500 square miles of marsh. The State loses between 25 and 30 miles each year—nearly a football field of wetlands every 30 minutes in my State.

By 2050, we will lose more than 600 square miles of marsh and almost 400 square miles of swamp.

That means the Nation will lose an area of coastal wetlands about the size of Rhode Island—about the size of your State, Mr. President. We are about ready to lose it.

In the past 100 years, as so eloquently spoken about yesterday by our colleague from Florida, Senator BOB GRAHAM, southern Florida's Everglades have been reduced to one-fifth their former size.

In the past 30 years, the population of blue crabs in the Chesapeake Bay has been barely hanging on, much to the dismay, I know, of Senator MIKULSKI and Senator SARBANES, who fight

vigorously for renewal in the Chesapeake.

In the middle of this century, a boater could look down into Lake Tahoe's depths and see 100 feet. Today that is more like 60, or 70, and dropping every day. Senator FEINSTEIN and Senator BOXER know that CARA could be one of the answers—not the only answer but truly one of the answers to help.

These facts are staggering. More importantly, it will take decades to turn it around.

So let's begin now.

I ask each of my colleagues to put themselves in the shoes of our Governors, our mayors, and our natural resource officials. All of these local officials are charged just as we are with developing long-range strategies to combat vanishing coastlines, disappearing wildlife, and crumbling treasures. But if we don't enact CARA, or something very close to it, a funding stream they can count on year in and year out, their efforts will be marginalized.

The Gulf of Mexico does not wait for congressional approval to claim 30 square miles of Louisiana every year. Hurricanes do not lobby congressional appropriators before they claim precious beaches in Mississippi, Alabama, Florida, and the eastern seaboard. Mother nature does not testify in front of Congress before she floods our parks, eats away at the Everglades, and takes her toll on our historic treasures.

Let us look closely at what we are doing here today. I ask that we not be lulled into believing that this is anything more than a minor downpayment on a debt we owe to our children.

In the past 2 years, I think we have made much progress in recognizing the contribution of the coastal States—particularly States such as Louisiana, Texas, Mississippi, and Alabama—which generate these offshore revenues in the first place.

Because I have received assurances from both leaders, Senator LOTT of Mississippi, and Senator DASCHLE of South Dakota, that both coastal impact assistance and wildlife protection can be addressed in other bills in this Congress, I have withdrawn my objections to final passage of this bill.

Although CARA supporters will lose the vote today, we will grow stronger. We will come back energized and ready to fight for what our country really needs—a true environmental legacy. The coalition knows that this is a downpayment. And, like all who are owed a debt, we will come to collect.

Winston Churchill once said:

> Want of foresight. . .unwillingness to act when action would be simple and effective . . . lack of clear thinking, confusion of counsel until the emergency comes . . . until self-preservation strikes its jarring gong. . .these are features which constitute the endless repetition of history.

Colleagues, let us heed these words. Let us come next year prepared with a willingness to act. Let us think clearly before the emergencies come. Let us not wait until our environmental preservation hangs in the balance. And let us listen to the cause of the American people—people from my State, people from your State, people from all of our States who say they need something on which they can depend—a steady stream of revenue; a partnership that they can depend on to help preserve what is best about America while protecting private property rights, while protecting the great balance between land ownership and land maintenance, while protecting the great needs of our coastline and our interior.

We need a bill that America can grow on and depend on and prosper from in the decades ahead.

I thank again the appropriators for their hard work. I thank the authorizers for their tremendous vision.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of wonderful people who need to be thanked for their efforts and, in doing so, not conceding that there is not still some time left to make some corrections and improvements but recognizing that the time is short and we will continue to pursue this avenue. But this is a list of coalition members from the National Wildlife Federation; Sporting Goods Manufacturers Association; National Governors' Association; the Nature Conservancy; Louisiana Department of Natural Resources; Americans for our Heritage and Recreation; International Association of Fish and Wildlife Agencies that worked so hard on this effort; U.S. Soccer Foundation; National Wildlife Federation; Coastal Conservation Association; Outdoor Recreation Coalition of America; Trust for Public Lands; Coastal States Organization, which Jack Caldwell helped to head up; National Coalition of State Historic Preservation Officers, particularly the Governor of Oregon who was so helpful, and many other Governors; the Wilderness Society; Southern Governors Association; my Governor, Governor Foster, who lent a hand early on; Land Trust Alliance; and the Coalition to Restore Coastal Louisiana.

Those are just a few. There are so many more and I know my time is probably up.

I also ask unanimous consent to have printed in the RECORD the names of many of the staff people who helped make this possible.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CARA COALITION MEMBERS

Mark Van Putten, Jodi Applegate, Jim Lyon, Steve Schimburg—National Wildlife Federation
Sandy Briggs—Sporting Goods Manufacturers Association
Jena Carter, Diane Shays—National Governor's Association
Tom Cassidy, Jody Thomas, David Weiman—The Nature Conservancy
Sidney Coffee—Louisiana Department of Natural Resources
Tom Cove—Sporting Goods Manufacturers Association
Jane Danowitz—Americans for our Heritage and Recreation
Glenn Delaney, Naomi Edelson, Max Peterson—International Association of Fish and Wildlife Agencies
Jim Range—International Association of Fish and Wildlife Agencies/The American Airgun Field Target Association
Gary Taylor—International Association of Fish and Wildlife Agencies
Herb Giobbi—U.S. Soccer Foundation
Pam Goddard—National Wildlife Federation
Bob Hayes—Coastal Conservation Association
Myrna Johnson—Outdoor Recreation Coalition of America
Lesly Kane—Trust for Public Land
Tony MacDonald—Coastal States Organization
Nancy Miller—National Coalition of State Historic Preservation Officers
Andrew Minkiewicz, Kevin Smith—Governor Kitzhaber of Oregon
Rindy O'Brien—The Wilderness Society
Beth Osborne—Southern Governor's Association
Bob Szabo—Van Ness—Feldman Law Firm
Russell Shay—Land Trust Alliance
Mark Davis—Coalition to Restore Coastal Louisiana

ACTIVELY SUPPORTIVE MEMBERS AND STAFFS

Senator Thomas Daschle—Mark Childress, Eric Washburn
Senator Trent Lott—Jim Ziglar
Senator Bingaman—Minority Energy Committee Staff: Bob Simon, Sam Fowler, David Brooks, Mark Katherine Ishee, Kyra Finkler
Senator Murkowski—Majority Energy Committee Staff: Andrew Lundquist, Kelly Johnson
Senator Mike DeWine—Paul Palagyi
Senator John Breaux—Fred Hatfield, Stephanie Leger, Mallory Moore
Senator Max Baucus—Brian Kuehl, Norma Jane Sabiston, Jason Schendle, Aylin Azikalin, Alyson Azodeh
All democratic colleagues on Energy Committee and Senator Fitzgerald.

Ms. LANDRIEU. Mr. President, I end by saying that sometimes it takes a bold act to receive something on which we can really build. CARA is a bold act.

In a bill with $15 billion, asking for a few hundred million for States and local governments, a few hundred million for our coastal communities, a few hundred million for wildlife, was not too much to ask. I am very hopeful in the years ahead we can meet the promise of CARA.

I ask unanimous consent to have printed excerpts of editorial support.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHY CARA? WHY NOW?

EXCERPTS OF EDITORIAL SUPPORT FOR THE CONSERVATION AND REINVESTMENT ACT

''It's a bold approach to environmental conservation and restoration. If ever there were a win-win for all the squabbling factions permanently encamped in the corridors of Capitol Hill to argue about the environment, this bill has to be it.'' Seattle Post-Intelligencer, May 18, 2000.

''The Conservation and Reinvestment Act has the magic to get through Congress in an election year: money for lots of states, creative compromises and an odd-couple pair of sponsors from the right and left.''—Seattle Times, May 9, 2000.

''Even with the unusual level of bipartisan support that this measure has, it could easily get lost in the last days of an election-

year session. Citizens should press Congress to get it onto the desk of President Clinton, who should sign it.''—Providence (Rhode Island) Journal, September 19, 2000.

''This measure should be plucked from the pack and made law.''—Los Angeles Times, September 18, 2000.

''By passing the act, the Senate will demonstrate that in the current prosperity, America is not forgetting its other riches, those bestowed on it by nature.''—San Jose Mercury News, September 17, 2000.

''As Congress churns though its last days before adjournment, one issue of environmental impact should not be left in the dust: the Conservation and Reinvestment Act, or CARA.''—Chicago Tribune, September 16, 2000.

''Before adjourning next month, Congress should approve two of the most important conservation bills in many years. One bill, the Conservation and Reinvestment Act, would guarantee $45 billion over 15 years for a range of environmental purposes, including wilderness protection.''—The New York Times, September 13, 2000.

''One of the most important and comprehensive pieces of conservation legislation in U.S. history deserves immediate passage by the Senate. It is a bill most Americans have never heard of: The Conservation and Reinvestment Act, or CARA.''—St. Louis Post-Dispatch, September 11, 2000.

''This is a rare piece of legislation. Its purpose is clear and simple. Its funding is ready. Its public benefit would be immense, and so would its public support, if anyone could hear about it through the blare of electioneering. All it needs is attention by our senators in the next three weeks.''—San Diego Union-Tribune, September 7, 2000.

''Senators from inland states don't seem to understand why Louisiana and other coastal states should receive the bulk of the environmental money generated by offshore oil revenues. And maybe that's because their states aren't disappearing.''—The (New Orleans) Times-Picayune, July 18, 2000.

''Back in the '60s, Congress set aside $900 million yearly from offshore oil revenue for the Land and Water Conservation Fund to finance purchases of important natural beauty spots. But over the years Congress routinely robbed the fund to spend the money elsewhere, and Iowa was routinely shut out when the remainder was divided. CARA restores the fund and adds much more.''—The Des Moines Register, July 8, 2000.

''This landmark legislation deserves a chance, and it will be a shame if opponents manage to use the clock or unreasonable arguments to kill it. While senators out West worry about the federal government gaining more control over land, those of us who live in Louisiana worry about the acres of coast that are crumbling into the Gulf of Mexico. One fear is speculation, the other is all too real.''—The (New Orleans) Times-Picayune, September 19, 2000.

''The Conservation and Reinvestment Act is a necessary and sensible measure that would allow our nation to safeguard its natural heritage. It deserves the Senate's support.''—The Tampa Tribune, July 7, 2000.

''CARA is considered to be the most significant conservation funding legislation any Congress has ever considered.''—Times Daily (Florence, Alabama), July 10, 2000.

''The Conservation and Reinvestment Act is a strong and balanced realization of the philosophy that government revenues generated by exploiting natural resources ought to be spent, in large part, on protecting resources elsewhere. That's philosophy that Congress has long honored on paper, and should now put into practice.''—The (Minneapolis) Star Tribune, July 3, 2000.

''One of CARA's most exciting aspects, in fact, is the ability to focus on smaller projects than the federal government normally would, including urban green spaces, walkways and small slices of important habitat. For those with visions of a walkable riverfront in Detroit, of selective preservation of natural spots in the path of development, CARA is a dream come true—if the senators controlling its fate will set it free.''—Detroit Free Press, June 27, 2000.

''The most important land conservation bill in many years is now before the United States Senate, and time is running out.''—The New York Times, June 27, 2000.

''It's a reasonable, bipartisan way for America to create long-term funding for conserving our natural heritage.''—The (Salem, Oregon) Statesman Journal, June 14, 2000.

''CARA is a good program that promotes local initiative toward parks, resource conservation and historic preservation. We hope our senators change their positions and give the support it deserves.''—The Idaho Statesman, June 13, 2000.

''We need to make it clear that we, the American people, want the Senate to pass the most significant wildlife, parks and recreation legislation in over 30 years.''—The Pueblo (Colorado) Chieftain, June 11, 2000.

''This is a quality-of-life bill for the future, one that holds enormous promise for the protection of dwindling natural and cultural resources. Passage means benefits for the current generation of Americans, and a chance to continue those gains for generations yet to come.''—The Buffalo (New York) News, May 22, 2000.

''So long as good sense continues to prevail, this legislation may signal the beginning of an era, none too soon, in which environmental impact has a more prominent seat at the table.''—Winston-Salem Journal, May 19, 2000.

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[From the Kansas City Star, Oct. 5, 2000]

CONSERVATION MONEY

The proposed Conservation and Reinvestment Act, which would transfer millions of dollars from federal off-shore oil leases to financially starved local and state parks and wildlife programs, is in trouble.

Thanks to a deal devised by congressional negotiators on the Interior Department appropriations bill, the House has approved a pale version of the landmark legislation that earlier had been endorsed by two-thirds of the House, more than half of the Senate and President Clinton.

The President has endorsed this inferior agreement, saying that ''while we had hoped for even more'' he wanted to praise the conservation, wildlife and recreation groups, as well as citizens, who worked so hard for the conservation act.

This is not the time to give up. Despite the apparent bipartisan agreement, this latest version of the Conservation and Reinvestment Act, also known as CARA, should not be the one approved by Congress. It falls far short of the original that has been pushed by conservation groups, cities, counties and states.

Under a strong bipartisan effort, Congress has been on the verge of restoring the money to its rightful uses. Of the $3 billion CARA would provide, Missouri annually stands to gain $34.7 million and Kansas $17.3 million for natural resource preservation and parkland acquisition. Kansas and Missouri cities and counties could use their share of the money to improve state and local parks, purchase land for parks, and other recreational purposes.

The substitute version falls short in the money it would guarantee over the long term. In one example, $350 million annually for nongame wildlife programs has been cut to $50 million.

Senate Majority Leader Trent Lott and Minority Leader Tom Daschle have announced their intention to push to restore CARA to its former self. They are backed by the nation's governors, who have sought significant conservation funding for state needs. The original version is the one that should be passed.

Approval of CARA could be one of the most significant victories of this Congress.

Mr. THOMAS. I ask unanimous consent to take the remaining time of the Senator from Arizona, which I believe is 4 minutes.

Mr. BYRD. Would the distinguished Senator allow me to use 5 minutes of my time as the ranking member on the subcommittee?

Mr. THOMAS. Go right ahead.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I trust that the distinguished Senator will not leave the floor. I hope he will follow me immediately. If he is in great haste, I will be glad to yield to him.

Mr. THOMAS. Go right ahead.

Mr. BYRD. Mr. President, in the short time available before the Senate votes on final passage of the Interior appropriations conference report, I want to again urge my colleagues to support this measure. It is a good compromise that balances the needs of our parks, our forests, our wildlife refuges, and our trust responsibilities to American Indians, against the resources made available to us. That task—the task of reconciling identified needs with limited resources—is not easy.

I am particularly pleased with the level of funding in this bill for fossil energy research. The new power plant improvement initiative, along with the other fossil energy research programs in the Department of Energy, are critical to this nation's energy security. Working to curtail our reliance on imported oil, and ensuring that our current fleet of power plants are efficient and environmentally sound, should be the cornerstone of the next administration's energy policy. I can assure the next president, whomever he may be, that I, for one, am ready to assist in that endeavor.

Mr. President, I also wish to take a moment to thank the chairman of the full committee, Senator TED STEVENS, for his interest in this bill, for his continued support, and for his willingness to work with Senator GORTON and me to ensure that we were able to get to this point. In particular, I am grateful for his help in making additional resources available to the Interior subcommittee. Without those resources, we could not have crafted this bill.

Finally, Mr. President, let me again thank my colleague, the subcommittee chairman, Senator GORTON. He and his staff have truly been a pleasure to work with.

When I talk of staff, let me briefly mention my own staff person, Peter Kiefhaber. I believe this is his first bill, first major bill, to assist me on this

floor throughout the markup, throughout the hearings. He has done a masterful job as a new person in that position. I thank him and I congratulate him.

I yield the floor now. I yield my remaining time to Senator GORTON.

I, again, thank the distinguished Senator for yielding when he had the floor, to allow me to make this brief statement.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I ask to take the 4 minutes that was available to the Senator from Arizona.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I appreciate the opportunity to visit just a moment on a subject that is very close to my heart and very close to my interests. I am from Wyoming, a State that has open space throughout a great deal of the State. It is the eighth largest State in the United States and still the smallest population. I grew up near Yellowstone Park. Those are things I feel very strongly about.

I want to do two things—one, to comment on the good proposal of the Senator from Louisiana and her passionate defense of it. I understand that. I respect that a great deal. There are some things that are disadvantageous about CARA that we have talked about. One, of course, is the idea it makes it mandatory spending for 15 years. This is an entitlement. As we look at our budget now, about a third of our budget is up to the Congress to allocate. The rest of it is entitlements.

I came from serving in the Wyoming Legislature where the legislature now only has control over 25 percent of the dollars. I think that is a dangerous position, and entitlements become a real problem.

Also, as we look toward the land acquisition, there are a number of things we need to be concerned about in this year's budget. From this administration, there was more interest on the purchase plan than the maintenance plan. We have 379 parks in this country, most of which are in desperate need of infrastructure help, but it seems as if the more popular thing to talk about is the acquisition of more land. Fifty percent of my State belongs to the Federal Government; 85 percent of Nevada in the west along the Rocky Mountain area, most of the land now belongs to the Federal Government.

We asked in committee if we could have some kind of protection in this allocation of CARA of $45 billion, that we would not have any more Federal land; that, indeed, if Federal lands were to be purchased, we would have an opportunity to dispose of some Federal land so there would be basically no net gain. It seems to me that is reasonable. The supporters of CARA were not willing to talk about that.

In conclusion, I think there is a great deal of merit in the bill before the Senate. It isn't, of course, what everyone wants. There are more expenditures to it than some like. It does reflect help however, for the losses that were incurred because of the forest fires—6.6 million acres in the West burned this year and the costs associated and the losses associated there.

I am going to support this bill. I am pleased. I thank the chairman for his good work in getting this bill before the Senate.

I will comment on the fact that not only in this bill but in a number of bills there are authorizations for things I think are inappropriately authorized in appropriations bills. In this bill there are some parks, for example, and set-asides which certainly ought to come from the authorizing committee, not from the Appropriations Committee.

I understand what happens. We get toward the end of the year, and there are things there, people want something to happen and we are in danger of having a lot of that happen in the next week or so. I hope it does not. We have a system where there is an authorization and there is an appropriation.

I don't think anyone in this place is more anxious to have dollars available to do something with conservation, to do something with preservation, to do something with easements, to do something with maintenance of the land we already have, but I think we have to make sure those bills, indeed, have the composition that makes them the kinds of things that we need to have in this Congress and that is to have them authorized yearly or at least in shorter spans than 15 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, before I make some general remarks, I will respond to the three—and I think there have only been three—critics of this bill.

For the better part of 3 days, the Senate has indulged in the remarks of the Senator from Illinois over one item out of many hundreds in this bill. Normally speaking, items such as the Lincoln Library are included in bills such as this because the Senators from the States concerned believe they are important and because we believe they are reasonable national priorities. I think I can assure the Senator from Illinois and the body that, had I known we were going to go through this process, there would have been no money for this project in this bill at all. It may very well be there will be no more tomorrow.

I do think a library for Abraham Lincoln's papers in Springfield, IL, is an appropriate project. The State of Illinois and various local entities and individuals are providing the great majority of the money that is going into that project. The Senator from Illinois has engaged in a filibuster, required the vote of 89–8 on cloture, all over the bidding practices with respect to the way in which that project is undertaken, as to whether or not they ought to be Federal bidding practices or the State of Illinois' bidding practices—bidding practices of the State of Illinois that I believe he had something to do with creating while he was a member of the legislature of that body.

Even under the bill as it appears here, the Secretary of the Interior has the authority to review the design, method of acquisition, and the estimated cost, and can deal with anything that the Secretary believes to be untoward in this entire question. But I have to say that to spend 3 days of the time of the Senate on this internal dispute involving Members of Congress and others from the State of Illinois was an imposition on the time of the Senate at any time, but especially when the Senate is attempting to finish many important bills of which this is one, but only one. We will go forward with it at this point. We will pass the bill at this point. I believe the President of the United States will sign it at this point. But I can certainly not remember any other instance in which a Member from a State that is getting a benefit from the bill has looked so carefully at the teeth of a gift horse.

The second question I raise is about some of the criticisms from my good friend, the Senator from Arizona. He complains about money in this bill for carriage barn rehabilitation at the Longfellow National Historic Site. That is a national park site. That is the very kind of thing that we must rehabilitate. Henry Wadsworth Longfellow, when he lived at his place, had a carriage barn. I don't know whether the Senator from Arizona feels we should let it fall down, but my own view is our first duty is to maintain the national park sites that we have at the present time. The Senator from Wyoming has just referred to that. How that constitutes pork, or a reason to vote against this bill, is, I must say, beyond my understanding.

He complains about dollars for the southeast Alaska disaster fund that he claims were not included in either the House or the Senate bill. In fact, they were included in the Senate bill under a different account number.

He complains about $30 million for site-specific earmarks or emergency funds, one quarter of which turn out to be—slightly more than one quarter—for hazardous fuels reduction activities carried on by Northern Arizona University.

When I was on the floor, he was complaining about the rehabilitation of a fish hatchery in White Sulfur Springs, WV, which was requested by my good friend and colleague, the Senator from West Virginia. Again, I am puzzled why it is we should not provide such office rehabilitation at a site that is a specific function of the people of the United States.

In other words, I don't find those criticisms to have any particular merit whatsoever. This is our business. It is the business of this bill to see to it

that the lands and historic sites and facilities of the United States of America are properly maintained. I think one of the great shortcomings, one of the overwhelming shortcomings that we have had in the last few years is that we have not been maintaining these sites to the extent they ought to be maintained. One of the goals, which I have accomplished in this bill, is to increase the amount of money for that maintenance, both in the regular bill and in this supplement to this bill that is the third item of controversy here today.

