SENATE—*Wednesday, October 27, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, it is through an experience of Your grace that joy surges in us this morning. For life and strength, for work and friends, for every gift Your goodness sends, we praise You, loving God. May this be a day dedicated to gladness. Chase from our hearts all gloomy thoughts. Make us glad with the sheer delight of being alive. We are uplifted by Zephaniah's assurance that in spite of everything that we do or fail to do, You sing over us with gladness—Zephaniah 3:17. And that motivates us to accept the Psalmist's admonition as our motto today: ''Serve the Lord with gladness.''—Psalm 100:2.

May the Senators and all of us who work with them grasp the opportunities and meet the challenges this day holds with divinely inspired gladness. You are our God, the Sovereign of this Nation, our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, 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 PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. ALLARD. Mr. President, this morning the Senate will be in a period of morning business until 10:30 a.m. By previous consent, the Senate will then begin consideration of H.R. 434, the African trade bill. It is the hope of the majority leader that the Senate can complete action on the bill prior to the close of business on Friday. Therefore, Senators are encouraged to work with the bill managers if they intend to offer amendments. The Senate may also consider any legislative or executive items cleared for action during today's session of the Senate.

I thank my colleagues for their attention.

I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

REPUBLICAN CONGRESSIONAL CAMPAIGN COMMITTEE ADS

Mr. CONRAD. Mr. President, I rise this morning to respond to a series of ads that are being run in my State by the National Republican Congressional Campaign Committee. These ads are false. They are what can only be charitably termed misleading, and they diminish the credibility of the National Republican Congressional Campaign Committee.

That is not just my conclusion, Mr. President. That is the conclusion of the major newspaper of my State, the Fargo Forum, which has written an editorial in which it says:

Politics is often a down and dirty business, but the National Republican Congressional Campaign Committee's early TV ads 13 months before the election, and even before State Republicans have an endorsed congressional candidate, are a new low in the campaign gutter. They're false on every level. Decent North Dakota Republicans should tell the national group to clean up its act.

Well, amen to that because the National Republican Congressional Campaign Committee ought to be ashamed of the ads they are running in North Dakota. They are claiming that Democrats are raiding the Social Security trust fund here in Washington. They must have forgotten they are in control in the House of Representatives and they are in control in the Senate. It is not Democrats who are determining the spending priorities in the House of Representatives. The Republicans are in control. They are deciding the budget outcome in the House of Representatives. If ever there was a case of the pot calling the kettle black, this is it because we know that the majority party themselves are, in fact, raiding Social Security.

That is not just the conclusion of the senior Senator from North Dakota. That is the conclusion of the Washington Post which had a major news story with the headline ''GOP Spending Bills Tap Social Security Surplus.'' It is the Republican Party's plan that is tapping the Social Security surplus.

For them to then run ads claiming the Democrats are doing it is just a giant diversionary tactic. They are trying to avoid responsibility for what they are doing. It is not only the Washington Post that has made this point. We also have the Congressional Budget Office. The Congressional Budget Office, which they control, has sent a letter which says very clearly that the Republican spending plans have tapped Social Security for $18 billion. In other words, they are raiding the Social Security accounts for $18 billion. That is their plan, that is their responsibility, and to avoid accountability apparently they have decided, or their campaign consultants have decided, that the best defense is an offensive attack.

So in my State of North Dakota, 13 months before the election, they are running ads that the major newspaper in my State says are ''a new low in the campaign gutter. They are false on every level.'' And, indeed, they are. They are false on every level. The people of America who are being subjected to these ads ought to know exactly what is going on and who is doing what with respect to the budget of the United States.

One of the things I find most ironic is that the National Republican Congressional Campaign Committee which is sponsoring these ads are the very same folks who sponsored a constitutional amendment a number of years ago that had as its base that they would raid the Social Security trust fund in order to balance the budget. These folks who trumpeted this constitutional amendment to balance the budget had as a definition of a balanced budget the raiding of the Social Security trust fund.

Now they have the chutzpah to come before the American people and run ads saying the Democrats are raiding the Social Security trust fund surplus. And the Democrats are not in control. We don't control the U.S. House of Representatives. We don't control the Senate.

Again, the major newspaper in my State has called these ads false on every level.

Maybe it is helpful to review the record of who has done what with respect to budget policy.

I am on the Budget Committee. I am on the Finance Committee. I am known in the Budget Committee as the ''deficit hawk.''

I have been involved in every effort to get our fiscal house in order. I believe deeply in the need for fiscal discipline. That is primarily why I ran for the Senate. I saw back when I ran in 1986 that things were running amuck; that the deficits were growing; that we were getting deeper in debt, and this country was in real trouble. I believed then and I believe now that it is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

threatening the national security of the United States.

If we go back and review the record of the Reagan years, he inherited a deficit of about $80 billion. Very quickly, under Reaganomics the deficit exploded up to over $200 billion a year. In fact, during this time we tripled the national debt. This trickle-down economics was a disaster.

Then we saw in the Bush years, again, the deficit took off like a scalded cat. It went from $150 billion a year up to $290 billion a year.

That is the record of our friends on the other side of the aisle. They were in charge. They were in control. Reaganomics was carrying the day.

We saw headline after headline about how the Republicans in the House and the Senate in conjunction with boll weevil Democrats were passing Reaganomics and Reaganomics exploded the deficit and exploded the debt. That is the record.

When the Clinton administration came in in 1992, we passed a plan in 1993 that reduced the deficit—a 5-year budget plan. We can go back and check the record. It is not a matter of running television ads. It is a matter of fact. Facts are very clear.

The deficit under that 5-year plan declined each and every year. The deficit went down from $290 billion in the last year of the Bush administration to $255 billion. And each year that deficit was reduced in the 5 years of that budget plan.

By the way, we passed that budget plan without a single Republican vote—not one, not one. In 1997, we agreed on a bipartisan plan to finish the job.

There I commend our colleagues on the other side of the aisle because we did join together in 1997 for a balanced budget plan to finish the job. But the truth is most of the heavy lifting had been done by the 1993 plan. But we didn't have a single Republican vote—not one.

I heard another ad this morning, this time attacking Bill Bradley and AL GORE. This was run by some committee called the National Republican Council. I never heard of it. But they were running ads attacking Bill Bradley and AL GORE saying they had voted for increased spending and increased taxes.

Do you know they were here and they were fighting for the 1993 plan that eliminated this deficit? That is the fact. The fact is Federal spending in real terms, as measured as a percentage of our national income, is at its lowest level since 1974. Back in 1993 when we passed that plan, Federal spending was 22 percent of our national income. It is now down to 19 percent of our national income.

So the truth about Mr. Bradley, who voted for that 1993 plan, and the truth about Mr. GORE, who was Vice President and argued for that 1993 plan, is that in real terms they supported a reduction in Federal spending. That is the truth. That is the truth of the matter.

But I guess political consultants don't have to worry about the truth. They are more interested in scoring rhetorical points. They don't have to worry apparently about the factual record.

Let's look at the factual record. Here is the history going back 20 years in Federal receipts and Federal outlays.

The blue line shows expenditures of the Federal Government. The red line is the income of the Federal Government, the receipts. You can see during the Reagan years there was an enormous gap between the two. That is why we had these budget deficits because we were spending more than we were taking in.

In 1993, right here when we passed the plan, again, without a single Republican vote, that cut spending. You can see the blue line—the spending line—is coming down, and it raised revenue. Yes, it did. We raised taxes on the wealthiest 1 percent in this country; raised income taxes on the wealthiest 1 percent. And it was that combination of cutting spending and raising revenue that eliminated the deficit.

That is how we balanced the budget. Thank God we did. Thank God there was a Bill Bradley who was courageous enough to stand on this floor and cast a tough vote to get our fiscal house in order. Thank God there was an AL GORE as Vice President of the United States who had the courage to stand up and support a plan to get our fiscal house in order after the disasters of the Reagan and Bush administrations when it was all talk about fiscal responsibility and it was all deficits and debt. That is their legacy.

If we want to debate, I am ready to debate this anytime anywhere with anyone about what happened and when and what the results have been. But they have these smear ads running in my State and smear ads running nationally that distort the truth.

That is going to get a response because we are not going to allow people to tell falsehoods about what occurred. Too many people took real risks in order to get the fiscal house of our country back in order, and the record is abundantly clear about who did what.

This is the reality. In 1993, a 5-year budget plan was passed that worked, that cut spending in real terms, that raised revenue, and that balanced the budget. The result is a dramatically strengthened economy—the longest record of economic expansion in our history, and an economic performance that is the envy of the world.