This bill is criticized by the Senator from Louisiana as not including the full authorization for the so-called CARA bill, the Conservation and Reinvestment Act. She is certainly correct; it does not. That bill is an almost $3-billion-a-year entitlement for some 15 years, the net result of which is that the items included in it are deemed to be more important, should that bill pass the Congress of the United States, than saving the Social Security system, than education, than health care, or any of the other items for which we appropriate every year. In my view, it is utterly inappropriate as an entitlement that automatically comes off the top, before all the other priorities of the people of the United States.

On the other hand, many of the items preferred in that CARA legislation are highly worthy items, items for which this subcommittee chairman is delighted to have what now amounts to a greater authorization. Many of them will be more liberally funded in the future as a result of the proposals that are a part of this bill now.

It is said—it was said in that criticism—that this bill sends all the money through the Federal bureaucracy rather than CARA sending it directly to the States. First, it doesn't send all the money through the Federal bureaucracy. Many of these programs are existing programs that result in formula grants to the States, and others are competitive grants to the States. At this point, the Congress can, through its authorizing committees, change the distribution formula for any one of these programs, either to make them more direct or more focused. CARA, of course, doesn't send all its money directly to the States, either. It does include large amounts for payment to coastal States but they are for new programs which are not even authorized at this point and will not be unless some bill of that nature is passed.

Second, this is criticized by some conservatives for not providing protections for private property. The Interior bill funds currently authorized programs. It doesn't authorize them; it funds currently authorized programs and therefore, by definition, includes every protection for private property that exists in any one of those authorizing laws. If there are shortcomings in this field, it is not the fault of the Appropriations Committee but of the very authorizing committee that presented CARA to us in the first place.

For Federal land acquisitions that are funded by this CARA-lite, in future years everyone is going to be subject to the same process as is used at the present time. They are all going to go through appropriations committees. I can assure my colleagues, I cannot think of a case where this committee has approved a project that did not have the support of the relevant Members of Congress, except maybe for this one in Illinois, which has been the subject of debate for some 3 days. So that objection is simply not valid.

It is also pointed out this bill does not provide States and local governments with a predictable funding stream. You bet your life it does not, and it was not so designed. Why should we give a predictable funding stream for grant programs to State and local governments in precedence to the very programs for which we are directly responsible? We do not have a fully predictable or legally enforceable funding stream for schools. We don't have it for most of our health care programs. We don't have it for research and development programs. We don't have it for a wide variety of the programs that are subject to debate every year. It is just for that reason that we do not have it. They should be subject to debate and revision with respect to priorities every year. That is why we have a Congress.

On the other hand, this new title does provide a decidedly increased likelihood that these grant programs will be sustained and will increase in future years.

What this bill does is to say that if you do not spend this money on the programs outlined in this bill, you cannot spend it on something else, but it will go to reducing the national debt. It is only a couple months. Members on both sides of the aisle vociferously were saying that a reduction of the national debt was the most important single economic activity in which we could engage. Chairman Greenspan was quoted constantly on the floor of the Senate. We forgot that when some decided we needed these ''predictable funding streams,'' that is to say, entitlements which come directly out of debt reduction.

I have never been able to see the logic of a 15-year guaranteed funding stream that could not easily be adjusted if the programs were ineffective or if we went into economic times in which there were higher priorities.

Those are some of the critiques of the particular proposal, additional portions of which are likely to be included in the appropriations bill for Commerce-State-Justice, particularly the oceans portions of it which will be debated later.

Finally, Senator GRAHAM from Florida criticized the bill for not providing adequate funds for national parks. While CARA would have guaranteed an extra $100 million per year for the National Park Service—Mr. President, I am allowed to take time from Senator STEVENS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. The answer is, of course, CARA did not either. CARA gave money to the National Park Service above the line but not below the line, and very likely future Congresses will simply reduce the discretionary portion of that account by the amount guaranteed in CARA itself.

It was at my insistence that this CARA-lite does include an item, I believe $150 million a year, for national park maintenance. I think that is one of the most important elements of the bill itself.

The vote on cloture indicated the broad support for this bill, as did the overwhelming bipartisan vote in the House of Representatives. For that overwhelming bipartisan support, I owe particular thanks to Senator BYRD for helping me in developing the conference agreement and shaping it in a way that merits the support of Members on both sides of the aisle. His new staff minority clerk, Peter Kiefhaber, has been a tremendous asset during the course of his first year. He has been ably assisted by Carole Geagley of the minority staff and Scott Dalzell, who has been with us on detail from the U.S. Fish and Wildlife Service.

I thank my own exemplary staff: Bruce Evans, who is sitting here with me, Ginny James, Leif Fonnesbeck, Christine Drager, and Joe Norrell, as well as our detailee, Sheila Sweeney, and Kari Vander Stoep of my personal staff. All have also worked so many hours on this bill that I do not dare count them for fear of feeling ashamed. They have worked extremely hard, but they have been successful and have every reason to be gratified with their work.

I note for the record this is the last year in which I will be privileged to work with my counterpart chairman, Congressman RALPH REGULA from the House of Representatives. He will have another subcommittee next year, and I tell you, I will miss him. I have never dealt with anyone in this body or in the other body with whom I have had a more positive and affirmative, constructive working relationship, often with a great many laughs because of his marvelous sense of humor. RALPH REGULA will have left a substantial legacy of increased priority for the maintenance of our Federal lands and facilities and a great approach in a matter of principle.

In summary, this is a popular bill that has every right to be popular because it meets with many of the needs of deferred maintenance for past neglect. It has many projects in it that are of great importance to Members on both sides of the partisan divide in this body and our significant national priorities as well, and will get us through another year with respect not just to these natural resources used in energy

research and cultural institutions in the United States but in a way I think worthy and which I recommend heartily to my colleagues.

The PRESIDING OFFICER. All time is yielded back.

Mr. GORTON. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. GORTON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 13, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—83

| | | |
|---|---|---|
| Abraham | Durbin | Mikulski |
| Akaka | Edwards | Miller |
| Allard | Enzi | Moynihan |
| Ashcroft | Frist | Murkowski |
| Baucus | Gorton | Murray |
| Bayh | Grams | Nickles |
| Bennett | Grassley | Reed |
| Biden | Gregg | Reid |
| Bingaman | Hagel | Robb |
| Bond | Harkin | Roberts |
| Boxer | Hatch | Rockefeller |
| Bryan | Hollings | Roth |
| Bunning | Hutchinson | Santorum |
| Burns | Hutchison | Sarbanes |
| Byrd | Inouye | Schumer |
| Campbell | Johnson | Shelby |
| Chafee, L. | Kerrey | Smith (OR) |
| Cleland | Kerry | Snowe |
| Cochran | Kohl | Specter |
| Collins | Kyl | Stevens |
| Conrad | Lautenberg | Thomas |
| Craig | Leahy | Thompson |
| Crapo | Levin | Thurmond |
| Daschle | Lincoln | Torricelli |
| DeWine | Lott | Warner |
| Dodd | Lugar | Wellstone |
| Domenici | Mack | Wyden |
| Dorgan | McConnell | |

NAYS—13

| | | |
|---|---|---|
| Breaux | Gramm | Sessions |
| Brownback | Helms | Smith (NH) |
| Feingold | Inhofe | Voinovich |
| Fitzgerald | Landrieu | |
| Graham | McCain | |

NOT VOTING—4

| | |
|---|---|
| Feinstein | Kennedy |
| Jeffords | Lieberman |

The conference report was agreed to.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

## MORNING BUSINESS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE HEATING OIL RESERVE

Mr. MURKOWSKI. Mr. President, I think Senator DOMENICI will be seeking recognition. First, I want to take 2 minutes to alert my colleagues to what I think is a very significant issue.

Much has been made of late about the status of the Strategic Petroleum Reserve and the recommendation by Vice President GORE that we withdraw 30 million barrels out of the SPR so we can build up our heating oil reserve. Let me tell you what is happening to that.

The administration forgot a very important detail when they put that oil up to bid for the refiners. They didn't mandate that the crude oil be refined into heating oil or that it be used to build inventories here in the United States for the benefit of the Northeast States that need that heating oil inventories built up.

What will happen to the crude oil or refined product? It will go into the marketplace, and it is going to Europe because Europe is paying a higher price for heating oil than the United States. Currently, 167,000 barrels a day of distillate is exported.

Let me tell you what came out of the Houston Chronicle, and I quote:

> The buyers can do what they wish with the oil, such as sell or swap it, said Department of Energy spokesperson Drew Malcomb, although whoever ends up with the oil has to get it out of storage by the end of November.
>
> The extra crude won't result in any additional heating oil because all the heating oil facilities already are operating at maximum capacity, Brown said.

There you have it. You have an administration that said we had an emergency, we had to go into SPR, address our heating oil situation, while sending a message to the Mideast that we are reducing our savings account. Then we find we may not build up our domestic heating oil inventories at all with this oil, it is going up for sale into the market and ending up in Europe because the administration didn't mandate that if you bought the oil, you had to keep it here in the United States.

Senator STEVENS and I have experienced some demands relative to our inability to move our oil out of our State.

It is inconsistent to me that the administration could make such a poor business deal. We have not accomplished anything with SPR. We have simply increased our exports of heating oil. I think it is a charade.

I thank my colleague from New Mexico. But I did want to call that to your attention.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Houston Chronicle entitled ''Oil from Reserve in High Demand'' and two tables on distillate exports.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OIL FROM RESERVE IN HIGH DEMAND—BIDDERS GRAB 30 MILLION BARRELS

(By Nelson Antosh)

Trading companies and refiners looking for a good deal on crude have snapped up all 30 million barrels that the federal government is releasing from the Strategic Petroleum Reserve.

The Energy Department announced Wednesday that 11 companies, some of them with names little known even within the industry, had submitted the best bids for the oil being held underground in Louisiana and Texas.

The buyers in effect promised to return to storage 31.56 million barrels between August and November of next year, thus paying a premium of about 5 percent.

But by using the futures market, the successful bidders will be able to pay back with oil cheaper than what it is today, even if the real market price for crude may be higher by then.

''A good transaction for value,'' said Mary Rose Brown of Valero, a San Antonio-based company that will be refining its federal crude. The difference between Wednesday's futures and the payback cost is $3.25 per barrel, she said.

The futures price for next October is $28.53, said Kyle Cooper of Salomon Smith Barney in Houston, who reasons that all the reserve sale does is ''move around crude.''

In contrast to next October, the sweet crude contract for next month settled Wednesday on the New York Mercantile Exchange for $31.43 per barrel.

The buyers can do what they wish with the oil, such as sell or swap it, said DOE spokesman Drew Malcomb, although whoever ends up with the oil has to get it out of storage by the end of November.

Valero will be taking 1 million barrels of sour crude from the Bryan Mound storage site near Freeport and splitting it between its refineries in Texas City and Freeport.

That crude will be co-mingled with other supplies and be made into a full range of products, including gasoline.

The extra crude won't result in any additional heating oil because all the heating oil facilities already are operating at maximum capacity, Brown said. Valero even shifted some of its distillate output at a New Jersey refinery from premium-priced jet fuel into home heating oil.

''The product will go where the market is,'' said Malcomb, although he said his agency would prefer that it be refined into heating oil and be shipped to the Northeast.

Vitol, a trading company in Houston that also owns a refinery in Canada, will get 1.05 million barrels of sweet crude out of a storage site in Louisiana and 550,000 sour barrels out of Bryan Mound.

The company will apply for an export license, but logically it is a better value if sold along the Gulf Coast, said a Vitol employee who preferred not to be identified.

Marathon Ashland Petroleum LLC, a Houston-based venture that is a major refiner, was the high bidder on 2.4 million barrels of sour crude and 1.5 million barrels of sweet crude.

The DOE did not release the amounts that individual companies promised to return to the reserve, because that could influence any future sales.

Morgan Stanley Dean Witter of New York was the high bidder on 2 million barrels.

Lesser known names were Euell Energy of Aurora, Colo., which was the high bidder on

3 million barrels, Burhany Energy Enterprises of Tallahassee, Fla., also with 3 million barrels, and Lance Stroud Enterprises of New York with 4 million barrels.

Equiva Trading, which is a Houston-based alliance between Shell and Texaco, will get 2.5 million barrels. A spokesman could not be reached late Wednesday.

Elf Trading, also based in Houston, is getting 1 million barrels.

The largest quantity, 6 million barrels, was won by BP Oil Supply Co., in Warrenville, Ill.

''Every barrel we can get into the market in the next few weeks reduces the risk of a shortage of heating oil and diesel fuel this winter,'' said Secretary of Energy Bill Richardson in a news release. ''This is good for consumers and good for our nation's long-term security,''

Some have criticized releasing oil from the Strategic Petroleum Reserve as a political ploy to get more votes in the Northeast, where heating oil is widely used.

TABLE 5. U.S. YEAR-TO-DATE DAILY AVERAGE SUPPLY AND DISPOSITION OF CRUDE OIL AND PETROLEUM PRODUCTS, JANUARY-JUNE 2000

[Energy Information Administration/Petroleum Supply Monthly, August 2000; in thousand barrels per day]

| Commodity | Supply | | | | Disposition | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Field production | Refinery production | Imports | Unaccounted for crude oil [a] | Stock change [b] | Crude losses | Refinery inputs | Exports | Products supplied [c] |
| Crude Oil | [E] 5,851 | | 8,655 | 432 | 64 | 0 | 14,787 | 87 | 0 |
| Natural Gas Liquids and LRGs | 1,956 | 754 | 204 | | 59 | | 357 | 83 | 2,414 |
| Pentanes Plus | 307 | | 28 | | 6 | | 133 | 4 | 192 |
| Liquefied Petroleum Gases | 1,649 | 754 | 176 | | 53 | | 225 | 79 | 2,222 |
| Ethane/Ethylene | 746 | 29 | 23 | | 6 | | 0 | 0 | 791 |
| Propane/Propylene | 549 | 597 | 124 | | 8 | | 0 | 60 | 1,201 |
| Normal Butane/Butylene | 163 | 121 | 13 | | 34 | | 120 | 19 | 125 |
| Isobutane/Isobutylene | 191 | 7 | 17 | | 6 | | 105 | 0 | 105 |
| Other Liquids | 177 | | 642 | | 63 | | 807 | 47 | −98 |
| Other Hydrocarbons/Oxygenates | 339 | | 62 | | 4 | | 367 | 30 | 0 |
| Unfinished Oils | | | 348 | | 23 | | 427 | 0 | −102 |
| Motor Gasoline Blend. Comp | −162 | | 231 | | 37 | | 16 | 16 | 0 |
| Aviation Gasoline Blend. Comp | | | 0 | | −1 | | −3 | 0 | 3 |
| Finished Petroleum Products | 218 | 16,146 | 1,282 | | 70 | | | 775 | 16,801 |
| Finished Motor Gasoline | 218 | 7,842 | 347 | | 76 | | | 109 | 8,223 |
| Reformulated | | 2,533 | 176 | | 5 | | | 1 | 2,703 |
| Oxygenated | 561 | 107 | 1 | | −1 | | | 1 | 669 |
| Other | −343 | 5,202 | 170 | | 71 | | | 107 | 4,851 |
| Finished Aviation Gasoline | | 17 | (s) | | −1 | | | 0 | 19 |
| Jet Fuel | | 1,570 | 129 | | 22 | | | 27 | 1,650 |
| Naphtha-Type | | (s) | 2 | | (s) | | | (s) | 2 |
| Kerosene-Type | | 1,570 | 127 | | 22 | | | 27 | 1,648 |
| Kerosene | | 58 | 3 | | −10 | | | 1 | 70 |
| Average exports per day: | | | | | | | | | |
| Distillate Fuel Oil | | 3,414 | 274 | | −97 | | | 152 | 3,634 |
| 0.05 percent sulfur and under | | 2,364 | 139 | | −1 | | | 35 | 2,469 |
| Greater than 0.05 percent sulfur (Heating oil only) | | 1,049 | 136 | | −96 | | | 117 | 1,164 |
| Residual Fuel Oil | | 657 | 212 | | 7 | | | 141 | 721 |
| Naphtha For Petro. Feed Use | | 164 | 104 | | (s) | | | 0 | 268 |
| Other Oils For Petro. Feed use | | 203 | 154 | | (s) | | | 0 | 357 |
| Special Naphthas | | 102 | 11 | | −1 | | | 21 | 94 |
| Lubricants | | 187 | 14 | | −1 | | | 27 | 174 |
| Waxes | | 15 | 2 | | (s) | | | 3 | 14 |
| Petroleum Coke | | 704 | 1 | | 1 | | | 289 | 416 |
| Asphalt and Road Oil | | 508 | 29 | | 75 | | | 4 | 458 |
| Still Gas | | 652 | 0 | | 0 | | | 0 | 652 |
| Miscellaneous Products | | 53 | (s) | | (s) | | | (s) | 53 |
| Total | 8,201 | 16,900 | 10,783 | 432 | 256 | 0 | 15,952 | 992 | 19,117 |

[a] Unaccounted for crude oil represents the difference between the supply and disposition of crude oil. Preliminary estimates of crude oil imports at the National level have historically understated final values by approximately 50,000 barrels per day. This causes the preliminary values of unaccounted for crude oil to overstate the final values by the same amount.

[b] A negative number indicates a decrease in stocks and a positive number indicates an increase in stocks.

[c] Products supplied is equal to field production, plus refinery production, plus imports, plus unaccounted for crude oil, minus stock change, minus crude losses, minus refinery inputs, minus exports.

(s) = Less than 500 barrels per day.

[E] = Estimated.

LRG = Liquefied Refinery Gas.

— = Not Applicable.

Note: Totals may not equal sum of components due to independent rounding.

Sources: Energy Information Administration (EIA) Forms EIA–810, ''Monthly Refinery Report,'' EIA–811, ''Monthly Bulk Terminal Report,'' EIA–812, ''Monthly Product Pipeline Report,'' EIA–813, ''Monthly Crude Oil Report,'' EIA–814, ''Monthly Imports Report,'' EIA–816, ''Monthly Natural Gas Liquids Report,'' EIA–817, ''Monthly Tanker and Barge Movement Report,'' and EIA–819M, ''Monthly Oxygenate Telephone Report''. Domestic crude oil production estimates based on historical statistics from State conservation agencies and the Minerals Management Service of the U.S. Department of the Interior. Export data from the Bureau of the Census and Form EIA–810, ''Monthly Refinery Report.''

THESE ARE B–B EXPORTED—AMERICAN PETROLEUM INSTITUTE, ENERGY INFORMATION ADMINISTRATION

| Date | Distillate [1] |
|---|---|
| January 1998 | 133 |
| February 1998 | 79 |
| March 1998 | 129 |
| April 1998 | 186 |
| May 1998 | 121 |
| June 1998 | 149 |
| July 1998 | 161 |
| August 1998 | 150 |
| September 1998 | 107 |
| October 1998 | 75 |
| November 1998 | 54 |
| December 1998 | 145 |
| January 1999 | 117 |
| February 1999 | 116 |
| March 1999 | 159 |
| April 1999 | 191 |
| May 1999 | 187 |
| June 1999 | 180 |
| July 1999 | 123 |
| August 1999 | 130 |
| September 1999 | 162 |
| October 1999 | 192 |
| November 1999 | 170 |
| December 1999 | 212 |
| January 2000 | 132 |
| February 2000 | 112 |
| March 2000 | 211 |
| April 2000 | 178 |
| May 2000 | 127 |
| June 2000 | 149 |
| July 2000 | 132 |
| August 2000 | 168 |

[1] Distillate fuel exports (Mbld), heating oil and diesel.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I understand I have up to 20 minutes as if in morning business.

The PRESIDING OFFICER. Ten minutes.

Mr. DOMENICI. I ask unanimous consent for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I understand Senator SESSIONS would like to follow me with 5 minutes, if there is no objection.

Mr. REID. Mr. President, reserving the right to object, the Senator from New Mexico wishes to speak for how long?

Mr. DOMENICI. Up to 20 minutes.

Mr. REID. We have the Senator from Alabama, and we have Senator BRYAN who wishes 10 minutes. I ask that, using normal procedure, we have a Republican and a Democrat. I ask that Senator BRYAN be the last speaker for up to 10 minutes.

Mr. DOMENICI. Mr. President, I assume we need Senator SESSIONS' concurrence.

Mr. SESSIONS. That is all right with me. I respect that. Senator BRYAN will be the last. I defer to him.

Will the Senator restate the agreement? The Senator from New Mexico has 20 minutes, Senator BRYAN has 10 minutes, and I have 5 minutes.

Mr. REID. That is correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## TAX RELIEF PROPOSALS

Mr. DOMENICI. Mr. President, I put a little editorial up here, and I hope I made it big enough that those who photograph what we talk about here can see it.

I want to read this paragraph in yellow, and I want to speak to Vice President GORE's constant harping about the 1 percent of the American taxpayers getting too much of a tax break.

I would like to do that for about 10 or 12 minutes.

But first, let me suggest to the middle-class American people who have been waiting for a tax cut that if you elect Vice President GORE, you can wait perhaps forever because, as this editorial says, he might say over and over and over—maybe as many times as he said ''1 percent'' the other night—that he is for middle-income Americans getting a tax break.

But this is the Washington Post—not the Washington Times or the Albuquerque Journal—that says:

> If Mr. Gore believes middle-class people need a tax break, he might better give them one—and let them decide how to spend the money. If he believes the Government should do more to promote education, he could do so more effectively with truly targeted spending programs rather than with tax credits that, for example, go to those who could and would pay for tuition in any case along with those who need the help. But for political reasons, the Democrats, as in 1992 and 1996, believe they need to cloak their programs in the language and form of tax cuts. One result would be an ever more complex Tax Code.