The inflation rate is the lowest in 33 years. Here we went. In 1993, the plan was passed. Inflation came down. The unemployment rate is the lowest in 41 years. The central reason was the budget plan that was passed in 1993 that moved us toward a balanced budget and towards fiscal discipline to getting our fiscal house in order.

Debt held by the public is coming down dramatically. In 1993, the first year of the plan, publicly held debt in comparison with our gross domestic product was 50 percent. If we stay on the course that we have set now, we will have this debt down to 9 percent of our gross domestic product in 2009. We can eliminate publicly held debt in 15 years.

That is the course we are on. That is the course the Democrats established. That is the course which is the result of the 1993 plan that brought fiscal discipline back to this government and led to an incredible economic expansion.

Welfare caseloads: Another benefit of getting our fiscal house in order.

This is also not only a result of a good economy, but it is also a result of welfare reform, which in fairness I should say was done on a bipartisan basis. We had help from our Republican friends, and many of us felt strongly that welfare reform was required, and, indeed, it has produced incredibly positive results. Welfare caseloads are the lowest they have been in 29 years.

Republicans, this year, have engaged the Congress in a series of what I can only call sort of baffling gimmicks, in order to try to make it look to the American people that they are not raiding Social Security.

They are running ads that the major newspaper in my State has described as ''a new low in the campaign gutter. They are false on every level.'' That is what the Republican Congressional Campaign Committee is instituting in my State. The facts show something quite different.

The Congressional Budget Office says the non-Social Security surplus for the year we are working on, fiscal year 2000, is $14 billion. What does that mean? That means if we take out the Social Security surplus, we have $14 billion of what I call a true surplus in fiscal year 2000. If we take the House and Senate committee actions to date, the Budget Committee directives to CBO spent $18 billion of that.

Emergency spending: The Republicans have labeled a whole series of spending initiatives ''emergencies'' to avoid the requirements of fiscal discipline—$13 billion is declared emergencies, including the census. The census is provided for in the U.S. Constitution. We have been instituting the census for 200 years in this country, and they declare it an emergency. They declared the low-income heating program in this country an emergency—a program we have had for 24 years. That is absolutely nonsense.

Social Security administrative costs: They have taken those and don't want

to count them, debt service costs and others. Add this up, and they are into Social Security by $21 billion. They are raiding Social Security by $21 billion and are trying to hide the raid by running television ads that some clever campaign consultant told them is their best strategy for avoiding their own responsibility. To try to avoid their own accountability, they are claiming the Democrats are instituting it. The problem with that: Democrats are not in control. Republicans are in control, and this is what they are instituting. They are raiding Social Security. The record is abundantly clear.

One of the last times I came to the floor was when the Republicans came up with the gimmick—and they have come up with a whole series of them to try to avoid the charge that they are instituting precisely what they claim Democrats are instituting—of having a 13th month. They came up with kind of a clever idea to get around the problem by declaring a 13th month in this country. The last time I checked the calendar, there were only 12 months. But the Republicans decided they would come up with a 13th month to make it look as though they were not raiding the Social Security trust fund surplus. That is a novel idea. I came to the floor and wondered, what would they call it? ''Spend-tember''? Would they call it ''Fictionary''? What would we call a 13th month?

Why stop there? Why not have 14 or 15 months? What would be the additional month that would be added? Would we have two Augusts or two Decembers? I favored two Octobers because I enjoy baseball; we could have two World Series. Maybe we could have two Decembers so we could celebrate Christmas twice.

I know it sounds far fetched, but this is the headline in the Washington Post: ''GOP Seeks to Ease Crunch with 13–Month Fiscal Year.'' That is the length to which they go to avoid accountability and responsibility. That is what happened.

That is not the only gimmick they came up with. They got the 13th month. They have the census emergency—the census we have been instituting for 200 years they claim is an emergency. They declared LIHEAP an emergency, the low-income heating program. We have had that program for 24 years. They proposed delaying earned-income tax credit payments to people. They were even chastised by their own leading Presidential candidate. He made it very clear they were way out of tune with the American people when they proposed that gimmick.

That is what is going on to cover this mismanagement and to cover this fiscal irresponsibility. The National Republican Congressional Campaign Committee is running television ads in my State claiming Democrats are raiding Social Security. That dog doesn't hunt. That is not going to fly. We are going to respond very forcefully when people try to misrepresent the record.

As I began, I conclude: The major newspaper in my State called these ads ''a new low in the campaign gutter. They are false on every level.''

That is the truth. I hope the National Republican Congressional Campaign Committee will stop running these ads because they are false. They are irresponsible. They are misleading. They ought to be stopped. That is the record. That is the fact. I hope people, as they evaluate candidates in this next election, will inquire: What is the record of candidates on the question of spending Social Security surpluses, on raiding Social Security trust funds?

I am prepared to answer that question. Every budget plan I have offered, every budget plan Senate Democrats have offered, has maintained the Social Security surplus. We haven't touched the Social Security surplus. We wouldn't engage in a raid of the Social Security surplus. That is true of the plan Senate Democrats offered in the Finance Committee. That is true of the plan Senate Democrats offered in the Budget Committee. For anyone to say anything else is an absolute falsehood.

I yield the floor.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I understand under a previous order the Senator from Wyoming controls 30 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. I ask the Senator from Wyoming to yield me 10 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 10 minutes.

THE BUDGET

Mr. GREGG. Mr. President, I want to respond to some of the comments made on the floor relative to where we are going with the budget. I specifically want to talk about the issue as it relates to a committee of which I am chairman. The committee I chair is the Commerce, Justice, State, and the Judiciary Subcommittee. The President of the United States opted to veto our bill. In his veto message, his representation was that we simply had not spent enough money. That was essentially what it came down to.

His representation on the other bills he has vetoed is also that we have not spent enough money as a Congress. In fact, in listening to the President and the proposals he puts forward, we find he is talking about spending billions and billions more than what the Congress suggested we spend.

The Senator from North Dakota has come to the floor and said that the Republicans have used gimmicks, that we have forward-funded, which we have, which is not a gimmick; it has been done in the Congress before on many occasions; that we have declared items emergencies, which we have. In fact, the Senator from North Dakota supported, I suspect rather strongly and with enthusiasm, the declaring of the agricultural situation as an emergency. It has been declared an emergency every year since I have been here, so I don't know why it is an emergency. But it has been declared an emergency. It is a way of funding agricultural issues, and there are severe strictures in the agricultural community today.

The Senator from North Dakota didn't mention where we are going to get the extra money the President asked for. Where are we going to get it? The Republicans have allegedly used gimmicks so we could not take it from Social Security—which we have not, by the way; we have managed not to take any money from Social Security. Where is the President going to get it from? The President is going to get it from Social Security because the only other option is to raise taxes and we have already seen a vote in the House of Representatives—415–0 I think was the vote—saying they were not going to raise taxes. So that is not an option. It is not even on the table.

The President makes these proposals: We are going to raise spending here; we want more money here; we want more money here. The Democratic Members, on the other side of the aisle, say: Hooray, hooray, more money for this, more money for that. When Republicans say, Isn't that coming out of Social Security? there is just this silence from the other side of the aisle.

Of course, it is coming out of Social Security because we have no other resource from which to draw those funds than Social Security. So there is a lot of gamesmanship coming from the other side of the aisle on this issue. There always has been, on Social Security, of course. There are literally generations, now, of Members of the other side of the aisle who have demagogged the issue of Social Security. As many of us have tried to put forward substantive Social Security responses, we have found this President, who allegedly wants to address Social Security, has failed to do so in a substantive way. But we hear now he wants to raid Social Security to pay for his new spending and they will not even admit to that. The statements from the other side of the aisle are hollow on that issue, to say the least. But let me go back to the specifics of this proposal.

The President has vetoed the Commerce-State-Justice bill, which has under it the Justice Department, the Commerce Department, and the State Department. It also has a lot of agencies such as the Small Business Administration, FCC, FTC, SEC, elements of

Government which are critical to the day-to-day operation of the Government and to our maintaining a sound economy and safe society. But the President has vetoed this bill. Why has he vetoed it? Basically, he has vetoed it because we did not spend enough money in some of the programs he wanted and because we did not include language he wanted in a couple of areas. He has vetoed it specifically on the allegations we do not spend enough money on the COPS Program.

Let's look at that for a second. This Congress authorized 100,000 cops to be put on the street under the President's request, in a bipartisan way. We have paid for every one of those police officers in this appropriations bill. Not only have we paid for every one of those police officers, we paid for an additional 10,000 or 15,000 police officers in this bill. So we can go up to 110,000 or 115,000 police officers under this bill.