The truth of the matter is that the Vice President of the United States spoke the other night about the unfairness of the tax proposals of George W. Bush.

I just want to start by correcting one thing for sure. There are no middle-income tax cuts in Vice President GORE's proposal—the last time he spoke to it, the second time he spoke to it, and the time he sent us an 81-page budget. There are no middle-class tax cuts. Why? Because he chooses to say to the American people: If you do this with your money, you get a credit; if you do that with your money, you get a credit.

But for those who do not do this or that because they don't have any children to put in day care or they don't have any of the other things they need that he wants to give them tax credit for, the overwhelming percentage of the middle class gets zero.

That is maybe what we ought to be talking about whenever he says 1 percent. Perhaps we ought to say middle-class people, zero; middle-class Americans, zero—maybe 16 times, as he did the other night in referring to ''1 percent.''

Having said that, I want to talk about the progressive taxes the American people pay and the progressive system we live under because I believe there are millions and millions and millions of Americans who have not been told what our Tax Code is and have not been told what George W. Bush's tax proposals would do. Let me try that for a few minutes.

I just told you what the Washington Post said about his tax proposals. In essence, even when he chooses to help—that is, the Vice President—the middle-class Americans, he chooses, I say to my friend from Alabama, to tell them how to spend the tax cut.

That is the essence of the difference between the across-the-board cut of George W. Bush and the Vice President, although he has much less on the tax side, in any event—the Vice President—but he chooses to say: Mr. and Mrs. America, I don't want you to have a $1,500 tax cut if you are making $60,000 or $50,000. What I want you to do, if you want to take advantage of what I want you to do, if you do one of these five or six things as we have said, you will get a tax break.

If you are Mr. and Mrs. America, you might say: I don't need any of those taxes. Why don't you just give me my money and let me spend it?

That is one of the very big differences between the two parties at this point, as indicated by this editorial.

In 1992 and 1996, Vice President GORE again chose in behalf of his colleagues to say: We want to give you a tax cut, but do not misunderstand; you have to use it our way or you don't get it.

Is there anybody in America who thinks a tax cut should be used only the way the Federal Government wants them to use it? I don't think they even understand a tax cut to be that. But you can rest on it, that is what he is talking about—not a single middle-income tax cut—zero. I repeat.

I would like to talk a little bit on what has happened to the Tax Code of the United States.

Mr. President and fellow Senators, we have the fairest and most progressive Tax Code any country has ever lived under. Let me tell you what it does today.

If anyone wants one of these, I will gladly give them one. The Internal Revenue Service gives us the information, and the Joint Committee on Taxation, which is a combined committee, gave us this information.

Let me talk about the 1 percent.

Fellow Americans, 1 percent of the taxpayers of America—1 percent—currently pay a shocking 33 percent of the taxes.

Let me repeat, Mr. President. On the income tax side, the top 1 percent of Americans pay 33 percent of the taxes that America collects from income. They are rather wealthy. They make $250,000 and over, and 1 percent pays 33 percent of the taxes.

Let me right off the bat give you an astonishing number. If you are to adopt George W. Bush's across-the-board tax cut, guess what percent the top 1 percent will pay then? Remember I said, right now under our very progressive code, they pay 33 percent of all the taxes we collect.

I say to my friend from Alabama, it is a startling revelation. After we cut everybody across the board, as George Bush suggests, the top 1 percent will pay 34 percent total taxes. In other words, their portion of the total taxes will go up 1 percent, not come down. Isn't that interesting?

So everyone understands who is rich and who isn't and who pays a lot of taxes and who doesn't, let's talk about the top 10 percent of taxpayers. Most people watching and most people visiting are in that bracket because the top 10 percent of the taxpayers are people earning $79,000 or higher. How much of the total taxes collected by America from income does the top 10 percent pay? I am sure, unless someone has studied it, in your wildest guess you will not conclude this. Sixty-seven percent of the income taxes collected come from the top 10 percent of the people in this country who are earning $79,000. Imagine.

Can anyone imagine a fairer system if you want to tax people who earn money than to have 1 percent of the population that makes substantial money pay 33 percent of the taxes, and the top 10 percent of 79 and higher pay 67 percent? Frankly, it is obvious to me our Vice President is, once again, running on an issue that has been tried before, and we are very grateful as a nation that it has never worked. He is practicing the art of class warfare. He wants to make sure Americans do not trust the capitalist system where people might make more money, one versus another, depending on what they are doing, what they have invested in, and for what they have taken a risk. He wants to make the issue that the top 10 percent, which pays 33 percent of the taxes, does not deserve to be looked at when we look at cutting taxes for Americans.

I am quite sure that sooner or later the American people are going to catch on that everybody who pays taxes gets a tax break. So nobody will have a misunderstanding, if you don't pay taxes, you don't get a tax break. I think that is pretty fundamental. There are many millions of Americans working for a living who do not pay any U.S. income tax. Right off the bat, when you speak about giving other people who are earning less tax breaks, we have to understand a very large percentage of Americans don't pay any taxes. They may think they are paying a lot because they are paying Social Security taxes, and neither candidate is recommending, from what I can tell, that we dramatically reduce the Social Security—other than George W. Bush saying let's investment 2 percent. Otherwise, I haven't heard anybody saying that onerous Social Security tax is the one that ought to be fixed.

Let me repeat, when the tax plan is in place under Mr. Bush, the top 1 percent will pay $4 trillion in taxes when we have finished the tax across-the-board cut. Let's give that again: That top 1 percent will pay $4 trillion in income taxes, and it will be 34 percent of the new income taxes that we are taking in.

What will that $4 trillion buy that 1 percent of Americans are paying in taxes? It will buy all of the following: All of our defense programs, welfare, food stamps, child nutrition, State child health insurance. We just picked some programs. That top 1 percent will pay for all of that out of what they pay in income taxes.

If Mr. GORE continues to refer to this top 1 percent as public enemy No. 1, then I can only say that the top 1 percent are high-income folks; the top 10 percent earn $79,000 and above. One group pays 33 percent of the taxes; and the other group pays 67.

What should we do? Should we say because they pay 67 percent of the taxes but they make $79,000 or more they should get no tax reduction? If you are going to have a tax reduction because you have a giant surplus, let's be fair and say the American Tax Code is fair. We ought to continue to be fair, leave it as fair as it was, but make sure we understand the top 10 percent deserve some tax relief, since they are paying 67 percent of the tax.

Let me also suggest that the bottom rung of wage earners and taxpayers in America—so there is no misunderstanding about my progressivity comment that we have a progressive code—the bottom 50 percent pay 4 percent; the bottom 50 percent of our earners pay 4 percent of the taxes of America.

I think we have a pretty fair system. In fact, it is very heavily skewed towards those people making $79,000 or more. But George Bush, from what I can analyze, intends to leave it the same. It will come out like it is in terms of progressivity, excepting that those in the top 1 percent, by a coincidence of reducing the total tax take, will end up paying 34 percent instead of 33—even if we give them a tax break.

I do believe it is rather authentic when the Washington Post says to Vice President GORE, if you want to give the middle income a tax cut, give it to them. Don't tell them what they must use it for in order to get a tax credit or tax break. That is not very American. Why should the Government tell wage earners, people who are making money in the American system, what they must do with their income if they want a tax break? I thought if you were going to give it back, you would give it back to them so they can spend it.

I will discuss another issue, Mr. Vice President. I don't come today to the floor to talk about the case of the schoolgirl in Florida who had to stand for one of her first days of classes this fall because $150,000 worth of computers had yet to be unboxed. That is one of the statements made by our Vice President in his debate. It is now, today, authentic, that is not a true statement. The people from that school and that school district have denied it. I think by this hour the Gore campaign has said it is a mistake.

The Vice President said essentially in his own words that the analysis of his budget from the budget experts who work for this Senator, the chairman of the Budget Committee, although they happen to work for me, what they produced as the estimate of the cost of his budget ideas would use up the entire surplus and $700 to $900 billion of the Social Security surplus. He said something like, it is not worth the paper.

I have analyzed with this same staff many budgets. They have come out as right as anyone around. They said before the Vice President put his entire package together, that if every single program he advocates would get funded—it is 200 or more new programs—there will be between 20,000 and 30,000 new Federal employees.

Incidentally, when the Vice President takes great credit for shrinking the Government and says we have reduced the number of people working for the Government, it would be good to note that 90 percent of the shrinkage of Federal employees is because the military was reduced. Between 85 and 90 percent of that entire personnel reduction is from military reductions.

But let's get back to this. That budget staff said there are 200 new programs in the Vice President's ideas for America. They also suggested to me it is a new era of big government, excessive government, and obviously huge increases in what government will do.

I laid that before the Senate in this report. It is as correct today as it was then. And, indeed, we have now seen Vice President GORE's plan all in one package. They reanalyzed it and said their original estimate is right, that he would have to spend the surplus to pay for his entire budget. We will have that report next week in an edition similar to this one, in which each program is analyzed and we tell the American people either the Vice President is suggesting myriad programs he does not intend to do or intends to do less than he said because if he is going to do what he says in his last written proposal, you cannot do those programs without spending all of the surplus and part of—not all of it but part of the surplus that belongs to Social Security.

I close by saying the Vice President Tuesday night talked a lot about the lockbox. Isn't it amazing that Democrats, including the Vice President, talk about the lockbox as if they invented it; they pursued it; they are the ones who really advocated it and kept it alive. I want to say this is one time when Senator DOMENICI has to say: That is not true. It came out of the Budget Committee and I was the first Senator to suggest it. The proposal I suggested has never been voted on to this date because it is a real lockbox. It really makes it tough to spend either Social Security—and if you want to use the same format for Medicare, that is fine. But let's get it straight. We have been trying to get a lockbox passed up here from our side. Whatever we propose is either too strict, too rigid, doesn't have enough flexibility for the Treasury Department, or something. But let's make sure everybody understands we started the idea; we pursued it with great vigor. It is now part, I believe, of what we believe. Whether we get it passed or not, in our form, I believe everybody around here is going to be frightened to death if a Budget Committee says: Hey, this budget is spending Social Security surplus money. I believe we have that ingrained in our minds because the public expects it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from Nevada takes the floor, I ask unanimous consent following the Senator from Alabama, Senator DURBIN be recognized for a half hour in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. BRYAN. Mr. President, this morning's Washington Post features an article entitled ''Iverson's Bad Rap Is Well-Deserved.''

It is a story about one of the Nation's high-profile National Basketball Association stars who is about to release a rap CD that encourages gun violence, degrades women, and blatantly bashes people because of their sexual orientation. The National Basketball Association, the Philadelphia 76ers, his team, Mr. Iverson's record label, his coach, and every fairminded person should condemn this kind of so-called entertainment for the trash that it is. Clearly, these are not the kind of messages that one of the NBA's leading and most talented players should be sending to tens of thousands of kids who watch him play and may idolize him.

I fully respect Mr. Iverson's first amendment rights, but clearly the message he is sending encourages violence and implicitly condones it, hardly the kind of conduct one would expect from a celebrity whose conduct is admired by many of the Nation's youth.

What makes this particularly objectionable is the fact that Mr. Iverson and many of his other incredibly talented colleagues in the NBA are specifically marketed by the NBA itself as superheroes to our kids. The NBA is ultimately in a business to make money, and that is fine. They use their stars to promote their teams. But one would hope the NBA would exercise good judgment in choosing the athletes they select to promote because many of these athletes use their stardom to, again, promote themselves and to use that same kind of marketing appeal. And when the message, as in this case from Mr. Iverson, is both hateful and dangerous and is absorbed by all too many of our Nation's youth, it is a vicious cycle that the NBA should end immediately.

The NBA has the power to pick and choose which athletes they are going to market and promote. They should exercise sound judgment and discretion before encouraging this kind of promotion and the reprehensible message it sends.

A few weeks ago I joined with many of our colleagues, both in committee and on the floor, in condemning some of the media produced in Hollywood, some of the videos, some of the violence that so often invades the Nation's television audience. We should also condemn this kind of conduct as well. When the NBA promotes these

questionable athletes, they assist them in their quest to become wealthy media darlings, and that only helps other media outlets such as record companies and movie studios to exploit their now already famous personalities. In fact, Mr. Iverson's record company is apparently planning to use the NBA's very well publicized All-Star weekend to release the uncensored—and one could only conclude even more objectionable—version of his soon-to-be-released CD.

Again, it is ultimately going to have to be up to the NBA as to who they promote and market and who they do not. But they need to realize if they continue to promote and market athletes who use their league-endorsed celebrity to promote or incite violence or the degradation of more than half the Nation's population, they will continue to bear a great deal of responsibility for the consequences of these actions.

I find it somewhat incredible that the Philadelphia 76ers' own coach has said, according to the Washington Post article, that he does not have a problem with Mr. Iverson's CD. That is nothing more than a cheap copout, and the NBA, the Philadelphia 76ers, and his coach should immediately condemn this outrageous, dangerous, and hateful message.

Let me give an example of one of the lyrics that is on this CD. Mr. Iverson says on his CD if someone is ''man enough to pull a gun/Be man enough to squeeze it.''

In addition, he also advocates the murder of gay men on his new CD.

I am told that a wire report has been circulated this afternoon indicating that Mr. Iverson has apologized to gay men and to women for the hateful language contained in his CD. I call upon Mr. Iverson to do more than that; to ask, as a responsible American, as a role model, which he styles himself to be: Let's not issue this CD. Let's recall it. That would be the kind of conduct we should ask and expect of Mr. Iverson.

There are many athletes in America who do provide the kind of role model all Americans can endorse—the Cal Ripkens and the Tiger Woods in the World. These are the kind of people who send a very positive message about the value of the work ethic and the commitment to standards. All of us admire that kind of conduct. If Mr. Iverson is deemed to be a role model for America's youth, I suggest that the youth of America is in serious trouble.

Michael Wilbon also had a very interesting response to this subject in the Post this morning. I commend it to my colleagues as well.

Mr. President, I ask unanimous consent this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IVERSON'S BAD RAP IS WELL-DESERVED

(By Michael Wilbon)

Like a lot of other folks who care about basketball, I keep waiting for Allen Iverson to grow up. I keep waiting for him to lift some weights and get stronger so that he can better withstand the pounding he takes. I keep waiting, hoping for him to realize that games are often won at the previous day's practice, which he may or may not have attended. I keep hoping that he is old enough now—25—to understand there's a world of difference between being a great talent and a great player, between somebody who's got game and a champion. I keep waiting for Iverson to understand that the notion of being a role model goes way beyond a lot of people walking around town wearing your jersey.

But here we are, at the start of NBA season No. 5, and Iverson seems no closer to getting any of this than he did four years ago. Maybe he's further away. My vigil appears to be in vain.

NBA camps have just opened, and Iverson is in the news already, again for the wrong reasons. The story with sizzle is the controversy over a soon-to-be-released rap CD on which Iverson does what the majority of thug rappers do: He demonstrates that he, too, can bash gays, degrade women and talk about shooting somebody. That's the genre. It's pretty clear how this breaks down; if you're under 30 (regardless of race, nationality, gender), chances are overwhelming you're a lot more open to thug rap than if you're over 40. I'm 41, and most rap doesn't speak to me, doesn't move me whatsoever. But I do listen to it enough to know that lyrics Iverson's spewing on ''Non-Fiction'' are fairly common.

That doesn't mean people won't be offended, and legitimately so. Iverson's rap on gays, as reported earlier this week in the Philadelphia Inquirer: ''Come to me with faggot tendencies/You'll be sleepin' where the maggots be.'' He also raps, ''Man enough to pull a gun/Be man enough to squeeze it.''

This is a young man who in the same breath will tell you he is a role model? Sadly, he is probably right on the mark. And sadly, the hip-hop community seems to get a pass on gay-bashing and misogynist behavior.

Given what this kid has been through in his life, and that the present environment existed long before he came along, many of us have extended Iverson the benefit of the doubt. He's about used it up. It's not about his twisted lyrics, specifically. It's about squandering talent, it's about being a self-absorbed egomaniac whose position in the culture isn't nearly as big as he thinks it is. It's about never listening to anyone, and having no regard for anything that doesn't revolve around him and his. Kinda like the very dead Notorious B.I.G. and Tupac, which I'm sure Iverson would take as a compliment.

I thought Iverson was getting somewhere when he said earlier this week, ''The whole time I've been in the NBA, I haven't been professional at all. I always looked at it like it was just basketball. This year will definitely be the best season I've had since I've been in the NBA. I owe it to myself and my family and my teammates to be a better player.

''I'm concentrating on basketball. I haven't been working on my game as serious as I should've. I have the raw talent. this is going to be the most important year of my career because all eyes are on me this year. Everybody's wanting to see if I can be the captain, if I can be a leader, if I can be professional besides playing basketball, and if I'm up to the challenge. I'm ready for it because it's something I can do.''

But the longer you listen to Iverson, the more you realize he's disconnected from the world we live in, even the world he lives in. The attitude is: I can be late or miss practice whenever I want because I'm Allen Iverson, The Answer, and the team don't have nothin' if it ain't got me. And if you make a big deal out of me cussin' the coach and standing up my teammates and getting fined 50 times in one season, then you must be a punk 'cause I'm tough and you ain't.

Iverson is ticked off because the 76ers tried to trade him because he repeatedly is late to practice, if he shows at all. You know what his take is? ''That's embarrassing to hear that an organization is thinking about trading its franchise player because he's tardy to practice.''

Of course, it never occurred to him that it ought to be embarrassing for the franchise player to be tardy repeatedly. That wouldn't cross his mind. ''You're going to send me to the worst team in the league?'' he asked incredulous at the possibility of going to the Los Angeles Clippers, apparently unaware that players a whole lot more accomplished than he is (Wilt and Kareem to name two) were traded in their prime.

Truth be told, the Clippers don't want Iverson. Several teams have turned down the chance to trade for him and here's why: They're afraid he'll never get with the program—anybody's program. He plays his heart out every time he puts on a uniform. For those 48 minutes, there isn't anything he won't do to win a basketball game. He'll sacrifice his body, he'll do the dirty work some superstars don't want to do. But the great players in any sport know it only starts there. And that's what Iverson hasn't grasped. You know what he said this week about his repeated tardiness, which by the way has angered his teammates?

''Yeah, I was late to practice, but, believe me, [the number of] times that I heard nobody would put up with that. I'm not even brave enough to miss that many practices.''

So how many, Allen? ''I don't know; I wasn't counting. Don't nobody complain about the effort I give in a game. [Given the injuries and pounding he takes] it's bad enough I had to come to the game.''

Iverson went on to say he was ''hurt hearing some of the things the fans were saying, some of the things people on the coaching staff were saying. I thought a lot of people in this organization were my friends and I found out the hard way that there's no friends in this business besides your teammates.''

I guess those would be the teammates for whom he won't come to practice on time. I guess those would be the friends who have begged him for years to get his act together to try to realize there are obligations that come with an $80 million contract. If they're not sucking up to him, they're against him, they don't understand him, they're not as tough as he is.

Folks under 30 are tired of people my age wanting Iverson to be Bird or Magic or Jordan, and that's understandable. Different time, different place, the world evolves. But I'm looking at Kevin Garnett now, at Ray Allen, at Tim Duncan, at Shaq and Kobe Bryant. There is a new generation of players trying to be all they can be. And they have fully developed lives outside of basketball.

Iverson, meanwhile, raps one thing, but his actions speak even louder. It's everybody else's fault, it's the coach's fault, it's the system's fault. He says he is going to change. It reminds me of Bob Knight saying he was going to change. I'm hoping Iverson is different because he's more than 30 years younger than Knight; he can grow up if he wants. But maybe it's more important for him to talk loud while saying nothing.

Mr. BRYAN. Mr. President, again, let me urge the NBA and the Philadelphia 76ers to step forward and be heard.

They will say: Look, we cannot control Mr. Iverson's conduct. That may be true. But they have an obligation, a responsibility to speak out and to condemn such conduct, even if they are unable to control it. So far, either they have, by silence, acquiesced, or they have to acknowledge that they find nothing wrong with the CD.

I find that both troubling and tragic if that is the standard we are to follow.

Again, the NBA, the Philadelphia 76ers, and their coach ought to speak out loud and clear and indicate this is not the kind of conduct they expect from one of their star athletes and to be as critical of it as I know Americans are in general.

Mr. President, I yield the floor. I believe some of our other colleagues have reserved time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Nevada for sharing those serious concerns. It was not long ago that a group of us wrote the major department stores in the country asking them not to sell this violent material to minors, and they responded as good corporate citizens.

They said: We have a constitutional right to sell it, but we are not going to do it. Either we are not going to sell it at all, or we are going to make sure children produce an ID so we know they are old enough to buy the material. I thought that was a good corporate response.

Yes, the NBA may not legally be able to stop this stuff, but they ought to express their concern about it. The Senator makes a valid point, and I salute him for it.

(The remarks of Mr. SESSIONS pertaining to the introduction of S. 3169 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. SESSIONS. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

## ORGAN DONATION IN AMERICA

Mr. DURBIN. Mr. President, before I address the issue that I would like to speak to this evening, I would first like to acknowledge a press conference which was held today, and one which I believe could have some significance across the United States. It was a press conference here on the lawn of the U.S. Capitol. In attendance were Senators BILL FRIST of Tennessee and Senator DEWINE of Ohio—both Republican Senators—as well as my Democratic colleague, Senator CARL LEVIN and I.

What would bring together two Democrats and two Republicans in rare agreement here in the close of a session? It is an issue which, frankly, transcends party and transcends region. It is the issue of organ donation in America.