What does the President say? He says that is not enough. He says he wants 130,000 to 150,000 police officers, even though there are only 100,000 authorized. That in itself is a bit of a reach, to ask for an extra 30,000 to 50,000 officers when they are not even authorized. But what is really inconsistent about this, and what really shows what a sham statement this is, the administration, although they have the money for 100,000 officers since we paid for 100,000 officers in our bill, has only been able to get out of the door enough money to fund 60,000 officers. In other words, down there in the White House they are now asking for another 30,000 to 50,000 officers when they cannot even undertake the day-to-day administrative event of paying for the full 100,000 we gave them in the first place. They are still 40,000 officers short from the original authorized number.

It takes 18 months to get this through the system, to get an officer on the street after they have agreed to pay for that officer. So they are literally a year and a half away at the minimum from even reaching the 100,000 level. So we said, OK, we agree more officers on the street makes sense so we will go over the 100,000 number; we will give you another 10,000 officers. Then the President vetoes it, saying he hasn't enough, when his administration has not even put out on the street the first 100,000. How blatantly political can this administration be? How hypocritical can this administration be? They did not veto this bill over police officers who were not there. They vetoed this bill because they want to put out a press release that they are vetoing bills. It had nothing to do with the actual substance of how many police officers we have on the street or how many police officers we paid for because we paid for every police officer they put out there, and we are willing to pay for another 40,000, another 55,000 if they could put them out. But they cannot because they are not able to do it. It is pure hocum, this language that they want more police officers, and they vetoed it over the lack of funding in this account. It is just a pure political thing.

Then they said they vetoed it because they did not get enough money—no, not because they didn't get enough, because we did not give them the money for the U.N. We did not give them the money for the U.N.

Every dollar they asked for, for the U.N., is in this bill, every dollar for U.N. fees is in this bill. Every dollar for arrearages is in this bill. Yes, there is not the full money they asked for for peacekeeping, but every other account in the U.N. is fully paid for in this bill. Why can't they get it out? Why can't they send it up to the U.N.? Why can't they pay England the arrearages we owe them? Why can't they pay France the arrearages we owe them? That is where this money goes. It doesn't stay in the U.N. Most of it flows to other countries that have picked up our obligations. Because they have a bunch of activists down at the White House who are focused on a very narrow issue of international Planned Parenthood and are unwilling to release the money to fund the world organization known as the U.N., which is a major international organization, because they are willing to hold up funding over an extraordinarily narrow issue dealing with Planned Parenthood lobbying internationally. It does not have anything to do with the United States.

Not only that, but the language which they are holding up the funding over is language which was in existence, which this Government operated under during the Reagan administration and during the Bush administration. It is, to say the least, genuinely innocuous language. But they have activists down there at the White House, activists who are willing to take down the U.N. and our relationship with the U.N. over this narrow piece of language.

It is unbelievable they would blame the Congress, which has fully funded the arrearage issue, when it is just a small group of extreme activists serving at the White House who are tying up the release of this money. The money is there. The money is physically there. Every dollar, every cent, is on the table and ready to be sent to the U.N. to pay the arrearages. The only thing that stops us is, I suspect, one or two internationalists, activists at the White House who have decided to make a cause celebre for themselves over this really obscure piece of language which, by the way, as I mentioned, was the law of the land in the United States for the Reagan and the Bush administrations.

So the idea the Congress has in any way interfered with the ability to pay the arrearages is, again, pure hocum. This is a classic example of the situation where the individual shoots his parents and throws himself before the court and asks for mercy because he is an orphan. The White House has decided to shoot its parents—in this case the U.N.—and then claim it has no role in the event and is pure when, in fact, it is the reason we cannot pay the arrearages. That is just pure hocum.

We now know the two major reasons they vetoed this bill; the COPS reason has no substance to it, and the U.N. language is their problem, not our problem. We put the money in. They are the ones who are holding this up.

Then they listed a whole series of little different items, one of which I found most interesting. In the Senate we took up two different hate crime proposals to move this bill through so we could actually get it to conference. Then in conference it became absolutely clear there was no way an issue such as hate crimes, as massive as it is, could be handled in our conference. We had two competing ideas. So we put them aside and sent them back to the authorizing committee. Ironically, the amendments were offered by the chairman and ranking member of the authorizing committee, so one would hope the authorizing committee could straighten this issue out and we, as appropriators, would not have to straighten it out.

What does the White House say? It says it wants the hate crimes legislation on this bill. This is an appropriations bill. This is a bill that funds the FBI, DEA, and the INS. Those are real law enforcement issues. They are going to undermine the ability of the FBI to do its job, the ability of the INS to do its job, the ability of the DEA to do its job, so they can get hate crimes legislation? They are going to undermine the ability of U.S. attorneys to do their jobs, the ability of U.S. marshals to do their jobs, the ability of the U.S. court system to do its job, so they can get hate crimes legislation? They are going to undermine the FEC, FTC, and the FCC so they can get their hate crimes legislation?

How outrageous. What sort of priority is this from this White House? What sort of priority puts language on hate crimes ahead of the FBI, DEA, INS, ahead of the U.S. attorneys, ahead of the U.S. marshals, the FCC, FEC, FTC—what type of priority is it when they know in order to get that language they have to go through an authorizing committee anyway? It is beyond belief they would put at risk the law enforcement agencies of this country in order to get hate crimes language, which in the first place is a State issue.

I note the State of Wyoming—the Senator from Wyoming is on the floor—is doing one heck of a job in pursuing that issue at the State level.

It is first a State issue. The irony of it is, he is undermining the entire law

enforcement community of the United States because he wants a new criminal act on the Federal books.

Is there a total disconnect at the White House? There appears to be. The veto of this bill—and there are a lot of other miscellaneous points—but the veto of this bill has nothing to do with the substance of this bill. It was done purely for political reasons so the President could look as if he was in charge or he could look as if he was standing up to the Congress.

The practical effect of vetoing this bill, however, is to undermine law enforcement across this country, to make it impossible for us to pay our U.N. arrearages, and to make it extremely hard for these agencies, which are so critical to the functioning of our country, to continue to function in an effective way.

Mr. President, I yield the floor and thank the Senator from Wyoming for the time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I yield 10 minutes to the Senator from Idaho, the chairman of the majority policy committee.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I especially thank the Senator from Wyoming for coming to the floor this morning to discuss with all of us some very important issues and building a perspective that I do not think the American people hear or have an opportunity to read or understand as it relates to the politics inside the beltway and what is good or not so good for the American people.

We just heard the chairman of a key appropriations subcommittee who spent the last 6 months crafting an appropriations bill to run a major portion of our Government while the President was out traveling around the world and traveling around this country not engaged and not focused on the budget. When the appropriations bill to fund these key areas of Government finally arrived at his desk, the President vetoed it and said: I didn't get my way.

I am always frustrated by an executive branch of Government that does not come to the Hill and sit down with us and work out our differences in the proper forum but chooses to set the stage of politics over the key issues that are substantive when it comes to law enforcement and safe streets and safe communities for our families and our country.

I have struggled with this President over the last several months, especially when he decided to allow terrorists out of prison. That is exactly what happened. I do not know of any other way to say it. This President personally decided that he was going to offer clemency to convicted terrorists. What were they convicted of? Violation of Federal firearms laws. That is law enforcement. Those are Federal laws violated by people who killed others and violated Federal explosive and firearms laws. And this President says he is for law enforcement by putting more cops on the street, then he totally demoralizes or destroys the very foundation of law enforcement by saying: Arrest them and put them in prison and I will let them out because it is ''politically correct'' to do so.

Shame on you, Mr. President; shame on you and your politics at this moment because somehow you cannot have it both ways, at least I hope you cannot, but you are trying. You are also trying to make the use of a firearm a major political issue. Yet you offer clemency to those who violate the very laws you ought to be enforcing. Shame on you, again, Mr. President.

The Senate worked its will and did an excellent job with those appropriations bills. I do not deny the executive branch the right to participate. They have a legitimate role to play in the shaping of the budget. But in the final analysis, it is the Constitution that says it is the right and the appropriate role of the Congress to appropriate moneys, and it is the responsibility of the Executive to administer those moneys within the policy and the framework established for the Congress of the United States.

Mr. President, I am pleased you are finally going to lay off Social Security. Remember what our President said 2 years ago? Save Social Security; don't spend a dime of the surplus. Then this year in his state of the budget message he says: Well, gee, there is so much money there, why don't we spend a little of it. We will save 60 percent and we will spend the rest over the next 15 years and, oh, by the way, I also want to raise taxes during a time of unprecedented surpluses in our country because I have so many great ideas that I want for people, and I want to spend all this money and I want to raise your taxes to do it and I also want to spend some of the Social Security money to do so.