Mr. President, 72,000 of our friends and neighbors are sitting by a telephone across America at this very moment waiting for the phone to ring to be told that there is an organ available to be donated to them which could save their lives—72,000. In my home State of Illinois, there are 4,500 such people. Sadly, 300 of them will die before they receive the phone call that an organ is available.

So last year I joined with Senators FRIST, DEWINE, LEVIN, and KENNEDY, and half a dozen other Senators from both sides of the aisle, to try to address this on a national basis. We came up with the concept that this Thanksgiving in the year 2000 will be designated ''Give Thanks, Give Life Week,'' where we will try to alert families across America, as they come together for Thanksgiving, that they should take a few moments of time in that festivity and just perhaps talk to one another privately about their feelings about organ donation.

We were lucky to have the endorsement of this effort by the National Football League. At 17 different NFL games on Thanksgiving Week, they will have ''Give Thanks, Give Life'' activities.

Today, we had at this gathering on the Capitol lawn, Connie Payton, who is the widow of the great Chicago Bear running back Walter Payton. Of course, he died in November of last year from liver disease. He might have been saved by a liver transplant. She has really dedicated her life since trying to work for children and for organ donation in his memory.

Connie is a wonderful lady who has been on television in public service spots across Illinois with our Secretary of State, Jesse White, for the past 6 or 7 months. She really is well respected for her efforts.

Joining her were representatives of the National Football League from the Washington Redskins and from the Tennessee Titans. It is going to be a great opportunity across America to use what is a great family get-together to remember the very basic: If you want to give thanks, you can give life with an organ donation.

So I hope a lot of my colleagues in the other NFL cities will be part of this and will participate. In Chicago, we are going to set up tables in Soldier Field for those who want organ donation cards and to encourage people to sign their driver's licenses. At half time we are going to bring out a bunch of kids and older folks who successfully received organ transplants.

At this meeting, we had Jon Hochstein, a 5-year-old boy from Virginia. He had a heart transplant a year and a half ago, and he looks like he will play in the NFL some day.

It is a great miracle, but it can't happen without organ donors. Those of us who made that commitment, and have made it known to our families, stand at least the possibility to bring a lot of joy to families.

Mr. REID. Will the Senator yield?

Mr. DURBIN. I am happy to.

Mr. REID. The Senator from Illinois and I came to the House of Representatives together 18 years ago. I was placed on the Science and Technology Committee, and the first subcommittee I was on was chaired by Representative ALBERT GORE. One of the first hearings that he put together as chairman of that subcommittee dealt with organ transplants. That was 18 years ago. Maybe the Senator can remember the very noted hearing that he held, beginning a discussion on organ transplants.

Mr. DURBIN. I was at the same hearing.

Mr. REID. I say to my friend from Illinois, do you remember little Jamie Fisk whom he brought in?

Mr. DURBIN. I do.

Mr. REID. He was yellow.

Mr. DURBIN. Jaundiced.

Mr. REID. He needed a liver transplant. As a result of that hearing, Jamie Fisk got a liver transplant. It began a discussion in our country that the Senator from Illinois has carried on all these years about why we should be aware of the need for organ transplants.

I was not aware the Senator was coming to the floor today to speak about this subject. But my mind returns to that very dramatic hearing that went on for many hours. It was the first of its kind.

I would say, in passing, and ask the Senator if he agrees with me, that this is like AL GORE to begin something like this. He is a visionary. And this goes back long before anyone ever anticipated or thought that AL GORE would be a Member of the Senate, certainly not Vice President, and not running for the Presidency.

Mr. DURBIN. I agree with you.

But I remember it well because I was lucky enough to serve on that same subcommittee. I remember that testimony as if it were yesterday. It was amazing that this issue was brought forward. We have done so much.

Our Republican colleague, who is a medical doctor, Senator BILL FRIST, was a former heart and lung transplant surgeon. He came down here. He talked about how he used to carry around in his pocket the names of 10 or 12 people who needed an organ donation. He would go through the hospital to see if there were any families with a loved one who was about to pass away who would even consider that. He said since he stopped that practice a few years ago, the number of organ transplants has been increasing each and every year. But it can't continue unless there are more donors.

I hope this ''Give Thanks, Give Life Week'' around Thanksgiving will become an annual event. I want to really salute the National Football League and Paul Tagliabue, the Commissioner, for all the support they have given us. They have at least given it the kind of sendoff we hoped to achieve. Connie Payton, who was here the other day; Mark Moseley, who is a former most valuable player in the NFL; Bill Brundage, who was also a lineman for the Washington Redskins—they all came out here to endorse the concept.

Many times, people in sports can come forward and spur a lot of folks to take seriously what politicians, such as ourselves, may not be able to impress upon them. So this meeting today was a good one.

## TAX CUTS AND THE PRESIDENTIAL DEBATE

Mr. DURBIN. Mr. President, I also come to the floor today to talk about an issue that came up the other night during the course of the Presidential debate. I did a television show last night called ''Crossfire.'' Some people probably have seen it. It was typical. It was kind of a controlled shouting match, you might say, on ''Crossfire,'' with Republicans on one side and Democrats on the other. Mary Matalin, who is from Illinois, and has been quite well known for her chairmanship of the campaign for George Bush's election as President, was there representing the Republican side. Of course, we had Bill Press on the Democratic side. We talked about the debate.

The interesting thing to me was, the analysis of the debate by these commentators kind of came down to what I consider to be fairly superficial questions: Did George Bush show disrespect for AL GORE when he brought up the whole question about fundraising? Did AL GORE show disrespect for George Bush when he shrugged or was guilty of audible breathing?

I thought to myself at one point, is that as good as it gets in a Presidential campaign in America? We can listen to 90 minutes of debate and wonder if someone perhaps cleared their throat at the wrong time, or shrugged their shoulders, or someone else brought up a word or two that might have crossed the line.

I think it is worth a lot more for us to have these debates. I think it is important that all of us who are in this business—Republicans and Democrats—take it as seriously as the American people want to take it.

What I hear from people across the country is, we are looking for political candidates who speak candidly, honestly, openly, and truthfully. Tell us what you believe, even if we might disagree with it, so we can draw a conclusion about you, not just our ideas about you.

The issue that AL GORE came to the debate to talk about is one which was addressed a few moments ago by our colleague, Senator PETE DOMENICI of New Mexico. I listened carefully because I really respect this man. For years, when I served in the House of Representatives on the Budget Committee, and now on the Senate Budget Committee, I have watched PETE DOMENICI. He has gone after the deficit like a tiger and for years and years was admonishing Congress to cut spending, trying to bring down our deficit. He continues in that effort.

As a consequence, I wish he were here on the floor. I told him I was going to bring up this issue. I wish he were here on the floor so we could have a little debate about the proposed tax cuts of the two candidates, AL GORE and George Bush, and the impact it would have on America.

I think that is the point that AL GORE was trying to make the other night in the debate. There really are two clear choices. Both parties are for tax cuts, but they are entirely different approaches. The American people get to take their pick whichever they think is best for the future of this country and fairest for the taxpayers.

Frankly, I think the choice is very stark and very clear.

Let me show you, as an example, this chart, which demonstrates George Bush's proposal. It is true, we are at the point in our history where we are going to have a surplus; more money coming into the Federal Treasury than going out for the next 10 years.

The amount of that surplus will be somewhere in the neighborhood of $4.8 trillion—a huge amount of money. It sure is a far cry from just a few years back when we had, year after year, deficit after deficit. But, thank goodness, we are now living in an era of projected surpluses. We can start thinking about doing things with that money that will be good for the Nation.

The first thing you have to notice out of the $4.8 trillion surplus over the next 10 years is we have all agreed—Democrats and Republicans—that $2.6 trillion of the $4.8 trillion will not be touched. That is a surplus in the Social Security funds. We have said that is off limits. Nobody gets to touch the Social Security fund. So you start off with a 10-year surplus of $2.2 trillion, which I have indicated on this graph.

Then we take a look at the projection, first from George Bush, as to what you might do with that. Well, there will be a surplus as well in the Medicare trust fund, the hospitalization plan for the elderly and disabled, of about $360 billion. We think that should also be off the table. We should not touch it. We know Medicare won't last forever, and we want it to be solvent. So if you take away that amount, you are down to $1.8 trillion over the next 10 years.

Then, of course, you take the proposal of George Bush for tax breaks of $1.3 trillion, and you find that you have $500 billion left over the next 10 years.

Then George Bush has also endorsed other Republican tax breaks, such as the estate tax, the marriage penalty tax, the telephone tax, a whole variety of tax breaks which total $940 billion. Now we find ourselves in short order in the deficit category again. If you do all these things, you are back in the deficit world.

Then take a look at proposals by Governor Bush for additional spending on a variety of things—the military, education, whatever it happens to be—$625 billion, and that brings the deficit to a total of $1 trillion over the next 10 years. Then there is the proposal by Governor Bush that suggests we should privatize Social Security. That would cost $1.1 trillion. So add that to the $1 trillion, and now you have $2.1 trillion. With added interest costs of these additional debts of $400 billion at the end of 10 years, you started off with a $4.8 trillion surplus and now, at the end of it, under the George Bush plan, you have a $2.5 trillion deficit.

None of us wants to see a return to those deficits. So the alternative which has been proposed on the Democratic side by Vice President GORE suggests a much more reasonable approach: Start with the same $2.2 trillion, the non-Social Security surplus; protect the Medicare trust fund, $1.8 trillion; targeted investments, $530 billion. What is that for? Additional medical research at the National Institutes of Health, more money for our schools, environmental protection, cleaning up some of the environmental waste sites across America. Now add in the prescription drug benefit under Medicare, which we support on the Democratic side. You are now down to $943 billion.

Then we bring in our tax cuts, $480 billion worth of tax cuts, which I will describe in a few minutes. Then after you have reduced interest, you have a net of $310 billion on the plus side. You are not back in deficit land again. You don't see the red ink on this chart. You are still above the line. You still have a surplus.

The Vice President has suggested that we should put this in a rainy day fund because, frankly, all of these economic projections are just guesses about the future. If we guess wrong, we should have a rainy day fund for emergencies. The good news is, as we address this approach, by the year 2012, we will have eliminated, under Vice President GORE's proposal, the publicly held national debt in America.

What does that mean? It means that the debt being held by folks who own treasuries and securities in the Federal Government will have been retired. And if that is retired, then it means less competition for capital, lower interest rates, more opportunity for businesses to expand and families to borrow money for mortgages. It also means that our kids will not be carrying the burden of the national debt on their shoulders. I don't think we can leave our children a better gift. Those who would suggest that a tax cut is a much better deal miss the point.

The best deal is for us to eliminate the publicly held national debt, have targeted tax cuts, and end up with a surplus at the end. To find ourselves, as Governor Bush has proposed, running into all of this red ink from his proposals would be a recipe for disaster. We would not only still have our national debt, we would be adding to it. I don't think that does our kids and grandchildren any good whatsoever.

When AL GORE said repeatedly the other night that the Bush tax cut spends more for the wealthiest 1 percent than the total that he wants to

spend on education, defense, health and prescription drugs, that is exactly what the figures show. The tax cuts proposed by George Bush for the wealthiest 1 percent of Americans, $667 billion worth of tax cuts, are greater than the investments he wants to make in defense, health care, education, and prescription drug benefits combined. It is his choice. In this business of politics, it is a business of choices. I think it is important for us to reflect for a moment on the distribution of those tax cuts proposed by George Bush.

This was a point raised earlier by Senator DOMENICI. I am sorry that we didn't have a chance to be on the floor together so we could explore what we are talking about.

Who are the people who make the top 1 percent of income in America? They turn out to be folks who make more than $319,000 a year. That is $25,000 a month. I don't expect people to hold up their hands if they happen to be in that category. When you talk about those who need a tax cut, does it spring to your mind automatically that this is the first group we should care about, that 40 or 50 percent of all the tax cuts ought to go to people making over $25,000 a month? Boy, that sure doesn't calculate in my mind.

And the Bush tax cut, the average tax cut for those people making over $319,000 a year, is $46,000 a year. That is the Bush tax cut for the top 1 percent. You go down to people in the lower income categories and you see that it is small change. If you are making less than $14,000 a year, George Bush thinks you need a tax cut, too, $42 a year. If you are making less than $24,000 a year, it is up to $187 a year; under $40,000 a year, $453 a year.

As you look at this, you have to ask yourself a question: Is it really important for Members of Congress to feel the pain of the wealthiest people in America or perhaps to identify with a lot of middle-income and working families who are struggling with the necessities of life?

I come to this job believing that our responsibility isn't to the wealthiest. I think they are doing pretty well. America has been pretty prosperous for the last 8 years, more economic prosperity than at any time in our history. And it shows. People are living better. They are saving more. They are enjoying a better lifestyle. To think they need a tax cut at this moment in our history rather than to eliminate the national debt, rather than to provide tax cuts for people in lower income categories, is beyond me.

There are some interesting statistics, too, about what has happened to Federal tax rates since Bill Clinton and AL GORE took over. There was a statement made frequently by Governor Bush that he wants to cap the total Federal tax rate at 33.3 percent. He said no one should pay more than a third of their income in Federal taxes. That is an interesting proposal. But as you get into it, this is what it says. Let me give you an idea.

For middle-income families, since the Clinton-Gore administration took office, the total Federal tax rate has dropped to 22.8 percent, the lowest rate since 1978. So telling those folks we are not going to let your taxes go beyond 33.3 percent, they are already doing well. Tax rates are coming down. We want to continue to see them come down with more targeted tax cuts. For families with incomes of $24,000, the tax rate went from 19.8 percent in 1992 to 14.1 percent in 1999, the lowest tax rate since 1968.

So when the suggestion is made that the Federal tax rate won't be any higher than a third for anybody, it really goes back to the highest income categories. That is his shorthand version of saying: I want to give a tax cut not to working families but to people at the highest income categories. What George Bush is challenging is basically the idea of a progressive income tax, something that we really agreed on almost 80 years ago in America.

We said, if you are well off and you are doing better, you should pay a higher tax rate than people who are struggling to get by. Every President has gone along with that from the beginning, Democrats and Republicans alike. But the arguments coming from Governor Bush at this point suggest he doesn't believe that. He believes we should reduce the rate for the wealthiest people in the country and not provide similar tax relief for those who are in lower income categories.

It would be a virtual windfall, in terms of tax benefits, for some of the wealthiest people in America. Honest to goodness, should we be on the floor of the Senate and in the House dreaming up ways to make Bill Gates' life more comfortable? I don't think so. How about Donald Trump? I think he is doing okay. I watch the way he dresses and his lifestyle. I don't think he will need this $46,000 from George Bush. In fact, if he receives it, he may not even notice it.

When we talk about tax cuts on the Democratic side, we are talking about things that working families will definitely notice. Let me give you some ideas of the things we have come up with that we think are targeted tax cuts consistent with keeping the economy moving forward and helping everybody, not just a few. The Republicans criticized these, but that is what campaigns are about.

On the Democratic side we believe the No. 1 concern of working families is paying for their children to attend college. You can look at kids coming out of college who are $15,000, $20,000 in debt, and higher. Parents wonder, for goodness' sakes, how can we save up enough for this child to be able to go to college. I did a survey in Illinois. Over the last 20 years, college tuition in public and private universities in my State has gone up 200 to 400 percent. So it is understandable that there would be anxiety among parents as they try to think about how they are going to pay for college.

Well, Vice President GORE and the Democrats have suggested that up to $12,000 of college tuition and fees should be deductible on your taxes. You can't do that now. We think you should. That would be a helping hand to working families who want their kids to go to college and acquire the best skills, but they don't want them loaded down with debt when they graduate. It is simple, straightforward, honest, and popular. I have been across my State, which is split down the middle politically. I have yet to run into a crowd that didn't applaud that suggestion. They know, either through their kids or their own life's experience, that this is the sort of thing that works. I went to Rockford College in Rockford, IL, and I asked them, ''What is the average indebtedness of your graduates upon graduation?'' They said, ''It's $20,000 after getting out of school.''

If the Gore plan for education expense deductions were in place, that student would graduate with a debt of $4,000 or $5,000, instead of $20,000. And if you have accumulated college debt, you will be able to claim a tax credit for the interest that you have to pay on it. So I think that is the kind of targeted tax cut that makes more sense, rather than giving Bill Gates $46,000 a year, which he won't even notice.

Secondly, a lot of people are concerned about day care. I understand now with a grandson—and Senator REID and I were talking about our grandkids earlier. I have a 4-year-old grandson, and my daughter and son-in-law are concerned about quality day care and the cost of it. We want Alex to have the very best. But it gets expensive. A lot of families can't afford the best. So we give a tax credit for day care, but it is not adequate. It doesn't meet the need. A lot of families struggle and worry. They are hoping that the kids they pick up at the end of the day will be better off than when they left them, but they are never sure.

Wouldn't it make more sense for us to have a greater tax credit for day care? A lot of working families would applaud that. Kids in a better environment have a better chance to be healthy and safe and to succeed. So that is a targeted tax cut which has been supported by Vice President GORE and supported on the Democratic side.

A third one relates to long-term care. This is one that virtually all of us face as our parents get older and need additional attention. We may find, perhaps, that a visiting nurse, or some sort of convalescent care, or assisted living situation is the key for happiness for a person you love very much, a parent who has given you their entire lives. But it is expensive, and there are a lot of out-of-pocket expenses involved when a conscientious family cares for an aging parent or grandparent.

As the Democrats have proposed, I think a tax break for those engaged in

long-term care assistance for their parents and relatives is a sensible investment. Today, at a town meeting which we have every Thursday—Senator FITZGERALD and I—for visitors from Illinois, a young lady talked about her little boy who suffered from autism and how, after all of the efforts by the school district and her health insurance, she and her husband still had to borrow from relatives and take out of pocket to care for their disabled little boy. She said to me: Why in the world can't I get help under the Tax Code for that?

I think she is right. Doesn't it make more sense for us to make sure the Tax Code is sensitive to people's real needs in raising their families?

When these folks are making a sacrifice for their children, shouldn't we be there to help them along? That is the difference. On the Democratic side, we target the tax cuts as I have just described. On the Republican side, they say, no, we think the wealthiest top 1 percent in America should get 42.6 percent of the tax breaks; those making over $300,000 a year should get $46,000 a year in tax breaks. And, frankly, they disparage our approach as being ''too selective.'' Well, it is true; our tax cuts do go for specific purposes, but they are purposes with which real families can identify.

So when the debate started disintegrating into a question about who was clearing their throat, or shrugging their shoulders, or glaring at whom, I thought there is much more at stake in this election. I hope in the closing weeks of the election—and the Vice Presidential debate is tonight, and the Presidential candidates will debate on two more occasions in the next few weeks—we can get down to business here. I think there is a clear choice on so many issues.

I haven't mentioned prescription drugs, and I would like to do that for a moment. There is such a dramatic difference between the approach that George Bush proposed for prescription drugs and that by proposed by Vice President GORE. Did you know the Bush proposal, in the first 4 years, would depend on each State enacting a prescription drug benefit? That's right. Every single State would have to enact the law and do it their own way. That means just a handful of people will be assisted. In Illinois, over a million people might qualify for prescription drug help, but because of the way the law is written, only 55,000 actually do. It is limited to a certain number of diseases and certain drugs. Frankly, that doesn't do the job. As a consequence of that, you will have a lot of people left behind.

Governor Bush says for 4 years we will let the States take care of it, if they want to. Some States already have prescription drug benefit plans. Illinois is one of them, but Texas is not. So the State of Texas, where he is Governor, hasn't even enacted a prescription drug benefit plan. And now George Bush says we will leave it up to the States and they can show the initiative and leadership when it comes to prescription drugs for 4 years. Then, at the end of 4 years, things get very interesting under Governor Bush's plan. It is at that point he says we will take it away from the Governors in the States and put it in the loving and caring arms of a group which we know America trusts the most—insurance companies. Insurance companies.

So the decisions on the prescription drugs won't be made by doctors, nurses, or health care professionals. Once again, they will be made by clerks at insurance companies, who will decide which drugs they are going to put in their formulary, their accepted prescription drugs, and which ones they will not. They will decide the premiums and how much the copay will be. You will decide on your own how much help you will get. If you happen to be making a certain amount of money, you may not qualify for any assistance whatsoever. That is the George Bush plan. That is his approach. He says it gives you maximum choice. You get to pick your own insurance company. What a break. Then your insurance companies get to pick the drugs which you may be allowed to take.

Contrast that with the Democratic plan, supported by AL GORE. He says this ought to be a voluntary universal plan under Medicare. There is your choice. The private insurance companies versus Medicare. That is the choice I think a lot of people don't understand is really before us in this Presidential election. GORE believes in a prescription drug benefit under Medicare that is universal, voluntary, and available for everybody. Bush says to first give it to the States, let them work with it for a while, and then give it to the insurance companies and let them take it over. That is the choice. It is no choice at all. Under the Gore plan, the Medicare prescription drug benefit plan, your doctor will be prescribing your drugs. Medicare will help you pay for them. Under the Bush plan, the health insurance company will decide which drugs you can apply for and how much you pay in premiums.

I don't think that is much of a choice. I think back to 1965 when I was a student. I can remember the debate under Medicare. The Republicans opposed the creation of Medicare. It was Lyndon Johnson's idea that they called socialistic, the Great Society, so forth and so on.

Look at where we are today, 35 years later: A health insurance plan for the elderly and disabled which has lengthened the lifespan of senior citizens and which has brought dignity and independence to their lives. Medicare is a system they trust. When AL GORE suggests that prescription drug benefits should be under Medicare, seniors say: We feel at home with Medicare. We know how it works.

Do seniors who voluntarily sign up have to pay a premium? Of course, they pay for Medicare now. It is understandable. They will be making a monthly payment. But look at the peace of mind they buy for $50 a month. They realize there is a maximum amount they will have to pay each year for prescription drugs. If a medical catastrophe comes along, they know they are not out on a limb and unable to fill those prescriptions if they need to.

When it comes to tax cuts and prescription drug benefits, what a clear contrast between the two candidates for President of the United States. Elections are about choices.

Many of our friends on the Republican side of the aisle, frankly, who didn't have much of an inclination toward these issues are now discovering these issues. They are now newfound converts to the idea of prescription drug benefits. They have come up with a plan, which is interesting, about the reimportation of drugs after they have been sent overseas. You know a lot of drugs made in the United States go to other countries and they are sold for a fraction of the cost. The question is, can you bring them back into the country, buy them at a fraction of the cost in Canada and Mexico, and bring them back in the United States? I support it.

It really shows how far this system has disintegrated when the drug companies sell drugs in Canada for a fraction of what they cost consumers in the United States, where the drugs were developed with taxpayers' money through the NIH and inspection by the FDA and others.

This reimportation of drugs from other countries, as appealing as it sounds, can't possibly solve the problem. It is impossible to believe that American drug companies will just be shifting drugs overseas on a wholesale basis and expect Americans to import them back into the United States. At some point, they will slow down the sales overseas and they will take control of the situation.

The only real answer for a prescription drug benefit under Medicare is for the Medicare system to bargain with the drug companies for reasonable prices and costs for these drugs. That is really a key issue in this campaign and a key difference between the two candidates.

I know this is likely to come out tonight in the debate between our colleague, Senator JOE LIEBERMAN, and the former Secretary of Defense, Mr. Cheney. But I don't believe this is the end of the debate. I think it will continue on the Senate and House floor in the closing days and weeks of this session. Ultimately, the American people will be the judge. We have asked the American people in many polls which approach they prefer, and they say, hands down, that the Democrats understand Medicare, understand prescription drug benefits, and understand how to bring tax cuts that work for working families so that prosperity is there for everyone and not just a few.

(Mr. SMITH of Oregon assumed the chair.)

Mr. REID. Mr. President, before the Senator yields, may I ask the Senator a question? Did he say the top 1 percent of the people in the Bush tax cut get almost 50 percent of all the benefits?

Mr. DURBIN. That is correct.

Mr. REID. Did the Senator also say there are a number of converts during the last few months on issues that we have developed? Take, for example, the Patients' Bill of Rights. Isn't it true that in this body, on a straight party-line vote, there was a Patients' Bill of Rights in name only? The majority, the Republicans, passed a Patients' Bill of Rights. But is the Senator aware of what is in the Republicans' Patients' Bill of Rights that is good for the American people?

Mr. DURBIN. I can respond in this regard. I know the Republican so-called Patients' Bill of Rights was so good that the insurance companies approved of it and embraced it and endorsed it. Frankly, it is supposed to be a law that protects consumers against the excessive attitude and conduct of these insurance companies. Excuse me if I am skeptical, but this bill is endorsed by the lobby that is supposed to be fighting for the Patients' Bill of Rights. I smell a rat. Maybe I shouldn't use that term in light of the political campaign that is going on. I suggest perhaps that it not a real Patients' Bill of Rights.

Mr. REID. Is the Senator also aware that a Republican Member of the House of Representatives, a medical doctor from the State of Iowa, who looked at the bill we passed in the Senate, which the Republicans passed over objection, denigrated that bill? I repeat: Is the Senator aware that a Republican House Member from Iowa who is a medical doctor has stated that the bill passed out of here by the Republicans is bad?

Mr. DURBIN. That is Congressman GANSKE of Iowa. There was a bipartisan coalition in the House that endorsed the Democratic bill, the one that really works, the only one endorsed by virtually every medical group in America that understands patients ought to have the benefit of a doctor's judgment, not an insurance company's judgment, when it comes to critical health care.

They have created their own Trojan horse, this phony bill on the Patients' Bill of Rights. Honestly, I think the American people are going to see through it.

Mr. REID. I say to my friend from Illinois that it is possible to do work around here on a bipartisan fashion. That was demonstrated by Congressman NORWOOD, a Republican, and Congressman DINGELL, a Democrat. Congressman DINGELL is not a medical doctor. It is a good bill. Does the Senator agree?

Mr. DURBIN. It is a good bill. It is almost identical to the bill the Democrats had in the Senate.

I think the Senator from Nevada is also aware that we now have a new Member in the Senate from the State of Georgia who is committed to supporting our bill. We are now at a point where we believe that bill could pass.

Mr. REID. Is the Senator aware that we have not been allowed, through parliamentary maneuvers over here, to have a vote on the Patients' Bill of Rights? But we now have, obviously, a new Member who will vote in favor of it.

Mr. DURBIN. The Republican leadership in the Senate doesn't want to allow a vote on the Democratic Patients' Bill of Rights, almost the identical bill that passed in the House, because they know it would pass and it would be an embarrassment to them. The Democrats would win that battle. I don't think the people at home care whether the Democrats win or the Republicans win. They want families to win. This is an example where families would win, where you could have protection.

Let me give an example. I am sure the Senator is well aware of this. If a woman in the course of a pregnancy is going to her obstetrician, and because there is a change of insurance companies at her employment, she is asked to go to a different HMO, we provide that she can continue with the same doctor's care, in whom she has confidence, through the completion of her pregnancy. I think it is common sense and good medical judgment. I think both sides could agree on it. That is part of our Patients' Bill of Rights.

It says if you are going to the emergency room with a child, you don't have to check in the glove compartment, pull out the insurance policy, and go through it page by page to get the right hospital. It says if somebody at an insurance company makes a wrong decision and you lose your life or your health, they can be held accountable, as every business and person in America is held accountable.

Those are some basics in the Democrats' Patients' Bill of Rights. The Republican leadership does not want that issue to come to the floor because they now know we have the votes to pass it. They have blocked us every step of the way.

Mr. REID. Is the Senator also aware—which I am certain he is, but I would like to hear his response—that the Democrats' Patients' Bill of Rights is something unusual as far as this Senator is concerned, because we have the support of literally every organization in America: the AMA and the American Bar Association? I can't remember these two organizations ever agreeing on anything. Virtually the only organization that opposes this legislation is a health insurance company.

Does the Senator acknowledge that?

Mr. DURBIN. That is the reason a Patients' Bill of Rights hasn't passed in the Senate. It is not a question of what is right and popular, what the people want, and what health care professionals say will be best for the future of health care. It is a question of political muscle. The insurance companies have more political muscle in the Senate. They have stopped us from bringing this bill to the floor for a vote.

Shortly we will adjourn and go home with a lot of unfinished business. This is one of them. We came this close to doing it, but the Republican leadership said: No, we are not going to allow the Patients' Bill of Rights to come to the floor for a vote. That is an illustration of their insensitivity to what people in this country really care about: good health care. This Congress has not responded to it. In many respects, this Congress couldn't care less. That is sad because it is our responsibility, as representatives of the people of the States who elect us to listen to their needs and to respond to them. We have been totally unresponsive because of the efforts of the Republican leadership.

Mr. REID. If the Senator would also answer this question; it was brought up indirectly by the Senator's last statement. One of the things we have not done here is do something about campaign finance reform. As we are talking all over America, there are 30-second and 1-minute spots being run by this group, that group, the Democratic Party, Republican Party, and independent groups. The American public is beginning to get almost punch drunk as to who is advertising what.

Does the Senator think it would be one of the most important things we could do as a body and as a Congress to get this campaign finance problem under control, such as getting rid of soft money? Does the Senator think it would help the body politic to have campaign finance reform? We have been prevented from this by the majority.

Mr. DURBIN. The Senator is right. The efforts of our colleague, Senator RUSS FEINGOLD, and Republican Senator JOHN MCCAIN are well documented. AL GORE has said: As President, the first bill we will send the Congress is the McCain-Feingold campaign finance reform. The first bill he will accept is a bipartisan bill to deal with campaign finance reform.

If we cannot come to grips with the abuses of the campaign finance system, several things will occur. The special interest groups, which rule the corridors of Congress and continue to rule the campaigns, will set the agenda; and secondly, many good men and women will continue to refuse to get into this business because they don't want to mess with multimillion-dollar campaigns, these attack ads that come from every direction, and the attacks on personal lives and reputation which have become so commonplace in negative campaigning.

It is interesting to me we have a bill so clearly bipartisan. The Republican Senator, JOHN MCCAIN, was very popular as a Republican candidate for President. In fact, he carried a few States in the Republican Presidential primary. Yet we can't even get that

bill to the floor for a vote in a Senate that is controlled by the Republican Party.

I think the American people see through this. I think they understand that this is not a fight over the Bill of Rights, it is a fight over the rights of Americans to be well represented.

Mr. REID. I say we need more people like the Presiding Officer. He has joined with us in many bipartisan matters. I hope the conversation we have had today does not in any way reflect upon the Senator from Oregon, who has worked with us on a number of issues. I am sure it has caused him a problem on the other side of the aisle.

The reason I mention that is everyone thinks McCain-Feingold is a bipartisan bill, and it is, in the sense that JOHN MCCAIN has stepped way forward on this to talk about the need for campaign finance reform. But the people willing to help him on the other side of the aisle, the majority of them, are few and far between.

On a number of issues we have talked about today, with rare exception, the Senator from Oregon has been willing to join in a bipartisan fashion to pass legislation. As my friend from Illinois has said, it is possible we could do this. All we have to do is what is right for the American people and get rid of these very high-pressure lobbying efforts—for example, the health insurance industry, which is preventing us from moving forward on something like a Patients' Bill of Rights.

Mr. DURBIN. At this point, I acknowledge my colleague, Senator FITZGERALD of Illinois, who also voted for the Patients' Bill of Rights. He has publicly stated he thinks it is the best approach. I think it takes extraordinary courage sometimes to break from your party on these issues.

The presiding Senator from Oregon has showed exceptional leadership and courage on the hate crimes issue. This was not an easy issue, I am sure, for him; it was not for any of us. He stood up on that issue. I will remember that for a long time. It was exceptional. We want to make sure we continue in that bipartisan spirit. I hope even in the closing days we might reach out and find some bipartisan common ground to deal with some of these important issues.

I see some of my colleagues have come to the floor, and they have been very patient in waiting for me to finish my remarks. I yield the floor.

Mr. REID. Mr. President, what is the parliamentary order before the Senate?

The PRESIDING OFFICER. We are in morning business. Senators are permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I am following up on the Presidential debates of the other evening. I was thinking about what Governor Bush was saying about his Medicare plan. He was referring to Vice President GORE and saying: You are engaging in ''Mediscare''—''Mediscare.'' You are trying to scare the seniors.

The more I have looked at Governor Bush's Medicare proposal for prescription drugs, I have come to the conclusion that if his plan ever comes into effect, the senior citizens in this country ought to be scared. They ought to be scared about this.

Here is the difference between what Vice President GORE wants in terms of prescription drugs and what Governor Bush wants. In my right hand I have a Medicare card. Under the prescription drug policies of Vice President GORE, this is all you need to get your prescription drug. You have a Medicare card, you go to your doctor, he prescribes the drugs, you go to your local pharmacy, and you get your drugs filled. That is all you need—your Medicare card.

Under the Bush proposal, which goes out to the States, they have to pass legislation, and if you make over $14,600 a year, you get nothing. So in order to qualify for prescription drugs under the plan advocated by Governor Bush, you would basically have to meet all of the requirements for Medicaid in terms of showing your income, assets, everything else.

I want to put together the sheaf of papers you would have to fill out if you were an elderly person and you wanted to get prescription drugs under the Bush plan. This is what you would fill out. It looks like about 40 pages of paperwork. First of all is the tax return. You have to take that in and show them how much you made. Then you have to do all the documents, including instructions, applications, certificates, estate recovery—of course, if you have some estate and you have some assets. There is an insurance questionnaire. This is the type of paperwork you would be faced with under the Bush proposal.

Under the Gore proposal: One simple Medicare card.

I sum it up by saying what the seniors of this country want is Medicare; they don't want welfare. That is exactly what Governor Bush is proposing in his Medicare prescription drug proposal.

## JUDGESHIPS

Mr. HARKIN. Mr. President, an issue I will be talking about every day is the issue of judgeships and the fact that we still have our judges bottled up, especially Bonnie Campbell, who has now been waiting 217 days to be reported out of the committee. Yet we just had some judges approved this week who were nominated in July, had their hearing in July. They were approved. But Bonnie Campbell still sits in the Judiciary Committee.

It is not right, it is not fair to her, it is not fair for our judicial system. Bonnie Campbell has all of the qualifications to be a judge on the Eighth Circuit. A former attorney general of Iowa, she did an outstanding job there. Since 1995, she has been the first and only director of the Office of Violence Against Women in the Department of Justice which was created by the Violence Against Women Act of 1994. Again, she has done an outstanding job.

There has been some good news. During that period of time, domestic violence against women, in fact, has decreased. But the facts are we have a long way to go. In 1998, American women were the victims of 876,340 acts of domestic violence. Domestic violence accounted for 22 percent of violent crimes against women. During those same years, children under 12 lived in 43 percent of the households where domestic violence occurred.

We have to reauthorize the Violence Against Women Act. Last week, the House passed by 415–3 the reauthorization of the Violence Against Women Act. Again, I doubt they would have passed it so overwhelmingly if its only person charged with enforcing that law had done a bad job in running the office. I did not hear one comment on the House floor, nor have I heard one here, that in any way indicates that Bonnie Campbell did not do an outstanding job as head of that office. She did do an outstanding job and everyone knows she did. So now we're hearing that the Violence Against Women Act will be attached to something else and pass the Senate that way.

Yet perhaps the one person in this country who understands this issue and this law better than anyone else is Bonnie J. Campbell, who has directed that office for the last 5 years. We need people on the courts and on the bench who understand that law and can apply it fairly across our Nation. That is why we need Bonnie Campbell on the Eighth Circuit.

Right now we have quite a lack of women serving on our circuit courts. Frankly, the number of women on our circuit courts is appalling. We need more women on our circuit courts. And we need to confirm them here. Of the 148 circuit judges, only 33 are women—22 percent. That, in itself, is scandalous.

Bonnie Campbell should be added to that list.

Again, it doesn't seem right that Bonnie Campbell would get a hearing back in May and then remain bottled up in Committe. Lets go back to the presidential term of George Bush. During that time, every single district and circuit nominee who got a hearing—got a vote in Committee. And all but one got a vote on the Senate floor.

Yet we are not allowed to vote on Bonnie Campbell's nomination on the floor. So as I said, it is not fair to her. It is not fair to the judicial system. It is not fair to the advise and consent clause of the Constitution to hold her up.

Mr. President, I will again, today, as I will do every day, ask unanimous consent to discharge the Judiciary Committee of further consideration of this nomination.

Mr. President, I ask unanimous consent to discharge the Judiciary Committee from further consideration of the nomination of Bonnie Campbell, the nominee for the Eighth Circuit Court, that her nomination be considered by the Senate immediately following the conclusion of action on the pending matter, that the debate on the nomination be limited to 2 hours equally divided and a vote on her nomination occur immediately following the use or yielding back of that time.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Is there objection?

Mr. MACK. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, again, every day I will come out and ask unanimous consent to get Bonnie Campbell's name out of the committee and on the floor for a vote. Yet the objections come from the Republican side of the aisle. Why, I don't know. As I said, no one has said she's not qualified. If someone wants to vote against her to be on the Eighth Circuit, that is that Senator's right—obligation, if it is a vote he or she feels in conscience that he or she must cast. But, again, I say, give her a vote.

The PRESIDING OFFICER. The 10 minutes of the Senator has expired.

Mr. HARKIN. I ask unanimous consent to wrap it up in about 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. So it only seems fair and right we bring her out here and have a vote. If people want to vote one way or the other, that is fine. But it is not fair, 217 days.

I will end my comments again by saying the standard bearer of the Republican Party, Governor Bush of Texas, has stated there ought to be a 60-day deadline on judge nominations, in other words 60 days from the day nominated to the time they get a vote in the Senate. I endorse that. Bonnie Campbell has been sitting there 217 days. Let's bring her out for a vote.

I will yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

## ECONOMICS

Mr. MACK. Mr. President, as my colleagues know, I will be leaving the Senate at the end of my term. I want to put a few thoughts on the record over the next few days, depending on the time available.

I have four grandchildren—three grandsons and one granddaughter—Ronnie Elam, Brett Elam, Blake Caldwell, and Addison McGillicuddy. The comments I am going to make today really are from the perspective of thinking about them and their future and the desire to see that they will grow up in a country and in a world where their opportunities will be equal to, if not better than, those of their parents, their grandparents, and their great-grandparents. I want them to have a better understanding when they reach that point when they have their own families.

As people look back on the last several decades of the 20th century, I want, at least from my perspective, to be able to put on the record what I believe happened from both an economic and foreign policy perspective, and from a national security perspective. So that is what my comments will reflect today, my thoughts with respect to economics primarily and some that will reflect my feelings with respect to national defense.

So I would like to talk about economics, a topic that has been one of my passions as a Member of the Congress. Economic policy was the very reason I ran for the House of Representatives back in 1982. As many of us may recall, our country remained in a deep recession at the time, still struggling to recover from the economic policies of the 1970s. Although it was still being phased in, President Reagan's economic program was under attack by our friends across the aisle. But, to me, the Reagan economic program was a bold reaffirmation of the very purpose of America.

Many people have noted the happy coincidence that the year 1776 saw the publication of two of the most important documents in world history, Adam Smith's ''Wealth Of Nations'' and Thomas Jefferson's Declaration of Independence. These works share the theme of freedom. Smith made the case for free trade and unfettered markets, as Jefferson put in words the concept that government exists to protect individual liberty.

These documents rebutted, refined, and transcended the prevailing views of 1776 Great Britain. For over a century, these principles held firm and the United States stood tall as a beacon of hope and opportunity for people from all points on the globe.

Ours was a society without a rigid class structure, a society that promised equal opportunity for all based on individual enterprise and hard work, not government privileges and connections. America had no large bureaucracies intruding upon every sphere of commercial life. We relied on the willingness of individuals to shoulder the risk and responsibility that is part and parcel of private enterprise.

But this distinctly American way was challenged by two worldwide crises in the 20th century. First came the Great Depression. Although gross government mismanagement of the money supply and counterproductive trade policies were the cause of this crisis, government was put forward as the cure. This led to the proliferation of alphabet agencies seeking to steer every aspect of the American economy, as government assumed a new income redistribution role.

The second crisis was the rise of totalitarianism on the European Continent. The United States won World War II, but in the process of saving Europe from one brand of tyranny, an equally evil force came to occupy half of Europe, and the war effort was used as the justification for price controls and economic intervention that was unprecedented in the United States.

The welfare state in America grew by leaps and bounds. Once it was conceded that the Government is the guarantor of income, each successive call for new and bigger programs became harder and harder to resist. At the same time, the consolidation of the Soviet bloc presented the largest threat to freedom in human history, presenting new and costly challenges for America as the beacon of freedom. Exaggerations of Soviet economic success fueled the call for greater Government involvement in the U.S. economy. Over time, high tax rates and regulatory excesses accumulated like barnacles to slow the once mighty ship of American private enterprise.

It is hard for younger Americans to imagine how bleak our Nation's prospects appeared before Reagan assumed the Presidency. Recurrent, simultaneous bouts of high unemployment and high inflation confounded most economists, who viewed the two as a tradeoff. It was thought that to reduce unemployment you had to accept inflation and to reduce inflation you had to accept higher unemployment. Producers and consumers suffered from an energy crisis. And real household incomes were shrinking as fast as ''bracket creep'' was raising everyone's tax bill year after year. The response of the incumbent administration was hardly inspiring—ranging from suggesting ''voluntary'' wage and price controls to preaching that we must learn to live within limits. In short, the American establishment was telling the American people to accept the notion that they no longer controlled their own economic destinies.

Starting in the 1970s, the media aggressively advanced the notion popular in intellectual circles that America's free enterprise system was failing. This view persisted through the 1980s. The best-seller lists were crowded with books telling of the decline of America and predicting that Japan would be the economic juggernaut of the 21st century. Even in the 1992 campaign, Bill Clinton and AL GORE were extolling the virtues of the European economic systems, of social democracy and industrial planning. We hear echoes of this approach today, with candidate AL GORE's Government-knows-best mentality. GORE proposes to micromanage and fine-tune the economy, social engineering through tax credits designed to make people behave the way the Washington bureaucrats want them to—such as buying ''fuel-efficient'' eighteen-wheeler trucks.

Ronald Reagan's ''Program for Economic Recovery'' was the opposite of the Government planning approach advocated by the critics of capitalism. Reagan rejected the idea that policymakers could fine-tune the economy,

much less control it from Washington. Instead, he sought to establish a stable environment conducive to economic growth. This meant getting inflation under control, and reducing taxes, regulation, and the size and scope of Government. It meant restoring the incentives for working, saving, investing, and succeeding. It meant opening America to the benefits and challenges of international trade.

Ronald Reagan's economic principles resonated within me. I had seen firsthand the obvious connection between the expansion of Government and our worsening economic performance. When I started in the banking business in 1966, I probably spent 90 to 95 percent of my time engaged in activities that I considered productive—designing new services to attract business, working to increase the market share and profitability of the bank. The rest involved Government paperwork. By the time I left in 1982, this ratio had completely flipped: I was spending 85 to 90 percent of my time trying to figure out how to comply with Government regulations and mandates. There was a constant stream of letters from the Government dictating how we should manage our business, from the Comptroller of the Currency, the Treasury, the FDIC, and the Federal Reserve, on topics ranging from flood insurance to so-called truth-in-lending. I remember a letter that went so far as to tell us the specific temperatures to set our heating and cooling thermostats in our businesses. Some people may have forgotten this level of Government intrusion.