Thank goodness the Congress, the Republican Congress, stood up and said: No, Mr. President. The House passed a provision to provide a lockbox so that Social Security surpluses would be dedicated to Social Security and would pay down the liabilities of Social Security and strengthen the ability of that great system to support its obligations in the outyears.

We tried to pass it in the Senate, and guess who opposed it. The Democrats. They filibustered it and would not allow a vote and constantly said: We are all for Social Security. Why would they not guarantee that its moneys would be assured a lockbox provision? The American people said they wanted it. The seniors of America, recognizing the importance of Social Security to their very existence, said that is the right thing to do, but the President said: No, I want to spend about 30 percent or 40 percent of the Social Security surplus over the next 15 years.

Just in the last month, it is fair and important to say the President has finally agreed that he will leave Social Security surpluses alone and, thank goodness, Mr. President, you have agreed with us because that would have been a phenomenal fight because we were committed and dedicated, even though it was filibustered in the Senate by my colleagues on the other side of the aisle, we are going to protect the Social Security surplus. Period. End of statement.

Let's talk about the rest of the budget we are battling. A couple of weeks ago, I was amazed to see the President kind of quietly come out and then not so quietly say: We need more money to spend besides the record surpluses we have.

I have served Congress and the people of Idaho longer than I want to admit—19 years. I am amazed that only last year did I begin to see a slight surplus and this year a substantial surplus. Never at a time of surplus have I ever heard of a President asking for a tax increase. But this President did because of all these great new social ideas, that somehow is going to help people by taking more money away from them and then giving it back to them in politically correct ways.

I am not sure that ever helps the American family to take money away from them and then try in some form to decide what is the right way to give it back. We said: No, Mr. President.

Finally, just this last week, after having tried for well over 6 months, the President is slowly backing away from the tax idea, although yesterday he came through the backdoor again and said: Well, let's adjust some fees and let's see if we can come up with a little more revenue. Shame on you, Mr. President. America's taxpayers are being taxed at an all-time rate—high rate. While you are saying it is only a tobacco tax, a tax is a tax is a tax.

And, of course, while I do not smoke, and I wish that others would not—there are many who do who should not—yet we are going to tax them. Well, we are not going to tax them because I don't think this Congress will stand for it.

I have always understood the politics of surplus is more difficult than the politics of deficit spending. When I first came to Congress in 1980, we had deficits, and they grew very rapidly over fights on budget priorities. But it was not until 1994, when the American people said: Enough of deficits. I'm sorry; a Democrat-controlled Congress is out of control, with a President who wants to spend more money, and we're going to change those dynamics, and they elected a more conservative Congress, a Republican Congress.

We said we were going to balance the budget by the year 2002 and we would shape a process that would take us there. Thank goodness for a strong economy and for a fiscally responsible Congress and a monetary supply that stayed in sync. We are now at a balanced budget. We had it last year. We now have a balanced budget and surpluses this year. And I see more wrangling over budgets and spending priorities than I have ever seen in all my years here.

I understand the politics of surplus are difficult. But why shouldn't we be giving back to the American people some of their hard-earned money? It is their money. But, no, we have had a President who has insisted on constantly spending it. We put a marvelous tax package together this year, going right at middle America, to enhance the lives of our citizens, to improve the condition of America's families and communities, and this President vetoed it because he wants to prescribe how the money gets spent because somehow we have a White House that says: I know better. I know I can outthink the American family. I can shape a school system better than the American family and the American community because somehow I abide by this unique knowledge of knowing how to do it better.

I disagree with you, Mr. President. Thank goodness, we have a Congress that does. That does not mean we are not going to work out our differences. The President has a right to participate. But I do not think he has a right to do one thing and say another, and do another thing and say something else. And that is what he has done with law enforcement. That is what he is doing in education. That is clearly what he has done on Social Security. That is what he is now trying to do with the budget.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CRAIG. I thank my colleague from Wyoming for acquiring this time to speak on these key issues. It is very important the American people see the difference. Politics should not be the business of hypocrisy. It ought to be the business of fact. Saying one thing and doing another should not stand. Yet we have had about 7 long years of it with this President.

Mr. President, I say no to those kinds of attitudes and reactions, and I think it is important that some of us speak out on it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. How much time remains?

The PRESIDING OFFICER. Seven minutes 10 seconds.

Mr. THOMAS. I thank the Chair.

Mr. President, it has been an interesting morning to listen to the Senator from North Dakota talk a little bit about the economy and about spending. There are interesting figures in terms of growth. I do not happen to have one of the charts. I guess it is getting to be where you have to have a chart to speak, but I hope not.

Let's go back to the second half of the 1970s, when we had a Democrat-controlled Government. All spending grew 12.2 percent annually; nondefense discretionary spending grew 15 percent.

In the first half of the 1980s, all spending grew 10 percent, but nondefense discretionary spending was only 2.8 percent. Defense was where the money went—10 percent.

Then we scoot on down to currently. All spending grew in the second half of the 1990s, with this Republican-controlled Congress, 2.8 percent totally; nondefense discretionary spending was 1.4 percent.

If our goal over time is to control the size of Federal Government, if our goal is to be efficient, if our goal is to control spending, then these are the numbers; these are the figures. Really, spending is the key.

Of course, our friend on the other side of the aisle talked about having the largest tax increase in the history of the United States—which was true in 1993 with the Clinton tax increase. But what we really ought to talk about is the size of Government.

There is a great deal of talk about going into Social Security. Let me read this short letter dated September 30 from the Congressional Budget Office.

> Dear Mr. Speaker: You requested that we estimate the impact of the fiscal 2000 Social Security surplus using CBO's economic and technical assumptions, based on a plan whereby net discretionary outlays for the year will be $592 billion.

That is the cap we put there.

> CBO estimates this spending plan will not use any of the projected Social Security surplus for the year 2000.

We keep talking about that differently. That is the way that is. So one of the things that is interesting—I will not take long today, but we have differences of view here. We have differences of view in the country. There is nothing wrong with that. That is what the political system is about: To bring together people who have different views about attaining goals, even, indeed, different views about goals. So we ought to have legitimate arguments. That is what this system is about.

But we ought not to spin it off into things that we are not really able to document. We ought not to spin it off into motives and different kinds of political things. We ought to talk about the basic differences we have, and then decide whether we want more Federal Government or less; decide whether we want to spend more, send more of the decisions back to the State and local governments as opposed to one size fits all on the national level.

These are the real issues.

Mr. President, we ought to be talking about some of the positive things we have done this year.

Surplus: 2 years in a row with no deficit, for the first time in 42 years. Pretty good stuff. We even have a non-Social Security surplus this year. We reduced Federal spending as a percentage of growth.

Unfortunately, we still have taxes as the highest percentage of gross national product we have had since World War II. Those things are hard to reconcile. Growth now is a little over 2 percent, compared to 10 percent in the early 1980s.

So these are the kinds of things we have done. We passed tax relief here. Unfortunately, the President chose to veto it.

Our budget goals, of course, for the rest of the year are: No Government shutdown; no new taxes; pay down the debt; protect Social Security. We are going to do those things. We are going to do it in the next 10 days.

Social Security: We talked a lot over the last few years about ''save Social Security first,'' but we have a plan to do that with individual accounts, taking the money off the table and letting it belong to the people who have paid it in, to earn additional money by having it invested in equities.

Those are the things we are prepared to do and have done.

Education: We have done a lot this year for education. We have increased spending for education, more than the President asked for. We have more flexibility in educational decisions so that parents and school boards and States can make those decisions.

I can tell you what is needed in Greybull, WY, is quite different than what is needed in Pittsburgh. And that is the way it ought to be. We have done that. We have done a number of things.

National security: For the first time, more money is going to defense than we have had before. We have had more deployments over the last few years in foreign countries than ever, and yet this administration has reduced the dollars that go there. We have changed that.

Health care, the Patients' Bill of Rights: We passed it here. Hopefully, we will get it passed.

A balanced budget on Medicare changes: We are working on that.

Rural provisions in Medicare: We will get that done.

Financial modernization is ready to come to the floor for the first time since the 1930s.

We have a lot of things to talk about and be proud of in this session. I am very pleased we have done it. Despite the partisan rhetoric and the tactics, we have had achievements in the budget, in Social Security, in education, in

defense, in tax relief, health care, and in finance and banking. I think we ought to move forward and make the most of those advantages that we have had.

Mr. President, I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

EXTENSION OF MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent that morning business be extended for another 10 minutes.

Mrs. BOXER. Reserving the right to object, and I shall not object. I had a discussion with Senator ROTH. I ask unanimous consent that I be recognized following Senator BAUCUS. And if the majority leader comes to the floor, I will suspend. But I would take a maximum of maybe 7 minutes.

The PRESIDING OFFICER. The Chair would inquire, is the Senator asking that she be allowed to speak in morning business?

Mrs. BOXER. Correct; for 7 minutes. Then if the majority leader does come to the floor and needs it, I will suspend in the midst of that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Thank you very much.

The PRESIDING OFFICER. The Senator from Montana.

(The remarks of Mr. BAUCUS pertaining to the submission of S. Res. 207 are printed in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized.

Mrs. BOXER. I thank the Chair. I also thank Senator ROTH for giving me this opportunity to speak about a number of subjects as in morning business.

IN HONOR OF SENATOR JOHN CHAFEE

Mrs. BOXER. As I look over at the flowers at Senator Chafee's desk, I feel a tremendous sense of loss. Senator Chafee's accomplishments are going to go down in history. They have been recounted on this floor, so I do not feel the need to go through all of his incredible accomplishments, particularly around environmental issues. I do hope we will not undo Senator Chafee's hard work on the Clean Air Act, the Clean Water Act, Superfund, and so many of the landmark environmental bills on which he led us.

I wish to comment about Senator Chafee's kindness and his goodness as a human being and what a joy it was for me to work with him on the Environment and Public Works Committee, to attend the dinners he hosted, always in a bipartisan spirit, and how much we are going to need that kind of spirit right now. Senator Chafee was a champion of the environment. He was a champion of a woman's right to choose, and he was a champion of sensible gun laws. On those matters, it was my great privilege to work with him, and I will miss him deeply.

THE BUDGET

Mrs. BOXER. Speaking about a bipartisan spirit, it was unnerving this morning to come to the floor and hear some of the partisan attacks I heard, mostly aimed at President Bill Clinton, in particular at his budget priorities, which Democrats share. At some point in the discussion this morning, it approached a near-hysterical level.

I will talk about what the differences are. I think we can breach those differences and resolve our problems.

Putting 100,000 teachers in the classrooms to reduce class size, everyone in America wants us to do that, I believe. We have already put 30,000 of those teachers in the classrooms, and we are simply asking to continue the program. This Republican budget would mean sending pink slips to those teachers. That is wrong. We ought to sit down and resolve it.

Secondly, in continuing our efforts to put more police on the streets, we have seen a tremendous reduction in the crime rate. We know one of the reasons is putting more community police on the streets. Surely we can find a compromise with the Republicans on this point.

Then, paying our U.N. dues. How can we lead the world if we don't at least do that, while encouraging and demanding reforms at the United Nations? I thought it was resolved. It has not been resolved. Funding peace agreements, that has not been resolved. We can't be the world leader if we don't do that.

I think these differences are important.

There are also environmental riders, giveaways to big special interests. They are wrong. We should sit down and resolve them.

The one that really is extraordinary, with the partisanship that surrounds it, is the Social Security issue. Republicans say they have a lockbox and the Democrats want to go into Social Security and destroy it. In some ways, it is rather laughable. Going back to 1994, House majority leader DICK ARMEY said: I would never have created Social Security.

If we look back at the record, we will find the Republicans voted against a retirement benefit for the people of this country when Social Security was voted on. They voted against Medicare. Now they are going forward with TV commercials telling people they are the party that is going to protect a program they didn't even like and didn't even want. It doesn't even pass the laugh test.

Here is the deal. They have a lockbox. They say: We are never going to touch it. That is good. However, they forgot to tell you something—they have the key. They have opened it up, and they have taken $18 billion out of it already, according to their own Congressional Budget Office. That is not BARBARA BOXER saying it. It is their own Congressional Budget Office that stated they have gone into Social Security for $18 billion.

So why don't we just sit down and talk—talk about the legislative graveyard that has been created in the Senate. What is in there? HMO reform. People can't get the health care they need and deserve. That is in the garbage heap. Sensible gun laws, the juvenile justice bill, that is in the graveyard. They put the Comprehensive Test Ban Treaty in there; campaign finance reform; judicial appointments; long-term protection of Medicare and Social Security; minimum wage is in the legislative graveyard. As Senator MIKULSKI said, these were lost opportunities to us. So I feel very strongly that we have more work to do. We should sit down with the President and resolve these differences.

Lastly, I hope we can move forward on some of these judgeships. Judge Richard Paez and Marsha Berzon were nominated years ago, voted out of the committee on a bipartisan vote. Judge Paez has been waiting almost 4 years to get a vote. Marsha Berzon has been waiting almost 2 years. Later, when I get to talk about these nominees in detail, I will tell you the strong Republican support they have—Republican Congress people, Republican sheriffs, and Republican law enforcement officials in the State of California. These are good nominees.

I have put a hold on a particular nominee the majority leader wants for the TVA. I have no problem with that nominee. I voted him out of committee. He has been waiting 27 days for a vote, Marsha Berzon has been waiting 2 years, and Richard Paez has been waiting almost 4 years.

I see the majority leader on the floor, and I promised that when he arrived I would stop this talking in morning business. So I will do that. I urge everyone to come to the table in a bipartisan spirit, do the unfinished business, resolve the budget differences, and get moving with some of these appointments that have been waiting for years, simply for an up-or-down vote.

I yield the floor.

Mr. ROTH. 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. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ROTH. I object.

The PRESIDING OFFICER. The objection is heard. The clerk will continue to call the roll.

The legislative clerk continued to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR JOHN H. CHAFEE

Mr. SARBANES. Mr. President, I rise today to join my colleagues in honoring a distinguished public servant and a revered Member of the United States Senate, Senator John Chafee, who died Sunday evening at Bethesda Naval Hospital.

While John Chafee was elected to the Senate in 1976, his public service began years before when he interrupted his education at Yale University to enlist in the Marine Corps during World War II, serving in the original invasion forces at Guadalcanal. He later returned to complete his education, receiving a bachelors degree from Yale in 1947 and, in 1950, a law degree from Harvard.

In 1951, John Chafee was called again to serve his country, returning to active duty to command a rifle company in Korea. Later, John Chafee served six years in the Rhode Island House of Representatives, where he was elected Minority Leader. He served as Governor of Rhode Island for three terms and in 1969 was appointed Secretary of the Navy.

As a Senator, John Chafee continued his proud legacy of leadership and accomplishment. I worked with Senator Chafee perhaps most closely in the U.S. Senate in his capacity as Chairman of the Environment and Public Works Committee where he labored tirelessly on behalf of many critical environmental initiatives, including efforts to strengthen the Clean Air Act and the Safe Drinking Water Act.

Senator Chafee has been recognized for his important contributions in the area of environmental protection throughout his service in the U.S. Senate and has received nearly every major environmental award. He was also a senior member of the Senate Finance Committee where he worked hard to expand health care coverage for women and children and to improve community services for persons with disabilities.

John Chafee was a well-respected member of this body who engendered the affection of every member with whom he served. He had a unique ability to achieve consensus under very difficult circumstances. His unfailing courtesy and civility provided a positive and unifying force in the Congress which will be sorely missed by his colleagues on both sides of the aisle.

The Senate was a better place because of John Chafee and his devoted public service. I would like to take this opportunity to pay tribute to him and to extend my deepest and heartfelt sympathies to his family.

Mr. SHELBY. Mr. President, I join my colleagues today in mourning the loss of our colleague, John Chafee. John was a good and honorable man who served his state and his country with distinction. A devoted public servant and member of this body for 23 years, Senator Chafee's influence extended beyond the aisles and transcended partisan rhetoric. His accomplishments as a lawmaker and his unquestionable influence among his peers stand as a testament to his ability.

Senator Chafee will long be admired and remembered for his devotion to this country both as a soldier and public servant. His distinguished service in the military, including serving in the Marines at Guadalcanal and commanding a rifle company in Korea, were indicative of the man who would never shy away from duty or responsibility.

His record as a legislator, governor, and senator in Rhode Island indicate the amount of trust the people of Rhode Island put in John.

Although political views may vary from person to person, it is easy to put these differences aside and to recognize men of strong character and integrity. These are qualities which were abundant in John, and his steadying influence in the United States Senate will be truly missed.

My thoughts and prayers extend to his family and all those whose lives Senator Chafee touched.