In fact, others may believe it never could happen in a country such as America, but it has. It has happened before, and if we are not vigilant, it could happen again.

I received a letter from Federal Reserve Chairman Paul Volcker detailing which types of loans we could and could not make. To make the example, I could lend a family money to add an additional bedroom to their home. If that same family wanted to add a swimming pool to their home, I was prohibited from making that loan.

To some, this may have made sense if you believed that the Government should be managing consumer demand, but that role made no sense to me.

With my experience in the banking business, it wasn't hard to understand why we as a nation were having difficulty competing around the globe, when we had moved so many of our resources away from productive activities and into trying to comply with Government regulations. Over the years I had come to realize that all the abstract Keynesian theories I was taught in college ignored how the choices and incentives of individuals are altered by government interference in the economy. By failing to account for the real world, those theories in practice had come pretty close to ruining the economy. But along came Ronald Reagan, with a common sense approach that went back to basics—free markets, free enterprise, free trade. Here was a man who had recognized that big Government was a detriment to the economy, a man who approached things from the perspective of freedom as opposed to Government. I shared that perspective and recognized the importance of President Reagan's election. On election night, November 4, 1980, I knew that I had to get involved in this great campaign to restore freedom—but I would have never guessed that, two decades later, I would be standing here in the United States Senate.

Ronald Reagan clearly saw that the problem was too much government, and the solution was more individual freedom. When he assumed the Presidency, we suffered from high inflation and high unemployment. To combat the first, he prescribed reigning in the rapid growth of the money supply, asking the Fed to minimize the damage to the economy caused by high and volatile inflation. The second problem required deep cuts in the high tax rates that were deterring work, saving, and investment. But the Fed delivered tight money a lot sooner than the Congress could deliver the tax cuts, which were phased-in over 3 years. The Fed had overreacted to the stimulus of tax cuts that had not yet arrived, exacerbating the economic downtown, throwing the budget seriously out of balance, and putting the third year of the Reagan tax rate reductions in jeopardy.

In the recession of the early 1980s, the economic policies of President Reagan that inspired me to public service came under attack. In the now famous ''Stay the Course'' campaign of 1982, the President's party retained control of the Senate, minimized losses in the House despite the dire economic times, and preserved the Reagan economic program. We also kept on track President Reagan's defense policies, which were under attack from short-sighted critics who were unwilling to pay the price to ensure our freedom. I am proud that my first campaign was in that fateful year, when President Reagan's detractors stood a chance of putting his programs in jeopardy and I was able to make a stand in favor of his programs.

As I mentioned, the Reagan economic program was my inspiration to run for office. As a freshman, I cut my teeth in the House by circulating a letter vowing support for the President's veto of any bill that tampered with the third year of the tax cuts. After I obtained the 146 signatures necessary to sustain a veto, that threat disappeared, and the Kemp-Roth tax cuts were allowed to work. President Reagan's most dramatic policy change was without a doubt this supply-side tax cut. It seems also inconceivable today that just two decades ago, marginal income tax rates were as high as 70 percent in the United States. It was little wonder that our country was in economic decline, when its most economically productive citizens could keep only a 30 percent share of their additional earnings. These high tax rates not only discouraged additional work and investment at the margin, but also confiscated capital that could have been used for job creation by the private sector.

By cutting income tax rates by 30 percent across-the-board, Reagan restored a large measure of freedom to the American taxpayer—not just the freedom to spend money that would have been taxed away, but the freedom that results when economic decisions are no longer influenced by high tax rates. It was not about the dollars that would have been collected had tax rates stayed high, but the choices that would never have been made because of these high rates—decisions to expand plant capacities or start new businesses, for instance.

President Reagan entered the White House with one paramount spending goal: to rebuild our national defense, since national security is the most fundamental responsibility of the Federal Government. He realized that to provide this desperately needed public good, while cutting tax rates to unleash the productive forces of the nation, required fiscal restraint in the non-defense portion of the Federal budget.

The difficulties that President Reagan had in taming the congressional urge to spend made a balanced budget and tax limitation amendment to the Constitution one of my top priorities when I entered Congress. It also motivated me to be the main House sponsor, along with Dick Cheney, of the Gramm-Rudman Deficit Reduction Act, which worked for at least a few years to hold spending down. Today, as much as ever, I believe some super majority restriction on the ability of Members of Congress to spend taxpayers' dollars is necessary. Unless taxes are cut to keep the revenues from flowing into Washington, the trillions of dollars of surpluses that are projected over the next decade will not last—if the taxes are collected, Congress will spend them.

Reagan also initiated a sea change in monetary policy. He did not want the Federal Reserve to manipulate the money supply in an attempt to target interest or unemployment rates. All he wanted was price stability, the elimination of high levels of inflation from the economy. The Fed should not be responsible for the level of growth in the economy—this is the role of the private sector. The best economic environment that the Fed can provide is one in which inflation expectations play a small or almost nonexistent role in long-term planning. Reagan's appointees to the Federal Reserve Board, people like Alan Greenspan, Preston Martin, Manley Johnson, Martha Seger, and Wayne Angell, shared this view and took politics out of monetary policy.

Throughout the Reagan years, the loudest and strongest advocate of stable prices in the Congress was Jack Kemp. Jack would talk tirelessly about the need for ''a dollar as good as gold,'' and his intellectual and political support for this position no doubt influenced President Reagan's selection of Greenspan as Fed Chairman. Alan Greenspan continues to hold sway at the Federal Reserve as part of the Reagan legacy, and his record at containing inflation has set a high standard. As a member of the Senate Banking Committee I have attempted to institutionalize this approach to monetary policy, sponsoring a bill that would make price stability, not economic growth or ''stabilization,'' the goal of the Federal Reserve. Thanks to the monetary policy initiated by President Reagan, this legislation is now a safeguard rather than a necessity.

The prevailing attitude concerning trade has also shifted, thanks to President Reagan—who recognized the fallacy of protectionism. In large part, this was due to his belief in competition and free enterprise. But his attitude was also shaped by his confidence in America. He was neither afraid of foreign competition, nor embarrassed that imports might be preferred over American goods. America, as a nation of immigrants, represents the best that the world can offer. More than any consumer good, the main export of America must be the ideal of political and economic freedom, an ideal that is undercut by trade restrictions.

By signing a free trade agreement with Canada, opening free trade negotiations with Mexico, and proposing the dismantling of agricultural trade barriers in the Uruguay Round of the GATT, Ronald Reagan went on the offensive for trade liberalization. At a time when Japan-bashing was commonplace—when Members of Congress were literally bashing Japanese-made electronics into pieces on the steps of the Capitol—Reagan did not retreat from his basic free-trade principles. The remarkable success of U.S. industries from computers, semiconductors, software, biotechnology and many others over the past 2 decades has vindicated Reagan's belief that American business prospers best in an open and competitive free enterprise environment.

Today, principally as a result of the supply-side policies pursued by the Reagan administration, the U.S. economy is healthy. Both inflation and unemployment are low. Productivity is growing rapidly and incomes are rising.

Any doubts that President Reagan is responsible for today's bounty should be dispelled by considering a few fundamental questions. Would American economic growth be as robust today if the Federal Government still took 70 cents of every additional dollar of income from our most productive citizens? If the typical family was hit with a 49 percent Federal income tax rate on top of an effective payroll tax rate of 14.2 percent?

Would our economy be so strong if we were still suffering from double-digit inflation and interest rates, due to the politicized use of monetary policy to manipulate consumer demand? If the trend of the last 2 decades were toward managed trade, rather than freer trade? Would entrepreneurs and innovators abound if high inflation and high tax rates on capital gains slashed the returns to their risk-taking?

Would the Soviet Empire have fallen if it had not been for the military buildup, diplomatic leadership, and resolute defense of freedom during the presidency of Ronald Reagan? Would our country be as secure as it is today if instead of trading partners, the people of Eastern and Central Europe were still prisoners of the Soviet bloc? If our fellow Americans south of our border were still the potential victims of imported totalitarianism instead of full participants in established democracies?

Our debt to Ronald Reagan reminds me of an exchange mission I once went on, with Tom Foley and Dick Cheney.

It was a congressional delegation that went to France in 1985. On that trip, we spent most of our time in Paris. But for the last several days, we went out to the French countryside. I went to a little town called Le Mans, where I traveled around with my host, Francois, from that district. I learned a lot about what his country was experiencing.

At the end of that tour, we did what many of us would refer to as an old-fashioned town meeting, where I responded to questions from the French audience for almost 2 hours. At the end of the period, I asked Francois if it would be all right if I were to ask the audience a question. And he was gracious in my request, and I asked them: Since I am returning to America tomorrow, I would like to be able to tell other people of the State of Florida what you think about our country.

The first person stood up and said: ''We think of America as a dynamic, growing, thriving, exciting place.'' A second person that stood up said basically the same thing. The third person to address me was a fellow who probably was in his late 70's or early 80's. This fellow was stooped over, his weight being supported precariously on an old, gnarled cane. He came over closer to me, looked me directly in the eyes, and said: ''You tell the people of America that we will never forget that it was the American G.I. who saved our little town. You tell them we'll never forget!''

Well, I feel that way about Ronald Reagan, my political hero, who inspired me to enter politics. America will never forget what President Reagan did for us. He gave us back our faith and renewed our belief in this country. He gave America back its pride. He rebuilt America's defenses. His economic policies reduced taxes, reduced inflation, reduced unemployment. He put America back to work again. He reminded America what made us a great nation—our commitment to freedom. And he won the cold war without firing a single shot.

The citizens of America and the people of the world will never forget.

Mr. President, I yield the floor.

***NOTICE***

***Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.***

## ORDERS FOR FRIDAY, OCTOBER 6, 2000

Mr. MACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Friday, October 6. I further ask unanimous consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the leaders be reserved for their use later in the day, and the Senate then begin a period of morning business with the time until 10 a.m. equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. MACK. Mr. President, for the information of all Senators, the Senate will be in a period of morning business until 10 a.m. Following morning business, the Senate may begin consideration of the Transportation appropriations conference report or the sex trafficking victims conference report. It is hoped that the Senate can begin consideration of either of these conference reports prior to noon tomorrow. Therefore, votes could occur by midmorning.

Mr. REID. Mr. President, may I ask my friend a question?

Mr. MACK. Certainly.

Mr. REID. Is there a ''definite maybe'' that we will have a vote? Is that about it?

Mr. MACK. I think that is probably as close to a ''definite maybe'' as you can get in the Senate at this time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until tomorrow at 9:30 a.m.

Thereupon, the Senate, at 6:51 p.m., recessed until Friday, October 6, 2000, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate October 5, 2000:

### INTER-AMERICAN FOUNDATION

ANITA PEREZ FERGUSON, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2006, VICE MARIA OTERO, TERM EXPIRED.

### FEDERAL DEPOSIT INSURANCE CORPORATION

JOHN M. REICH, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF SIX YEARS, VICE ANDREW C. HOVE, JR., TERM EXPIRED.

# EXTENSIONS OF REMARKS

## THE NAMING OF THE CARL RENYA MEMORIAL FIELD ON THE 50TH ANNIVERSARY OF CAPUCHINO HIGH SCHOOL

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 5, 2000*

Mr. LANTOS. Mr. Speaker, too often in today's world, our newspapers are filled with stories about all of the things that are wrong with sports. Today, I want to take a moment to honor someone who was an example of all that can be right about athletic competition.

I want to report to my colleagues in this House about a man with an innocent passion for sports, who embodied the virtues of good sportsmanship. A man with a kind gentle spirit, who was an institution on the bleachers and the fields of Capuchino High School in San Bruno and other high schools in San Bruno, Burlingame, and Millbrae, California. Mr. Speaker, I rise today to pay tribute to an outstanding man—Carl Renya.

A graduate of Capuchino High School and affectionately known as ''Mr. Capuchino,'' Carl was the personification of all that is good about sport. A lifelong fan of our Peninsula high schools, Carl could be counted on to be in the audience for every game. He was such a part of the competition that athletes and made rubbing his bald head a pre-game ritual for good luck. In addition to attending every game, Carl regularly authored a sports column in the San Bruno Herald. Although he did not posses the greatest singing voice, Carl took great pride in telephoning local high school principals at 6:00 a.m. on game day mornings to sing the school's fight song.

Mr. Speaker, Carl Renya passed away in March of 1998. It was appropriate that the memorial service for Carl was held in the Gymnasium of Capuchino High School with athletes, cheerleaders, two marching bands, and brightly colored banners which recalled his commitment to the school and its athletic programs.

On Sunday October 8th the people of the Peninsula will gather to honor the 50th Anniversary of Capuchino High School. As part of the anniversary celebration, the school's football field will be renamed and dedicated to honor Carl Renya. Mr. Speaker, I cannot imagine a more appropriate honor. During his brief but full fifty-nine years, Carl touched the lives of all those with whom he came in contact. Now that Carl is gone, those whose lives he touched have their opportunity to cheer for him. Mr. Speaker, even though Carl is no longer cheering on the sidelines, his presence will still be felt at every Capuchino High School football game—which now will be played at the Carl Renya Memorial Field.

## TRIBUTE TO ALBERT MARDIROSSIAN, JR., PASSAIC LIONS CLUB MAN OF THE YEAR

### HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 5, 2000*

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a person I am proud to call my friend, Albert Mardirossian, Jr. of Clifton, New Jersey, who will be recognized on Friday, October 6, 2000 as the Passaic Lions Club Man of the Year. He was feted because of his many years of service and leadership. The 80-year-old organization chooses one man each year that has, ''given themselves to both the city and its residents.'' It is only appropriate that he be honored, for he has a long history of caring, generosity and commitment to others.

Albert was recognized for his many years of leadership in New Jersey, which I have been honored to represent in Congress since 1997, and so it is only fitting that these words are immortalized in the annals of this greatest of all freely elected bodies.

Born in Passaic, New Jersey, Albert Mardirossian, Jr. graduated from Clifton High School in 1956. He received his BS from Fairleigh Dickinson University in 1960. As an undergraduate, he served as Class President, Student Council President and Captain of the Fencing Team. Later, he was the school's fundraising chair in 1965 and its Alumni President in 1966.

Albert has always been an active and involved leader. The time at Fairleigh Dickinson instilled in Albert the attributes necessary for him to become a stellar force in the community. It was the small steps in the beginning of his career that taught him the fundamentals that would make him a role model to the people that he now serves.

Known for a questioning mind and an ability to get things done, Albert has received numerous community awards. These include two previous ''Man of the Year'' designations. The Passaic Optimists named him in 1985, and the Passaic Old Timers AA tapped him in 1986. He also received ''Appreciation Awards'' from the Hispanic Information Center of Passaic in 1985 and from the Passaic County Freeholders in 1993. In addition, he is a winner of the Councilman Jim Shoop Community Service Award and the Deacon Magnus Ellen Community Service Award.

Currently, Al builds homes and develops properties in South Jersey, mostly in Little Egg Harbor Township in Ocean County. This native of Passaic and Clifton resident is active in both communities. He has long donated time and money to school athletics. This was evidenced in 1999 with the naming of the Passaic High School ''Albert Mardirossian, Jr. Weight & Training Room.'' Sports are a passion for Al since he used to own two sporting goods stores.

Mr. Speaker, I ask that you join our colleagues, Albert's family and friends and me in recognizing the outstanding and invaluable service to the community of Albert Mardirossian, Jr., a true humanitarian.

## TRIBUTE TO JOSEPHINE YOUNGS

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 5, 2000*

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in honoring Mrs. Josephine Youngs of Roselle, New Jersey as she celebrates her 100th birthday.

Born on October 25, 1900, in Jacksonville, Florida, Mrs. Youngs is the youngest surviving child of eight siblings, four brothers and four sisters. Mrs. Youngs married Walter Youngs in 1921, and they became the parents of one child. Mrs. Youngs has lived in Roselle, New Jersey for 28 years and is now cared for by her daughter, Geraldine McLean. A long time member of Mount Pleasant Baptist Church in Newark, Mrs. Youngs maintains a keen interest in current events, including the upcoming Presidential election. In addition, she is accomplished at sewing, quilt making, and gardening. She also cheers for the Yankees during baseball season.

Mr. Speaker, Mrs. Youngs is truly an inspiration to those around her. As her family and friends gather to celebrate her life spanning a century, it is fitting that we take this opportunity to pay tribute to her and to extend our very best wishes on this special birthday.

## IN RECOGNITION OF CONSTITUENT JANE RYAN

### HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 5, 2000*

Ms. BERKLEY. Mr. Speaker, I rise to recognize the great work of my constituent, Jane Ryan, RN, MN, CNAA, who is ending her tenure this year as President of the American Psychiatric Nurses Association (APNA).

Mr. Speaker, Jane Ryan has dedicated her entire career to the field of mental health. For many years, Ms. Ryan focused on training the next generation of psychiatric nurses at the University of California at Los Angeles (UCLA). As a tribute to her work, former students have been known to still talk about Jane's unique ability to bring out the best in her pupils. Despite her busy schedule, ever the teacher and mentor, Jane still continues to keep in touch with a number of her former students and colleagues.

Mr. Speaker, Jane Ryan has worked tirelessly on the issue of seclusion and restraint. Recently, her hard work came to fruition as Congress passed language related to seclusion and restraint that focuses on patient and

staff safety issues. I supported passage of this measure and was a co-sponsor of the Patient Freedom from Restraint Act. I agree that seclusion and restraint requires our serious attention and we must all thank Jane for her leadership in this area.

During her career, Jane Ryan never lost sight of the larger picture—she never forgot why she and others entered into the field of psychiatric nursing—to help people. With this in mind, she always stressed the need to hold a constant dialogue with patients and their families, in addition to those in the health care provider community. This important theme was made clear when APNA established a Consumer Advisory Task Force to continue this important dialogue. This type of progressive thinking is a hallmark of Jane's leadership.

Mr. Speaker, I had the pleasure of meeting Jane a number of times in my Washington, D.C. office. In fact, with her numerous visits to my office, I was beginning to wonder when she planned to stay in my home state of Nevada for more than one week at a time! However, I do know that I am scheduled to meet with Jane at least one more time this year for what promises to be a very special ceremony in Nevada. I am pleased to announce that I was chosen to receive APNA's 2000 Congressional Service Award. This is a true honor and I wish to thank the entire membership for their consideration.

Mr. Speaker, we have seen a tremendous amount of progress in the field of mental health over the past few years. For example, Dr. David Satcher released the first-ever Surgeon General's report on mental health, where we were reminded of the need to chip away at the stigma that still surrounds mental illness. In 1999, we witnessed the historic White House Conference on Mental Health, led by Mrs. Tipper Gore, where participants, including Jane Ryan, discussed ways to increase access to mental health care. Also, I must mention the efforts of my colleague Senator HARRY REID, who has worked tirelessly to draw attention to the issue of suicide—a problem affecting far too many families across the country and, in particular, those in Nevada. We know, then, much work remains. However, we should reflect and be proud of the accomplishments that were made in the field of mental health—and look forward to more progress.

Mr. Speaker, we must thank people like Jane Ryan, for the remarkable strides we have made. There is no doubt that Ms. Ryan, along with the many other members of the American Psychiatric Nurses Association, are to be commended for their work. On behalf of my colleagues, and citizens across the country, thank you for making a difference in the lives of Americans across the country.

## CELEBRATING THE 89TH NATIONAL DAY OF THE REPUBLIC OF CHINA ON TAIWAN

### HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 5, 2000*

Mr. LAMPSON. Mr. Speaker, today I would like to make note of and salute the upcoming 89th National Day of the Republic of China on Taiwan which will be celebrated on Tuesday, October 10, 2000.

In recent years, Taiwan has emerged as a major economic power in the world. Much of the economic success is attributable to the efforts of its leaders. They understand that a strong economy is a necessary basis for political progress and reform.

From its one-party past, Taiwan has become a true democracy with a number of political parties. In fact, Mr. Chen Shui-bian of the Democratic Progressive Party was elected president by the people of Taiwan last March. Since his inauguration as president on May 20, President Chen has impressed his people and the world with his leadership and vision for the future.

Mr. Speaker, on this very special day to Taiwan, I extend my congratulations to both President Chen, and Representative C. J. Chen of the Taipei Economic and Cultural Representative Office in the United States.

## IN HONOR OF THE LATE MAYOR GEORGE CHRISTOPHER

### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 5, 2000*

Ms. PELOSI. Mr. Speaker, I rise to honor the life of one of San Francisco's greatest mayors, Mayor George Christopher, who recently passed away at the age of 92. Every San Franciscan owes Mayor Christopher a debt of gratitude for his service as mayor and his commitment to San Francisco. Mayor Christopher envisioned San Francisco as the world-class city it is today and worked tirelessly to make his dream a reality.

Having emigrated from Greece at the age of 2, George Christopher rose from humble beginnings to become the dominant figure of his time in San Francisco politics. He brought San Francisco the Giants, cleaned up the police force, championed civil rights, and altered the city's landscape. He changed the city in ways today's residents may not even realize.

As the following editorial from the San Francisco Chronicle testifies, George Christopher was a ''Giant of San Francisco'':

If the Giants win the National League pennant this year for San Francisco, the person most responsible for the feat won't be Barry Bonds or Dusty Baker or the legion of others who take the field, run the bases or manage team affairs. No, the real credit should go to George Christopher, the illustrious, can-do guy who as mayor lured the franchise here from New York more than 40 years ago.