Mr. MACK. Mr. President, I join my colleagues in paying tribute to the memory of our friend and colleague, Senator John Chafee.

Senator Chafee was the living embodiment of Senate decorum. He always honored this body through his thoughts, deeds and actions. His ideas and messages were delivered thoughtfully and respectfully. He truly followed his heart and soul while representing the people of Rhode Island and this great nation.

His honorable service in both World War II and the Korean Conflict, as well as his distinguished tenure as Secretary of the Navy, reflect his profound respect for America's armed forces and his deep love of country.

I am especially appreciative for all he did to advance causes near and dear to the state of Florida. He took time to visit the Florida Everglades, and his work on this important issue will ensure the preservation of this unique natural system, and will always be a part of his lasting legacy.

Senator Chafee devoted his life to public service. He will be remembered as a thoughtful and patriotic American who cared passionately about those he served, the issues he fought for, and the institution of the United States Senate. He was not only a fellow Republican, but a colleague who was respected on both sides of the aisle. He will be sorely missed in the U.S. Senate.

My heartfelt sympathies go to his wife Ginny, to their five children and 12 grandchildren, and to his staff here in Washington and throughout Rhode Island.

Mr. SMITH of Oregon. Mr. President, I extend my sympathies to the family of John Chafee.

It has been my privilege to serve with John Chafee for but 3 of the years of his long and distinguished career in the Senate. But I will miss him. I do miss him.

I want to say publicly how much I appreciate the many times he came up to me and told me how much he appreciated me and how glad he was that I was here.

I thank him publicly for the many times he came to me and talked about environmental issues and told me he had a good environmental bill that he wanted me to be on. Many times, I was on them with him.

I appreciated his looking out for me in that regard, and in so many other ways. It was a great pleasure and a high privilege to serve with him in the Senate.

I wish his wife and his family my very best and pray God's comfort be with them in this time of their bereavement.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AFRICAN GROWTH AND OPPORTUNITY ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 434, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa.

Mr. LOTT. Mr. President, I ask unanimous consent that during the Senate's consideration of the trade bill, all first-degree amendments must be relevant to the trade bill or the filed amendment No. 2325, and any second-degree amendment be relevant to the first-degree it proposes to amend.

Mr. HOLLINGS. I object.

Mr. WELLSTONE. I object.

Mr. LOTT. I truly regret the objection to a reasonable consideration of this very important pending trade bill. This is obviously a vital piece of trade legislation. As I indicated last week on the floor, this is something in which the President has been very interested.

He discussed it with me personally last week on, I think, Tuesday and twice since we have discussed it in telephone conversations. I am not doing it just because the President asked for it. I am doing it because I think it is the right thing to do.

I think it would be good for our country, help to create jobs. This is very carefully crafted legislation that the chairman of the committee and ranking member have worked on. I think it would be just vitally important to our friends in Central America and the Caribbean, as well as a major step symbolically and other ways to have African free trade.

I want to get this bill done. There are legitimate objections to it. The Senator from South Carolina is going to use every rule in the book that he has access to, and there are lots of them. He has staff members who will make sure he knows them all. I understand that. But I am sure everybody can understand I have to take advantage of the rules available to me also because I do not want this to become a debate about farm policy, sanctions policy—one Senator just suggested we should offer fast track on this bill. I agree; I think fast track should be done. That is another very important trade policy. But it will completely bog down this bill.

I think we need to be serious about this bill. I plan now to fill up the tree and file cloture. The cloture vote will be Friday. We will see if the Senate wants this trade bill or not. If we do not get cloture, then it is clear what is going on and we will just have to move on to something else.

My consent would simply keep the Senate on the subject of the African trade and trade benefits for the Caribbean Basin countries. Obviously, with objection from the Democrats, they do not want this subject matter to be the pending issue. I think it is unfortunate, but I understand.

AMENDMENT NO. 2325

(Purpose: To provide a substitute amendment)

Mr. LOTT. Mr. President, on behalf of Senator ROTH and others, I call up amendment No. 2325 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment and begin reading the text.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. ROTH, for himself, and Mr. MOYNIHAN, proposes an amendment numbered 2325.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2332 TO AMENDMENT NO. 2325

(Purpose: To provide a substitute amendment.)

Mr. LOTT. I send a first-degree amendment to the substitute to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment and begin reading the text.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 2332 to amendment No. 2325.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2333 TO AMENDMENT NO. 2332

(Purpose: To provide a substitute amendment.)

Mr. LOTT. I send a second-degree amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment and begin reading the text.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 2333 to amendment No. 2332

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. LOTT. I now move to commit the bill with instructions and send the motion to the desk.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2334

(Purpose: To provide a substitute amendment)

Mr. LOTT. I send an amendment to the desk to the motion to commit with instructions.

The PRESIDING OFFICER. The clerk will report and begin reading the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 2334 to the motion to commit with instructions.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2335 TO AMENDMENT NO. 2334

(Purpose: To provide a substitute amendment)

Mr. LOTT. I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 2335 to amendment No. 2334.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

CLOTURE MOTION

Mr. LOTT. I now send a cloture motion to the desk to the pending amendment No. 2325.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the substitute amendment to Calendar No. 215, H.R. 434, an act to authorize a new trade and investment policy for sub-Sahara Africa.

Trent Lott, Bill Roth, Mike DeWine, Rod Grams, Mitch McConnell, Judd Gregg, Larry E. Craig, Chuck Hagel, Chuck Grassley, Pete Domenici, Don Nickles, Connie Mack, Paul Coverdell, Phil Gramm, R.F. Bennett, and Richard G. Lugar.

Mr. LOTT. Mr. President, I think it is unfortunate we have to take this step. I have discussed it with the Democratic leader. Let me emphasize he did not agree with this at all, but we did discuss our situation and our mutual concerns and our mutual desires to try to find a way to move this trade legislation forward. Filling up the tree is not a new practice. It is one I haven't used, I don't think, this year—maybe once. It is a practice that has been used in the past by majority leaders when it is necessary to try to get to a conclusion.

I do not know exactly when our adjournment for the year will come, but it is obvious we do not have a lot of time left. We do have some other issues we would like to have a chance to consider. Again, that is on both sides of the aisle.

The cloture motion vote will occur on Friday, October 29. I will notify all Members of the exact time, after consultation with the Democratic leader.

In the meantime, I ask consent the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I say to the Senate, I would be willing to withdraw the last amendment pending. I will be glad to come back in an hour and withdraw that, allowing Members' amendments to be offered if they were relevant to the trade bill, and this would allow us to make some progress on the bill. I would offer that idea to the minority leader when he returns, and I am glad to yield to the Senator from Minnesota if he would like to ask any questions or make a comment.

Mr. WELLSTONE. I heard the majority leader mention he did not want to see amendments that he did not think were directly related, such as agriculture. As the majority leader knows, for the last 5 weeks I have asked him when I would have the opportunity. The majority leader said he thinks this is the first time he has filled up the tree, or second time. I think there may be other times, but I would have to check. I do not remember an opportunity in the last 4 or 5 weeks, or longer than that, to have an amendment out here that I think will speak to the pain of farmers.

When might I have an opportunity to introduce this amendment that I think would make a difference for family farmers in Minnesota who are being driven off the land? If the majority leader is filling up the tree and therefore I cannot do this, can he tell me when I might have an opportunity? Will he make a commitment there will be a piece of legislation out here that I can amend?

Mr. LOTT. I am not sure when that might occur. I told the Democratic leader just a few minutes ago, if it were just an amendment by Senator WELLSTONE on agriculture, I would be prepared to have that discussion, that debate, and a vote. But that is not the end of the string. We have a lot of innovative thinkers here on both sides of the aisle who are now working feverishly with their very competent staffs to develop other amendments.

If it were just an amendment by the Senator from Minnesota, I think probably that could be done. I think if we would open the door, there would be no end to it.

Mr. WELLSTONE. Will the majority leader be willing to entertain a freestanding bill I might introduce and have debate on? We have to do something, I say to the majority leader, about what is going on in farm country.

Mr. LOTT. First of all, I will be willing to discuss that with the Senator. I would have to also discuss it with the chairman of the Agriculture Committee and its members. I could not just unilaterally reach an agreement. But, again, I personally would not have a problem with that.

I do not know what his amendment would be, but I am sure I would vote against it. But we could have a discussion. I would need to check with both sides and I will talk with the Senator to see if it is possible, to see if we can do that in some freestanding way.