In a magical move that left New Yorkers seething, Christopher somehow persuaded then-team owner Horace Stoneham to uproot the Giants from the New York Polo Grounds and ship them—Willie Mays and all—more than 2,700 miles west. It was a glorious day in San Francisco history, and Christopher, who died yesterday at age 92, will always be known for it—in part, because hardly anyone knows how he did it.

But Christopher was an early-riser, a go-getter who spent long hours cooking up ways to elevate the vitality and prosperity of his city. ''Every era has to take care of its own needs,'' Christopher once said in a casual statement that summarizes his spirit and tenure at City Hall. After corralling the Giants, Christopher became the driving force behind building a stadium for them to play in at wind-swept Candlestick Point. There were some howls about the Arctic-like atmosphere that surrounds where it sat and some questions of cost and patronage. But there is no question that it was a pragmatic decision.

With similar energy and insight, Christopher pushed for a light rail system that evolved into BART. And he argued for a hotel tax because ''extra promotional funds are needed to bolster a number of worthwhile cultural activities, such as the Opera.'' The fees, he reasoned, would also help attract tourists.

The business community shuttered, but Christopher was right. Tourism has flourished ever since. And the hotel duty has provided millions of dollars for the arts, low-cost hearing and numerous other social services alike.

No wonder he swept into office by a 2-to-1 ratio, winning endorsements from all the daily newspapers, buoyed by support from many Democrats even though he was a Republican. The ever-gentlemanly Christopher will be long remembered for baseball and for his distinctive brand of business-like and effective leadership.

My thoughts and prayers are with his three sisters, Beatrice Tentes, Helen Christopher, and Ethel Davies and all of his family and friends. We will miss him greatly.

## HONORING CAMELIA ANWAR SADAT AND DENISE BROWN

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 5, 2000*

Mr. DINGELL. Mr. Speaker, today I commend two extraordinary persons, Camelia Anwar Sadat and Denise Brown, for their tireless efforts to raise the level of awareness of the serious problem of domestic violence. Over the years, both Ms. Sadat and Ms. Brown have been effective advocates for victims of domestic violence. They have committed substantial amounts of time and resources to help address this problem. I am pleased to welcome Ms. Sadat and Ms. Brown to Southeast Michigan when they will address the Arab-American domestic violence dinner sponsored by the Arab Community Center for Economic and Social Services (ACCESS) on October 11, 2000.

Domestic violence has been a problem of great enormity throughout history. Six years ago, however, a bipartisan majority of Congress passed, and President Clinton signed, the Violence Against Women Act (VAWA). VAWA was a giant step forward in our country's response to violence against women. It was the first federal law of its kind to recognize that gender-based crimes prevent women from being full participants in society. VAWA has had an enormous impact on many women and children through grants and federal prosecutions. VAWA expired on September 30, 2000, however, I am pleased to note that on September 26, 2000, the House of Representatives not only voted overwhelmingly to reauthorize VAWA, but also to expand the original law. I am hopeful the Senate will do likewise so this important legislation can become law.

Violence against women must be stopped and every person must do their part. VAWA is playing an important step in ending this violence, but it cannot do so alone. It is vitally important that the public is educated about the effects this violence has on our society. Ms.

Sadat and Ms. Brown are committed advocates and continually reach out and educate communities about domestic violence. I laud their efforts and accomplishments that are raising public awareness and helping purge domestic violence from our nation.

## CELEBRATING THE 89TH NATIONAL DAY OF TAIWAN

### HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 5, 2000*

Mr. HILLIARD. Mr. Speaker, I wish to send best wishes and congratulations to His Excellency Chen Shui-Bian, President of the Republic of China, and all the citizens of Taiwan on the occasion of their 89th National Day. Taiwan has prospered in recent years. It has one of the strongest economies in the world, and its people enjoy unprecedented prosperity.

Taiwan has good schools, a good transportation system, and quality health care. Furthermore, the people of Taiwan enjoy political freedom through direct elections, a free press, and a commitment to human rights.

Taiwan has every right to be proud on the occasion of its 89th National Day, and I urge my colleagues to join me in congratulating the country's achievements.

## REOPENING OF THE GOLDEN ROSE CHORAL SYNAGOGUE IN UKRAINE

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 5, 2000*

Mr. LEVIN. Mr. Speaker, I would like to take this opportunity to extend my sincere congratulations to the Jewish community of Ukraine, and particularly to Rabbi Kaminezki, as they celebrate the reopening of one of Ukraine's most important symbols of Jewish culture—the Golden Rose Choral Synagogue in the city of Dnepropetrovsk.

This important event, which took place on September 20, symbolizes the rebirth of the Jewish community in Ukraine since the collapse of the Soviet Union. Now, as a result of a great deal of hard work and perseverance, the Jewish community in Ukraine can be described as one of the most vibrant Jewish communities in all of the countries comprising the former Soviet Union.

Today in Dnepropetrovsk, for example, the town where the Golden Rose Synagogue is located, Jewish orphanages, schools, food centers, community centers, medical centers, centers that provide care for the elderly, and centers for Holocaust survivors and victims of communism, are all thriving.

What I find even more promising, is that similar positive developments can be seen in many cities and towns across Ukraine. Today, there are more than 260 Jewish public organizations functioning in Ukraine—organizations that are successfully working on a daily basis to promote and consolidate national self-identity and revive important cultural and religious customs and traditions for all Ukrainian Jews.

I am pleased that the Ukrainian Government is committed to continue working together with Jewish community leaders across Ukraine toward resolving the complex issue of the restitution of objects that used to be Jewish community property. In this regard, it is important to stress that more than 33 synagogues, including the one known as Brodsky's Synagogue in Kiev, have already been returned to the country's religious communities.

I hope that in coming weeks and months all Ukrainians will continue working together to promote religious tolerance and freedom. Ukraine's progress in this area so far should stand as a positive example for other countries in the region to follow as they seek to create environments in which no person is subject to persecution solely on the basis of his or her religious or ethnic background.

## IN REMEMBRANCE OF GEORGE BECKER, JR.

### HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 5, 2000*

Mr. HALL of Texas. Mr. Speaker, it is an honor for me to pay tribute to the late George Becker, Jr. of the Becker Community, located in Kaufman County in the Fourth Congressional District. George suffered a serious injury on his ranch and spent his last months in the hospital fighting for his life until he passed away on May 14 at the age of 84. George was a ''fixture'' in his community and will be missed by his family and many friends.

George was born August 15, 1915, in the Becker Community, the son of George and Florence Nash Becker. He was a graduate of Texas A&M University and a lifetime rancher and realtor. George was very active in the Texas and Southwest Cattleman's Association. He was a leader in the Becker United Methodist Church and a trustee at Trinity Valley Community College since the 1970's. During World War II, he served as a captain of a PT Boat.

George spent his life in the community in which he was born and raised. He gave his time, talent and energy to community causes and activities—and to the vocation which he loved and which finally claimed his life—ranching.

He is survived by his brother, Major General Bill Becker and sister-in-law Frances of Kaufman; his brother, Bryan Becker of Dallas; his sister, Ellen Becker Dodson and brother-in-law, Dr. Ed Dodson of Texarkana; and many nieces and nephews.

Mr. Speaker, George Becker was a respected citizen of Kaufman County whose passing has left a void in the Becker Community. As we adjourn today, I ask my colleagues to join me in paying our last respects to this fine American, George Becker, Jr.

## TRIBUTE TO THE SELF RELIANCE (NJ) FEDERAL CREDIT UNION

### HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 5, 2000*

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a remarkable organization, the Self Reliance (NJ) Federal Credit Union of Passaic, New Jersey. This outstanding money lending organization celebrates its 40th Anniversary on Sunday, October 29, 2000. It is a company with a long history of caring, generosity and commitment to others. Its years of service and leadership deserve to be honored.

The Self Reliance (NJ) Federal Credit Union was recognized for its many years of leadership in Passaic, which I have been honored to represent in Congress since 1997, and so it is only fitting that these words are immortalized in the annals of this greatest of all freely elected bodies.

The Self Reliance (Passaic, NJ) Federal Credit Union opened its doors in January of 1960 with seven members in a small office. The office was located in the Ukrainian National Home on Hope Avenue in Passaic. Members include members of the Self-reliance'' Association of Ukrainian Americans, employees of the Union and relatives of employees. Founded on the principle of ''People Helping People,'' the credit union provides financial services that help its members enhance their quality of life.

On February 28, 1960, 51 members elected the credit union's first Board of Directors and Supervisory Committee. A loan policy was established. In January of 1961, the first annual meeting of members took place. Over the first year the credit union's membership increased to 191 and total loans were $23,000. The following year there were 241 members and total loans increased to $44,000. From 1966 through 1970, the credit union gained approximately 40 members per year to a total of 582, with $424,000 in loans.

In 1989, the Board of Directors purchased a building on Allwood Road in Clifton, New Jersey. The site was completely renovated. In August 1991, the credit union relocated its main office to Clifton, and expanded the hours of operation at the branch office in Passaic. In April 1993, the organization changed its name to Self Reliance (NJ) Federal Credit Union.

In November 1995, the union established an additional facility in Whippany, New Jersey. The same year the union introduced VISA Credit Cards, Home Equity Loans, international electronic fund transfers and IRS Certificates of Deposit to its list of services. During 1996, VISA Check (Debit) Cards were introduced giving members ATM machine access.

In July 1997, the group merged with Self Reliance (Elizabeth, NJ) Federal Credit Union increasing the number of branch offices to four. By 1998, with financial growth of 15%, the credit union became the largest Ukrainian financial institution in the State of New Jersey.

Today the union boasts nearly $60 million in assets and over 4,300 members. To mark the occasion of its 40th anniversary in the year 2000 a disco was held on October 27, a Zebava (cultural) dance was held on October 28, and a banquet was held on October 29.

Mr. Speaker, I ask that you join our colleagues, the members and supporters of this special credit union and me in recognizing the outstanding and invaluable service to the community of the Self Reliance (NJ) Federal Credit Union.

## TRIBUTE TO PASTOR CHARLES E. THOMAS

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 5, 2000*

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in honoring a very special person, Rev. Dr. Charles E. Thomas, Pastor of New Hope Baptist Church in Newark, NJ, who will retire later this month after more than three decades of faithful service.

Born and raised in Montgomery, AL, to Reverend Nathaniel and Fannie Thomas, he pursued his educational goals, receiving a bachelor's degree in business administration from Selma University in Selma, AL. Reverend Thomas received a bachelor degree in theology from the American Baptist Theological Seminary in Nashville, TN, and an honorary doctorate degree from the Urban Bible Institute of Detroit, MI. Reverend Thomas was called to the New Hope Baptist Church in Newark, NJ, in 1957 and began his pastorship on August 6, 1968.

Throughout his years of service, Pastor Thomas has made a difference in countless lives through his strong commitment to the church and to the entire community. In 1972, Reverend Thomas undertook a major project, the formation of the New Hope Day Care Center, which was first housed in the church's dining room. The day care center later moved to a four-story building purchased by the church. Today, the center continues its successful operation, rendering services for 66 children year round on a daily basis. Pastor Thomas also administered the development of the Minority Contractors and Craftsmen Trade Association and the New Hope Skills Centers. These programs trained workers in carpentry, masonry and machinery and enabled them to pursue careers in those fields.

Pastor Thomas also reorganized the Scholarship Fund at New Hope, expanding opportunities for young men and women who wish to attend college. In 1975, Pastor Thomas organized the New Hope Development Corporation, which was responsible for the building of New Hope Village, a 170-family housing complex in Newark which provides affordable housing. Other innovative programs he spearheaded include van transportation for seniors, services to address teen pregnancies, prison ministry and drug and alcohol counseling.

Mr. Speaker, on the occasion of his retirement, let us express our warmest congratulations to Pastor Thomas and our appreciation for his dedicated service to his church and his community.

## ITALIAN-AMERICAN HERITAGE

### HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 5, 2000*

Mr. LAMPSON. Mr. Speaker, October 9th is Columbus Day. Columbus Day is more than just a celebration of the great explorer, Christopher Columbus, it's about the achievements of Italian-American heritage and the vision of our entire nation.

Italian-Americans came to this country with little, but we've left a large mark on our history and culture. I look at my own family and feel the same way—I started with little and hopefully will leave a mark on the Southeast, Texas area. My mother, who did not graduate from high school, but earned a G.E.D. on her 80th birthday, successfully raised six children by herself after my father died when I was young. She produced an artist, a doctor, a college teacher, successful business people, and a United States Congressman—not too bad.

In 1492, a brave and noble explorer with nothing but dreams landed in a vast and foreign land full of promise—America. Although he can be considered a controversial figure because Americans born here in what is now the U.S. certainly lost during European expansion, his courage and desire for success made him a hero to all.

Columbus Day celebrates our proud people and recognizes the unique Italian-American experience. With strong leadership and eternal pride, Italian-American communities not only in Southeast Texas, but also around the nation, have distinguished themselves through a strong sense of family and dedication to their youth.

Mr. Speaker, I believe the most valuable and most powerful influence Christopher Columbus has on our nation and in our human history is vision. All Americans can draw inspiration from the character and accomplishments of Columbus.

With his sense of vision, courage, imagination, and optimism, we can create a future bright with promise and a new world where all of us can pursue our dreams. For we have the power to shape the vision of this nation today, tomorrow, and into the next century.

## THE NEEDLESTICK SAFETY AND PREVENTION ACT

SPEECH OF

### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 3, 2000*

Ms. PELOSI. Madam Speaker, we are here today because needlestick related health problems are costly and preventable. H.R. 5178, the Needlestick Safety and Prevention Act, will protect our Nation's health care providers from unnecessary health risks.

Each year, between 600,000 and 800,000 health care workers are accidentally stuck by needles. As a result, over 1,000 of these injured workers go on to contract HIV, hepatitis B, or hepatitis C, and over 100 eventually die from their illness. Even those who are fortunate enough not to be infected by one of these diseases must suffer through 6 months of waiting before they and their families know that they are healthy.

This suffering can be avoided. Studies have shown that over 80 percent of needlestick injuries are avoidable. Passage of the Needlestick Safety and Prevention Act will require a strong national standard to prevent needlestick injuries, and will empower OSHA to increase the usage of safer needles.

These changes will reduce not only the suffering of injured providers and their families, but also the costs that hospitals must absorb each time a needlestick occurs. The post-exposure treatments that every injured worker have cost up to $3,000. My home State of California was the first State to pass this legislation, and estimates are that we will save over $100 million each year as a result.

Unfortunately, this legislation will be too late for many health care providers. Peggy Ferro, a health care worker in my district in San Francisco, was the first health care provider to pass away from AIDS as a result of a needlestick. She died at the young age of 49, while still fighting for passage of the legislation that we are debating today.

Although this legislation has not been passed soon enough to help Peggy, we can honor her memory by ensuring that safer needle technology is used in health facilities. I urge my colleagues to vote ''yes'' on H.R. 5178.

# *Daily Digest*

**HIGHLIGHTS**

**Senate passed Continuing Appropriations Resolution.**

**Senate agreed to the Conference Report on Interior Appropriations.**

**House committees ordered reported 13 sundry measures.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S9875–S9931***

**Measures Introduced:** Fifteen bills and four resolutions were introduced, as follows: S. 3161–3175, S. Res. 367, and S. Con. Res. 142–144. **(See next issue.)**

**Measures Reported:**

S. 1950, to amend the Mineral Leasing Act of 1920 to ensure the orderly development of coal, coalbed methane, natural gas, and oil in the Powder River Basin, Wyoming and Montana, with an amendment. (S. Rept. No. 106–490)

S. 1969, to provide for improved management of, and increases accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land, with an amendment in the nature of a substitute. (S. Rept. No. 106–491)

S. 2448, to enhance the protections of the Internet and the critical infrastructure of the United States, with an amendment in the nature of a substitute. **(See next issue.)**

**Measures Passed:**

***Continuing Appropriations:*** By 95 yeas to 1 nay (Vote No. 264), Senate passed H.J. Res. 110, making further continuing appropriations for the fiscal year 2001. **Pages S9876–79**

***Peopling of America Theme Study Act:*** Senate passed S. 2478, to require the Secretary of the Interior to conduct a theme study on the peopling of America, after agreeing to committee amendments. **(See next issue.)**

***Saint Croix Island Heritage Act:*** Senate passed S. 2485, to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine, after agreeing to a committee amendment. **(See next issue.)**

***Carter G. Woodson Home National Historic Site Study Act:*** Senate passed H.R. 3201, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Carter G. Woodson Home in the District of Columbia as a National Historic Site, clearing the measure for the President. **(See next issue.)**

***Fort Matanzas National Monument:*** Senate passed S. 1670, to revise the boundary of Fort Matanzas National Monument. **(See next issue.)**

***"I Have A Dream" Speech Plaque:*** Senate passed H.R. 2879, to provide for the placement at the Lincoln Memorial a plaque commemorating the speech of Martin Luther King, Jr., known as the "I Have A Dream" speech, after agreeing to a committee amendment in the nature of a substitute. **(See next issue.)**

***Yuma Crossing National Heritage Area Act:*** Senate passed H.R. 2833, to establish the Yuma Crossing National Heritage Area, clearing the measure for the President. **(See next issue.)**

***Gaylord Nelson Apostle Islands Stewardship Act:*** Senate passed S. 134, to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area, after agreeing to a committee amendment. **(See next issue.)**

***Colorado Land Conveyance:*** Senate passed S. 1972, to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park, after agreeing to committee amendments. **(See next issue.)**

***Coal Market Competition Act:*** Senate passed S. 2300, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State. **(See next issue.)**

***Pennsylvania Hydroelectric Project Extension:*** Senate passed S. 2499, to extend the deadline for commencement of construction of a hydroelectric project in the State of Pennsylvania. **(See next issue.)**

***Saint Helena Island National Scenic Area:*** Senate passed H.R. 468, to establish the Saint Helena Island National Scenic Area, after agreeing to a committee amendment. **(See next issue.)**

***Ivanpah Valley Airport Public Lands Transfer Act:*** Senate passed H.R. 1695, to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, after agreeing to committee amendments. **(See next issue.)**

***Lake Tahoe Restoration Act:*** Senate passed S. 1925, to promote environmental restoration around the Lake Tahoe basin, after agreeing to a committee amendment in the nature of a substitute. **(See next issue.)**

***Wyoming Land Conveyance:*** Senate passed S. 2069, to permit the conveyance of certain land in Powell, Wyoming. **(See next issue.)**

***Golden Gate National Recreation Area Boundary Adjustment Act:*** Senate passed H.R. 3632, to revise the boundaries of the Golden Gate National Recreation Area, clearing the measure for the President. **(See next issue.)**

***Black Hills National Forest and Rocky Mountain Research Station Improvement Act:*** Senate passed H.R. 4226, to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest, clearing the measure for the President. **(See next issue.)**

***National Historic Lighthouse Preservation Act:*** Senate passed H.R. 4613, to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program, clearing the measure for the President. **(See next issue.)**

***Effigy Mounds National Monument Additions Act:*** Senate passed H.R. 3745, to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa, clearing the measure for the President. **(See next issue.)**

***West Virginia Hydroelectric Project Extension:*** Senate passed S. 2942, to extend the deadline for commencement of construction of certain hydroelectric projects in the State of West Virginia. **(See next issue.)**

***Virginia Land Exchange:*** Senate passed S. 3000, to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, after agreeing to a committee amendment in the nature of a substitute. **(See next issue.)**

***California Trail Interpretive Act:*** Senate passed S. 2749, to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States. **(See next issue.)**

***Virginia Wilderness:*** Senate passed S. 2865, to designate certain land of the National Forest System located in the State of Virginia as wilderness. **(See next issue.)**

***Texas Land Conveyance:*** Senate passed H.R. 4285, to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, and to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, clearing the measure for the President. **(See next issue.)**

***New Mexico-Washington Land Transfer:*** Senate passed S. 2757, to provide for the transfer and other disposition of certain lands at Melrose Air Force Range, New Mexico, and Yakima Training Center, Washington, after agreeing to committee amendments. **(See next issue.)**

***California Paleontology Interpretive Center:*** Senate passed S. 2977, to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles. **(See next issue.)**

***Jamestown 400th Commemoration Commission:*** Senate passed S. 2885, to establish the Jamestown 400th Commemoration Commission, after agreeing to committee amendments. **(See next issue.)**

***Colorado Conservation and Wilderness:*** Senate passed H.R. 4275, to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, clearing the measure for the President. **(See next issue.)**

***California Land Conveyance:*** Senate passed S. 2111, to direct the Secretary of Agriculture to convey for fair market value 1.06 acres of land in the

San Bernardino National Forest, California, to KATY 101.3 FM, a California corporation, after agreeing to a committee amendment in the nature of a substitute. **(See next issue.)**

***Colorado National Park/Preserve Establishment:*** Senate passed S. 2547, to provide for the establishment of the Great Sand Dunes National Park and Preserve and the Baca National Wildlife Refuge in the State of Colorado, after agreeing to a committee amendment in the nature of a substitute.

**(See next issue.)**

***Americans of German Heritage Recognition:*** Senate agreed to H. Con. Res. 89, recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage.

**(See next issue.)**

***DOE National Laboratories:*** Senate passed S. 1756, to enhance the ability of the National Laboratories to meet Department of Energy missions, after agreeing to a committee amendment in the nature of a substitute. **(See next issue.)**

***Miwaleta Park Expansion Act:*** Senate passed H.R. 1725, to provide for the coverage by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land, after agreeing to the following amendment proposed thereto: **(See next issue.)**

Mack (for Murkowski) Amendment No. 4290, to add clarifying language related to management of conveyed lands. **(See next issue.)**

***Saint-Gaudens National Historic Site:*** Senate passed S. 1367, to amend the Act which established the Saint-Gaudens Historic Site, in the State of New Hampshire, by modifying the boundary, after agreeing to a committee amendment, and the following amendment proposed thereto: **(See next issue.)**

Mack (for Thomas) Amendment No. 4291, to make certain technical and clarifying corrections.