Having said that, I want to be sure the record has been made at this point. Last Friday, the President of the United States signed the Agriculture appropriations bill—I believe last Friday. It provides funds for agricultural needs all across this great land, in my State and that of the Senators from Minnesota and New York. We have lots of agriculture in New York. I don't know if you are aware of that, but I have been very impressed when I have been up there, some of the areas outside of Long Island. I found there is a lot of agriculture up there and all across this country.

We did get the Agriculture bill. In that bill was a very significant amount of funds for disaster-related problems. Some of them have been caused because of the depressed prices, some because of drought, some because of floods—all the different problems we have. Others say it was not enough; it should have been more. Some others would say it was not targeted in the right way. We can debate that endlessly, I believe.

But the President, upon review—and I believe he took the full 10 days—decided the right thing to do was go ahead and get this bill signed and get that disaster money to the farmers, the men and women who live on the farms in this country, as quickly as possible. It is not as if this is an issue we have not addressed and we will not address next year.

Mr. WELLSTONE. Will the majority leader yield?

Mr. LOTT. I am glad to yield.

Mr. WELLSTONE. I appreciate the leader's graciousness. I will not take up any more time with questions to him.

Having just heard the majority leader's report about disaster relief, he may want to reconsider his view about whether or not he would vote for or against an amendment or piece of legislation I would introduce because I say to the majority leader in the form of a question: I am quite sure that, as the majority leader travels around the country in rural America, he understands that the financial assistance package did not deal with the price crisis. People are going to be driven off the land and we have to change the policy.

I appreciate what he said. I guess it is less a form of a question, but perhaps I will get his support because I am sure the majority leader wants to see the Senate take some action that will make a positive difference for family farmers.

Mr. LOTT. Let me say in answer to the Senator's comments, I have learned from past experience that you should never say exactly what you are going to do until you have seen the details of an amendment or a bill because it could be different or it could be something that, in the end, you find would be acceptable. I have a suspicion I might not use that approach, but I had to reserve final judgment until I saw its content. I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Delaware.

Mr. ROTH. Mr. President, I rise in support of the managers' amendment to H.R. 434. That substitute includes the Senate Finance Committee-reported bills on Africa, an expansion of the Caribbean Basin Initiative, an extension of the Generalized System of Preferences, and the reauthorization of our trade adjustment assistance programs.

It is critically important that we move this legislation. Let me say a few words, in particular, about the Africa trade portion of the bill.

The last decade has been a period of great change in Africa. Some of these changes have been quite heartening to those of us who have been watching the countries in that continent for many years. The failed economic policies of socialism and central planning have begun to give way to market reforms, bringing economic growth and an improvement of living standards with it. There have been positive changes on the political front as well. The tragedy of apartheid has, thankfully, come to an end in South Africa. At the same time, democracy has begun to flower in South Africa and in a number of other sub-Saharan countries.

The picture, however, is not all positive. As we know all too well, the countries in Africa continue to suffer through more than their share of difficulties. War, disease and hunger are still very significant parts of the story of that region. Africa is a continent that is on the brink of a new and more positive future, but still has a number of significant hurdles that it must overcome.

For the Senate, the question is what we can do—what this great country can do—to help the African nations obtain the peace and prosperity that they have been working so hard to achieve. In other words, what can we do to help

them complete the work that they have already begun.

The manager's amendment is clearly not a panacea; the challenges that the Africans face are too great for any single piece of legislation or any single act to cure. This legislation is, however, an important start towards building an economic partnership between the United States and the countries of sub-Saharan Africa. This partnership, in my view, is a significant first step towards giving the African nations the opportunities they need to continue the progress that many of them have made over the past decade.

I am proud of the support that this legislation has received among the African-American community and among the Africans themselves. I say this because a few of my colleagues have suggested that the African-American community and the African nations themselves are divided in their support for the African Growth and Opportunity Act. I am standing here to say that nothing could be further from the truth. If there was any doubt, it should have been put to rest with the Roll Call ad which ran last week. The ad, appropriately, stated the following:

To the United States Senate, Setting the Record Straight. We endorse legislation that provides social and economic opportunity in Africa and we, the undersigned, are working together to achieve this goal. Can we count on you?

The signatories to this Roll Call ad are a very distinguished collection of religious, civic, political and business organizations and individual leaders. I will name just a few: the NAACP, the Southern Christian Leadership Conference, the African Methodist Episcopal Church, the National Council of Churches, AfriCare, the Council of National Black Churches, which represents 65,000 churches and 20,000,000 members, and the U.S. Conference of Mayors.

The list of individuals signing this ad includes such notables as Bishops Donald Ming and Garnett Henning of the African Methodist Episcopal Church, Mrs. Coretta Scott King, Mr. Martin Luther King III, Ambassador Andrew Young, former mayor David Dinkins, the Honorable Kweisi Mfume, and Mr. Robert Johnson, the head of Black Entertainment Television. I want to note that Mr. Johnson testified eloquently about the need to create new economic opportunities in Africa when he appeared before the Finance Committee last year. He, like the others listed in this ad, have spoken powerfully on the pressing importance of this legislation.

Let me read a quote in the ad from just one of these individuals. That individual is the very distinguished Rev. Leon Sullivan of the nearby city of Philadelphia. Rev. Sullivan is quoted in the ad as saying that:

The African Growth and Opportunity Act will open new markets for American products and will create additional jobs for Americans and Africans. For every $1 billion in exports to Africa, 14,000 jobs are created or sustained in the United States. Those are powerful and important words.

Let us not forget that this legislation is also good for Africa. That is why every single one of the 47 African nations covered under this the legislation have publicly stated their support. Let me repeat that, because it is important. Every single one of the countries covered under this legislation supports this legislation. I think it is fair to say that these countries have the judgment to decide what is in their interest. In this instance, they have spoken loudly and clearly. The African Growth and Opportunity Act is good for Africa.

I am proud to say that President Clinton is also a strong supporter of this legislation. He recently said, and it is quoted in the Roll Call ad, that:

Our administration strongly supports the African Growth and Opportunity Act which I said in my State of the Union Address we will work to pass in this session of Congress.

That, Mr. President, is exactly why we are here. We are here to work on a bipartisan basis to work for passage of an important piece of legislation that is good for the American people and good for Africa.

I was honored to have representatives of many of the groups and individuals I mentioned join me in a press conference this past week to express their support for this legislation. What these individuals and groups understand—and stated at the press conference—is that Africa has for too long been neglected in our trade policy. They also understand that the African Growth and Opportunity Act is the right legislation to begin the strengthening of our economic relationship with that continent.

Let me emphasize that these individuals and groups support the African Growth and Opportunity Act and not the HOPE bill. They support this bill because it is good legislation. It is the right thing to do. It is good for the American people, and it is good for the people of Africa.

There is, of course, much more that is part of the manager's amendment. The enhancement of the CBI program is long overdue. It is also a vital step to strengthening the economic compact begun with that region by President Reagan with the original CBI initiative. The reauthorizations of the Generalized System of Preferences and Trade Adjustment Assistance programs are also of critical importance. These measures are essential for ensuring that the benefits of the global economy are felt as broadly as possible and to ensure that workers and firms displaced by trade receive the assistance and training that they need.

The effort to move the bill enjoys broad bipartisan support. But, it is long overdue. The House of Representatives passed the Africa legislation by an overwhelming vote of 234–163 in July of this year. It is now time for the Senate to Act.

Mr. President, I urge my colleagues to support the passage of H.R. 434, as amended. The time to act is now.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise to congratulate our revered chairman for his achievement in a partisan setting. I think it is generally agreed that this Congress has not been one governed from the center. Here we have major legislation brought to the floor by near unanimous vote of the Committee on Finance and with extraordinary support across the country.

I wish to make two points, the first to the question of Trade Adjustment Assistance. It goes back 37 years as an integral measure in our trade policy. As Dean Acheson might say, I was present at the creation. I was an Assistant Secretary of Labor, one of three delegates who negotiated the Long-Term Cotton Textile Agreement which was necessary to win the votes in the Senate for authorizing what became the Kennedy Round. When we came back with that agreement, the issue arose, if we were to open up trade, there would inevitably be persons displaced—just as jobs were created, jobs would be lost. There is nothing complex in the calculation nor very complex in identifying just whom you are talking about.

We started Trade Adjustment Assistance. It has worked. We included a comparable provision in the NAFTA implementing legislation. In Fiscal Year 1998, we had 150,000 workers eligible to receive Trade Adjustment Assistance; last year, we had 200,000 eligible workers. Those are rounded numbers.