**(See next issue.)**

***Southeastern Alaska Intertie Authorization:*** Senate passed S. 2439, to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system, after agreeing to the following amendment proposed thereto: **(See next issue.)**

Mack (for Murkowski) Amendment No. 4292, to limit the authorization for the Southeastern Alaska Intertie and provide an authorization for Navajo electrification. **(See next issue.)**

***Sand Creek Massacre National Historic Site Establishment Act:*** Senate passed S. 2950, to authorize the Secretary of the Interior to establish the Sand Creek Massacre National Historic Site in the State of Colorado, after agreeing to committee amendments, and the following amendment proposed thereto:

**(See next issue.)**

Mack (for Thomas) Amendment No. 4293, to make certain technical and clarifying corrections.

**(See next issue.)**

***Little Sandy River Watershed Protection:*** Senate passed S. 2691, to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, after agreeing to a committee amendment, and the following amendment proposed thereto:

**(See next issue.)**

Mack (for Thomas) Amendment No. 4294, to require the Secretaries of Agriculture and Interior to complete an administrative reclassification such that Oregon and California Railroad lands within the area described in the Act become public domains lands not subject to distribution provisions, and to authorize ecosystem restoration activities in Clackamas County, Oregon. **(See next issue.)**

***Harriet Tubman Special Resource Study Act:*** Senate passed S. 2345, to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **(See next issue.)**

Mack (for Thomas) Amendment No. 4295, to make a technical correction. **(See next issue.)**

***Fort Sumter Tours, Inc., Franchise Fee:*** Senate passed S. 2331, to require the Secretary of the Interior to submit the dispute over the franchise fee owed by Fort Sumter Tours, Inc., to binding arbitration, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **(See next issue.)**

Mack (for Bingaman) Amendment No. 4296, to provide for certain arbitration requirements.

**(See next issue.)**

***Dayton Aviation Heritage Preservation Amendments Act:*** Senate passed H.R. 5036, to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park, clearing the measure for the President. **(See next issue.)**

***Disabled Veterans' LIFE Memorial Foundation:*** Committee on Energy and Natural Resources was discharged from further consideration of H.R. 1509, to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who

became disabled while serving in the Armed Forces of the United States, and the bill was then passed, clearing the measure for the President.

**(See next issue.)**

***Taunton River Wild and Scenic River Study Act:*** Committee on Energy and Natural Resources was discharged from further consideration of H.R. 2778, to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and the bill was then passed, clearing the measure for the President. **(See next issue.)**

***Santa Rosa and Santa Jacinto Mountains National Monument Act:*** Committee on Energy and Natural Resources was discharged from further consideration of H.R. 3676, to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California, and the bill was then passed, clearing the measure for the President.

**(See next issue.)**

***"Jaryd Atadero Legacy Trail":*** Committee on Energy and Natural Resources was discharged from further consideration of H.R. 3817, to redesignate the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest in Colorado as the "Jaryd Atadero Legacy Trail", and the bill was then passed, clearing the measure for the President.

**(See next issue.)**

***Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area:*** Committee on Energy and Natural Resources was discharged from further consideration of S. 2273, to establish the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area, and the bill was then passed, after agreeing to the following amendment proposed thereto: **(See next issue.)**

Mack (for Bryan) Amendment No. 4297, in the nature of a substitute. **(See next issue.)**

***"National Cowboy Poetry Gathering":*** Committee on Energy and Natural Resources was discharged from further consideration of S. Res. 326, designating the Cowboy Poetry Gathering in Elko, Nevada, as the "National Cowboy Poetry Gathering", and the resolution was then agreed to.

***Rosie the Riveter National Park:*** Senate passed H.R. 4063, to establish the Rosie the Riveter/World War II Home Front National Historical Park in the State of California, after committee amendments were withdrawn, clearing the measure for the President. **(See next issue.)**

***Technical Corrections:*** Senate agreed to S. Con. Res. 143, to make technical corrections in the enrollment of the bill H.R. 3676. **(See next issue.)**

***Indian Arts and Crafts Enforcement Act:*** Senate passed S. 2872, to improve the cause of action for misrepresentation of Indian arts and crafts.

**(See next issue.)**

***Junior Duck Stamp Conservation and Design Program Act Reauthorization:*** Senate passed H.R. 2496, to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994, clearing the measure for the President. **(See next issue.)**

***Cat Island National Wildlife Refuge Establishment Act:*** Senate passed H.R. 3292, to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana, after agreeing to committee amendments, and the following amendment proposed thereto: **(See next issue.)**

Mack (for Smith of N.H.) Amendment No. 4298, to make certain technical corrections. **(See next issue.)**

***Cahaba River National Wildlife Refuge Establishment Act:*** Senate passed H.R. 4286, to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama, clearing the measure for the President. **(See next issue.)**

***Coastal Barrier Resources System Map:*** Senate passed H.R. 34, to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System, after agreeing to committee amendments. **(See next issue.)**

***Coastal Barrier Resources System Boundaries:*** Senate passed H.R. 4435, to clarify certain boundaries on the map relating to Unit NC01 of the Coastal Barrier Resources System, clearing the measure for the President. **(See next issue.)**

***Congress' 200th Anniversary in Washington, D.C.:*** Senate agreed toS. Con. Res. 144, commemorating the 200th anniversary of the first meeting of Congress in Washington, D.C. **(See next issue.)**

***Technology Transfer Commercialization Act:*** Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 209, to improve the ability of Federal agencies to license federally owned inventions, and the bill was then passed, after agreeing to the following amendment proposed thereto: **(See next issue.)**

Mack (for Edwards) Amendment No. 4300, to establish a technology partnerships ombudsman.

**(See next issue.)**

***Technical Correction:*** Senate passed H.R. 2641, to make technical corrections to title X of the Energy Policy Act of 1992, clearing the measure for the President. **(See next issue.)**

**Interior Appropriations—Conference Report:** By 83 yeas to 13 nays (Vote No. 266), Senate agreed

to the conference report on H.R. 4578, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001. **Pages S9879–S9917**

During consideration of this measure today, Senate also took the following action:

By 89 yeas to 9 nays (Vote No. 265), three-fifth of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to the motion to close further debate on the conference report. **Page S9900**

**Arrowrock Dam Hydro Project:** Senate concurred in the amendment of the House to S. 1236, to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho, clearing the measure for the President. **(See next issue.)**

**White Clay Creek Wild and Scenic Rivers System:** Senate concurred in the amendment of the House to S. 1849, to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System, clearing the measure for the President. **(See next issue.)**

**Disaster Mitigation Act:** Senate concurred in the amendment of the House to the Senate amendment to H.R. 707, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, with a further amendment proposed thereto as follows: **(See next issue.)**

Mack (for Smith of N.H.) Amendment No. 4299, in the nature of a substitute. **(See next issue.)**

**Estuary Habitat and Chesapeake Bay Restoration Act:** Senate disagreed to the amendment of the House to S. 835, to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, agreed to the House request for a conference, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Smith (of N.H.), Warner, Crapo, Baucus, and Boxer. **(See next issue.)**

**Ryan White Care Act Amendments:** Senate concurred in the amendments of the House to S. 2311, to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, clearing the measure for the President. **(See next issue.)**

**Executive Reports of Committees:** Senate received the following executive report of a committee:

Report to accompany the International Plant Protection Convention (Treaty Doc. 106–23) (Exec. Rept. No. 106–27). **(See next issue.)**

**Nominations Received:** Senate received the following nominations:

Anita Perez Ferguson, of California, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2006.

John M. Reich, of Virginia, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years. **Page S9931**

**Messages From the House:** **(See next issue.)**

**Measures Read First Time:** **(See next issue.)**

**Communications:** **(See next issue.)**

**Petitions:** **(See next issue.)**

**Executive Reports of Committees:** **(See next issue.)**

**Statements on Introduced Bills:** **(See next issue.)**

**Additional Cosponsors:** **(See next issue.)**

**Amendments Submitted:** **(See next issue.)**

**Additional Statements:** **(See next issue.)**

**Enrolled Bills Presented:** **(See next issue.)**

**Record Votes:** Three record votes were taken today. (Total—266) **Pages S9878–79, S9900, S9917**

**Recess:** Senate convened at 9:31a.m., and recessed at 6:51 p.m., until 9:30 a.m., on Friday, October 6, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9931.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## NOMINATIONS

*Committee on Armed Services:* Committee ordered favorably reported the nominations of Robert B. Pirie, Jr., of Maryland, to be Under Secretary of the Navy, Robert N. Shamansky, of Ohio, to be a Member of the National Security Education Board, Department of Defense, and 7,577 military nominations in the Army, Navy, Marine Corps, and Air Force.

## TOBACCO REDUCTION PROGRAMS

*Committee on Commerce, Science, and Transportation:* Committee concluded hearings to examine effective tobacco reduction programs, focusing on how States are spending their revenues from the tobacco settlement entered into in November 1998, after receiving

testimony from David Satcher, Assistant Secretary for Health and Surgeon General, and Terry Pechacek, Assistant Director for Science, Smoking and Health, Centers for Disease Control and Prevention, both of the Department of Health and Human Services; Maryland State Delegate John Hurson, Annapolis, on behalf of the National Conference of State Legislatures; Ohio Attorney General Betty D. Montgomery, Columbus; Francis L. Coolidge, Boston, Massachusetts, on behalf of the American Cancer Society; and Matthew Myers, Campaign for Tobacco-Free Kids, Washington, D.C.

## NORTHWEST ELECTRICITY MARKETS

*Committee on Energy and Natural Resources:* Subcommittee on Energy Research, Development, Production and Regulation concluded hearings to examine the challenges facing the electricity markets in the Northwest, including the effects of recent wholesale price increases, tight supply and demand conditions, and wholesale power market competition, after receiving testimony from James J. Hoecker, Chairman, Federal Energy Regulatory Commission, and Stephen R. Oliver, Vice President, Bulk Marketing and Transmission Services, Power Business Line, Bonneville Power Administration, both of the Department of Energy; Tom Karier, Northwest Power Planning Council, and Rachel Shimshak, Renewable Northwest Project, both of Portland, Oregon; Kelly Norwood, Avista Utilities, Spokane, Washington; Jack Pigott, Calpine Corporation, Pleasanton, California; Marc J. Sullivan, Northwest Energy Coalition, Seattle, Washington; and Steve Stout, Micron Technology, Boise, Idaho.

## U.S. TRADE POLICY

*Committee on Finance:* Subcommittee on International Trade concluded hearings to examine issues relating to the preservation and strengthening of the United States leadership role in foreign trade policy, including fast-track negotiating authority, Free Trade Area of Americas negotiations, multilateral trade negotiations in the World Trade Organization, and agricultural trade reform, after receiving testimony from Minnesota Governor Jesse Ventura, Minneapolis.

## IRANIAN WEAPONS PROGRAMS

*Committee on Foreign Relations:* Subcommittee on Near Eastern and South Asian Affairs and Subcommittee on European Affairs concluded joint hearings to examine Russia's role in Iran's weapons programs, focusing on Iran's continuing efforts to acquire weapons of mass destruction and missile delivery systems, foreign assistance to those programs, and the status of United States efforts to halt them, after receiving testimony from Robert J. Einhorn, Assistant Secretary of State for Nonproliferation; and John A. Lauder, Director of Central Intelligence Nonproliferation Center.

## BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported S. 2448, to enhance the protections of the Internet and the critical infrastructure of the United States, with an amendment in the nature of a substitute.

Also, committee began consideration of S. 1020, to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts, and a committee resolution for document subpoena pursuant to Rule 26 to the Department of Energy regarding Secretary Richardson, but did not complete action thereon, and recessed subject to call.

# House of Representatives

## *Chamber Action*

**Bills Introduced:** 18 public bills, H.R. 5389–5406; 1 private bill, H.R. 5407; and 1 resolution, H. Con. Res. 418 were introduced. **Pages H9010–11**

**Reports Filed:** Reports were filed today as follows.

H.R. 3241, to direct the Secretary of the Interior to recalculate the franchise fee owed by Fort Sumter Tours, Inc., a concessioner providing service to Fort Sumter National Monument in South Carolina, amended (H. Rept. 106–937),

S. 1936, to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes, amended (H. Rept. 106–938);

Conference report on H.R. 3244, to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking (H. Rept. 106–939);

Conference report on H.R. 4475, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001 (H. Rept. 106–940);

H. Res. 612, waiving points of order against the conference report to accompany H.R. 4475, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001 (H. Rept. 106–941); and

H. Res. 613, waiving points of order against the conference report to accompany H.R. 3244, to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking (H. Rept. 106–942). **Pages H8855–86, H8922–H9004, H9010**

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he designated Representative Simpson to act as Speaker pro tempore for today. **Page H8813**

**Guest Chaplain:** The prayer was offered by the guest Chaplain, the Rev. Norman B. Steen of the Christian Reformed Church of Washington, D.C. **Page H8813**

**Ryan White CARE Act Amendments:** The House passed S. 2311, to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease by a yea and nay vote of 411 yeas with none voting ''nay'', Roll No. 512. Agreed to amend the title. **Pages H8818–47**

Pursuant to the rule, the Bliley amendment in the nature of a substitute, printed in the Congressional Record and numbered 1, was considered as adopted. **Page H8822**

H. Res. 611, the rule that provided for consideration of the bill was agreed to by voice vote. **Pages H8817–18**

**Las Cienegas National Conservation Area Establishment:** The House passed H.R. 2941, to establish the Las Cienegas National Conservation Area in the State of Arizona. **Pages H8850–55**

Pursuant to the rule, agreed to the Hansen amendment in the nature of a substitute printed in the Congressional Record and numbered 1; and **Page H8852**

Earlier, agreed to the Kolbe amendment to the amendment in the nature of a substitute that strikes the reference to the use of eminent domain to acquire land. **Page H8855**

H. Res. 610, the rule that provided for consideration of the bill was agreed to by a yea and nay vote of 411 yeas with none voting ''nay'', Roll No. 513. **Pages H8847–48**

**Point of Privilege:** Representative Shuster rose to a point of personal privilege and was recognized for one hour. **Pages H8849–50**

**Microenterprise for Self-Reliance and International Anti-Corruption Act:** The House agreed to the Senate amendment to H.R. 1143, to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries clearing the measure for the President. **Pages H8886–93**

**Recess:** The House recessed at 5:32 p.m. and reconvened at 9:38 p.m. **Page H8922**

**Recess:** The House recessed at 9:39 p.m. and reconvened at 11:06 p.m. **Page H9004**

**Senate Messages:** Messages received from the Senate today appear on pages H8813–14, H8848, and H8921.

**Quorum Calls Votes:** Two yea-and-nay votes developed during the proceedings of the House today and

appear on pages H8846–47 and H8848. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 11:08 p.m.

# *Committee Meetings*

## YOUTH CRIME GUN INTERDICTION INITIATIVE

*Committee on Appropriations:* Subcommittee on Treasury, Postal Service and General Government, on Bureau of Alcohol, Tobacco and Firearms, Youth Crime Gun Interdiction Initiative. Testimony was heard from the following officials of the Department of the Treasury: Bradley Buckles, Director, Bureau of Alcohol, Tobacco and Firearms; and Dennis Schindel, Office of Inspector General.

## MISCELLANEOUS MEASURES

*Committee on Commerce:* Ordered reported, as amended, following measures: H.R. 3011, Truth in Telephone Billing Act of 1999; H. Res. 575, Supporting Internet safety awareness; H.R. 5164, Transportation Recall Enhancement, Accountability, and Documentation Act; and H.R. 4281, ICCFAM Authorization Act of 2000.

Committee recessed subject to call.

## FEDERAL PRISON INDUSTRIES

*Committee on Education and the Workforce:* Subcommittee on Oversight and Investigations held a hearing on Federal Prison Industries (FPI): The Proposed Military Clothing Production Expansion—Assessing Existing Protections for Workers, Business, and FPI's Federal Agency Customers. Testimony was heard from Representative LoBiondo; George H. Allen, Deputy Commander, Defense Supply Center, Philadelphia, Defense Logistics Agency, Department of Defense; and public witnesses.

## MISCELLANEOUS MEASURES; COMMITTEE REPORTS

*Committee on Government Reform:* Ordered reported the following bills: H.R. 4181, amended, Debt Pay Incentive Act of 2000; H.R. 5016, amended, to redesignate the facility of the United States Postal Service located at 514 Express Center Drive in Chicago, Illinois, as the "J.T. Weeker Service Center;" H.R. 4830, to redesignate the facility of the United States Postal Service located at 1859 South Ashland Avenue in Chicago, Illinois, as the "Cesar Chavez Post Office; H.R. 4831, amended, to designate the facility of the United States Postal Service located at 2339 North California Street in Chicago, Illinois, as the "Roberto Clemente Post Office;" H.R. 4853, amended, to redesignate the facility of the United States Postal Service located at 1568 South Glen Road in South Euclid, Ohio, as the "Arnold C. D'Amico Station;" H.R. 5143, to designate the Post Office Building located at 3160 Irvin Cobb Drive in Paducah, Kentucky, as the "Morgan Station;" H.R. 5144, to designate the facility of the United States Postal Service located at 203 West Paige Street, in Tompkinsville, Kentucky, as the "Tim Lee Carter Post Office Building;" H.R. 5229, to designate the facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia, as the "Ruth Harris Coleman Post Office Building;" and H.R. 5210, to designate the facility of the United States Postal Service located at 200 South George Street in York, Pennsylvania, as the "George Atlee Goodling Post Office Building;"

The Committee also approved the following draft reports entitled: "The Failure to Produce White House E-Mails: Threats, Obstruction and Unanswered Questions;" "Non-Binding Legal Effect of Agency Guidance Documents;" and the "Vaccine Injury Compensation Program: Addressing Needs and Improving Practices."

## SUBPOENA DUCES TECUM

*Committee on the Judiciary:* Subcommittee on Immigration and Claims authorized the issuance of a subpoena duces tecum requiring the Immigration and Naturalization Service to provide Congress with a report on illegal immigration statistics that was originally scheduled to be released on September 28, 2000.

## CONFERENCE REPORT—TRAFFICKING VICTIMS PROTECTION ACT

*Committee on Rules:* Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 3244, Trafficking Victims Protection Act, and against its consideration. The rule provides that the conference report shall be considered as read.

## TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS 2001 CONFERENCE REPORT

*Committee on Rules:* Grant by voice vote, a rule waiving all points of order against the conference report and against its consideration. The rule provides that the conference report shall be considered as read. Finally, the rule provides that House Resolutions 586, 592, 595, 599 and 600 are laid on the table.

### ACCESS TO TECHNOLOGY

*Committee on Science:* Subcommittee on Technology held a hearing on rural Access to Technology: Connecting the Last American Frontier. Testimony was heard from public witnesses.

### CHALLENGES ASSOCIATE WITH BUILDING NEW RUNWAYS

*Committee on Transportation and Infrastructure:* Subcommittee on Aviation held a hearing on Challenges Associated with Building New Runways. Testimony was heard from Gerald L. Dillingham, Director, Physical Infrastructure, GAO; and public witnesses.

### AIRCRAFT ELECTRICAL SYSTEM SAFETY

*Committee on Transportation and Infrastructure:* Subcommittee on Oversight, Investigations, and Emergency Management held a hearing on Aircraft Electrical System Safety. Testimony was heard from the following officials of the Department of Transportation: Alexis Stefani, Assistant Inspector General, Auditing; and Elizabeth Erickson, Director, Aircraft Certification Service, FAA; and public witnesses.

## *Joint Meetings*

### APPROPRIATIONS—AGRICULTURE

*Conferees* continued in evening session to resolve the differences between the Senate and House passed versions of H.R. 2465, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2000.

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## COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 6, 2000

### Senate

No meetings/hearings scheduled.

### House

*Committee on Commerce,* to mark up H.R. 2441, Fairness in Securities Transactions Act, 9:30 a.m., 2123 Rayburn.

Subcommittee on Telecommunications, Trade, and Consumer Protection, to continue hearings on the Future of the Interactive Television Services Marketplace: What Should Consumers Expect? 11 a.m., 2322 Rayburn.

*Committee on Government Reform,* hearing on "Federal Wetlands Policy: Protecting the Environment or Breaching Constitutional Rights?" 10 a.m., 2154 Rayburn.

Subcommittee on the District of Columbia, hearing on Examining Metro's Track Record: An Oversight hearing on the Challenges and Opportunities Facing the Washington Metropolitan Area Transit Authority, 1 p.m., 2154 Rayburn.

Subcommittee on Government Management, Information, and Technology, oversight hearing on the Management Practices of the Federal Communications Commission: The Chairman Reports, 12:30 p.m., 2247 Rayburn.

*Next Meeting of the* SENATE

9:30 a.m., Friday, October 6

**Senate Chamber**

**Program for Friday:** After the transaction of any morning business (not to extend beyond 10 a.m.), Senate may begin consideration of the Conference Report on H.R. 4475, Transportation Appropriations, and the Conference Report on H.R. 3244, Trafficking Victims Protection Act.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

9 a.m., Friday, October 6

**House Chamber**

**Program for Friday:** Consideration of the Conference Report on H.R. 4475, Transportation Appropriations, 2001 (rule waiving points of order).

Consideration of the Conference Report on H.R. 3244, Trafficking Victims Protection Act (rule waiving points of order).

## Extension of Remarks, as inserted in this issue

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