This is an active program. There are families who are displaced in the world economy, and they are living off this transitional benefit—200,000 eligible workers. That is not a small number. The authorization for this program, that has been integral to our trade policy for 37 years, expired on June 30. The appropriation expires on Friday; on Saturday, it is no more. And when it can come back, how it comes back—have we seen many things started of late in this Congress or the previous ones? No.

Now, those are lives of American workers we are talking about, just as President Kennedy talked about them. John Pastore of Rhode Island was very vigorous on this matter, and many Members of the Senate who are marked in history by their capacity to see the large national interest.

One other matter: The chairman noted the meeting which the Committee on Finance had with the group of presidents, vice presidents, and foreign ministers from Central America,

ranging from Trinidad and Tobago all the way up to Honduras. It took place just off the Senate floor in the LBJ Room. It was a special occasion.

They came here as representatives of elected governments asking to trade. They weren't asking for foreign aid. They weren't asking for military assistance. They were simply asking to become part of the trading system of the western hemisphere in that Monroe Doctrine context about which the chairman spoke.

It already seems to have happened long ago. In the 1980s, we spent $8 billion sending arms to Central America, with precious little to show for it. A good enough outcome in the end, but the weaponry was everywhere, on all sides—a fantastic miscalculation, in my view, in my view at the time.

I will give my colleagues a moment's recollection. It was 1983. I was in El Salvador in the capital of San Salvador having breakfast with the president and provost of the University of Central America, a Jesuit institution. At that time, the United States was going through enormous efforts to prevent the Sandinistas in Nicaragua from smuggling arms to their rebel counterparts in El Salvador.

I asked the President and the provost, with whom I had a relationship through a professor at the University of Chicago, ''Father, are the Sandinistas sending weapons to El Salvador?'' He said, ''No.'' I said, ''No? Well, surely they had been.'' He said, ''Yes.'' I asked, ''And they don't any longer?'' He said, ''No. You do.''

Every day, the skies over Salvador were filled with American planes bringing in weaponry, which was promptly divided—half for the government, a quarter for the rebels, and a quarter for the international arms market. And what a better thing now to be talking about trade. And we have stability. If we want to ensure it, there has to be an economic basis. This legislation does so and, again, and finally, there are 200,000 American families entitled to trade adjustment assistance, which expires on Friday after a 37-year run as part of the American safety net as a condition of expanding trade. Let's not let them down. We can do this if only we will do it together, as we did in the Finance Committee. I only hope the same can be repeated on the Senate floor.

Mr. President, I yield the floor. I see my friend from South Carolina who is seeking recognition.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from New York. I have been trying to get the floor. I tried earlier today to be recognized to speak on this bill. It was the objection I had made, of course, to the motion to proceed, due to the strong feelings I had with respect to trade. Incidentally, on yesterday, I could not be present. Amongst others, the distinguished Senator from Minnesota more or less carried the day. I am obligated to him. Senator WELLSTONE did an outstanding job. He asked that, if I could ever get the floor—and I tried twice this morning and could not get the floor—to please ask unanimous consent that he be recognized when I had completed my remarks. I have talked to fellow Senators and there is objection to that. I wanted to let him know that I remembered the promise made. I am not making the request because I know it will be objected to.

That brings us right to the unsenatorial, more or less, procedures into which we have bogged down by. In a line, the distinguished majority leader says what we ought to have had was fast track and, within a breath, he gives us fast track. We have fast track on this bill. You cannot put up an amendment. He ''filled up the tree,'' and he says, ''oh, but I am so considerate that I will be glad to help you out if I can give you permission to give you relevant amendments.'' Of course, he decides what is relevant.

What about relevance with respect to the Finance Committee? What they are calling a trade bill is actually a foreign aid bill, because you have the Secretary of State calling around on the bill, not the Secretary of Labor for jobs—I don't think she had the gall to do it. But the Secretary of State, with pride, is calling the various Senators because this is a foreign aid bill. It is a one-way street. It is unilateral. It does not have the labor side agreements. It does not have the environmental side agreements that were included in NAFTA. It does not include the reciprocity that we got from the Mexicans when we passed NAFTA. I have prepared amendments that would be relevant, but you can't tell around here. I don't think that I should have to stand as a Senator and beg another Senator permission to put up an amendment. That is the most arrogance I have ever seen since I have been here, some 33 years. It has gotten really raw in this particular body, when you try to debate the most important subject that you can possibly imagine, which is hollowing out not only our industrial strength, but the middle class of our society and the strength of our democracy, and you have to beg to put up an amendment in order to satisfy what the majority leader says what is relevant.

Could it be the minimum wage amendment that the Senator from Massachusetts has been trying to get up since the beginning of the year? Well, it is not for Africa, not for the Caribbean Basin Initiative, but more for the workers of America. I say why not? Don't we have trade adjustment assistance in the bill? If that is relevant so is minimum wage. Doesn't minimum wage have relevance to the welfare, the pay, the being of American workers?

The question in my mind is what rules are we under? I presided for 6 years under Heinz's precedent. I presided for 4 years under Jefferson's rule. When I got to the Senate, we threw away the rule book because it is whatever the majority leader says. That is the rule. That is what happens up here—we all understand that—in order to facilitate legislation. But when it gets to this point of arrogance it is totally counterproductive. Here you have been trying to get up the bill all year long, and then you put it up in the last few days and say we are all trying to get out of town, let's not have any debate, let's take it or leave it as the Finance Committee has it, and thereupon, let's have cloture, let's have fast track.

Well, with respect to the minimum wage amendment, I would gladly put it up. I understood today—and the distinguished Senator from Massachusetts can speak for himself—but I talked to him the day before yesterday and advised him that if he didn't, I would, because I think it is just as important as trade adjustment assistance.

I see that the distinguished Senator from Texas is on the floor. I understood he said this would create 400,000 jobs. That's very peculiar because I understood the distinguished Senator from New York indicating that we are going to have to put 200,000 on trade adjustment assistance—in other words, we are going to put them out of a job, we are going to give them welfare. What a wonderful thing it is; we started it some 37 years ago. Has this body got any idea what is going on? Are we really creating jobs, or are we decimating the jobs? One brags that we put them on; the other brags that we put them out. And there we are, with respect to relevant amendments.

Mr. President, there is another relevant amendment. This is the Time magazine for this week. It is an article called, ''The Fruit of Its Labor.'' I ask unanimous consent that this be printed in the RECORD in its entirety.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Time Magazine, October 1999]

THE FRUIT OF ITS LABOR

(By Adam Zagorin)

WASHINGTON.—If you are an underwear mogul, you surely cannot lack confidence. So it is with Bill Farley. The handsome physical-fitness buff has under his belt brands like BVD, Munsingwear and his flagship, Fruit of the Loom. He rubs shoulders with the rich and powerful, and recently cochaired a lunch that raised more than $500,000 for George W. Bush. Muscles rippling, Farley, 57, has also shown up wearing a tank top in Fruit of the Loom advertising. He once even put himself forward as a candidate for President of the United States.

These days, however, Farley's political focus is squarely on Congress, where Fruit's adventures in lobbying offer a choice example of how the game is played. Fruit of the Loom is a tattered company, suffering from bad performance and poor management and lobbying heavily for a bill that would ripen its bottom line.

How likely is it that the company's case will be heard on the Hill? Well, last year alone Fruit handed out more than $435,000 in soft-money donations, a figure that puts contributions by the firm (1998 sales: $2.2 billion) ahead of those of such giants as Coca-Cola, Exxon and Bank of America. Most of Fruit's plums go to Republicans, including $265,000 to the National Republican Senatorial Committee, run by Kentucky Senator Mitch McConnell, the principal opponent of campaign finance reform.

This week, with Congress having for now killed campaign finance reform, McConnell and other Republicans will get on with other business, such as an amendment to an African trade bill that would allow apparel produced in the Caribbean Basin to enter the U.S. duty free, provided it is assembled from U.S. fabric.

Fruit's lobbyists—along with those from competitors like the Sara Lee Corp., which makes Hanes underwear, and retailers like the Limited and the Gap—are pushing hard for passage. Fruit officials claim the measure, which Bill Clinton supports, will create jobs, and deny that the company's donations can buy influence. Says Ron Sorini, a Fruit lobbyist: ''There's absolutely no correlation between our soft-money donations and those who decide to vote in favor of this bill.''

Whether there is or not, Farley's much coveted tariff break comes at a cost. Eliminating duties on apparel from the Caribbean will run U.S. taxpayers at least $1 billion in lost revenue over five years—a figure that, by congressional rules, must be made up with cuts in other programs.

Fruit confirms that the bill is expected to deliver a quick $25 million to $50 million to the bottom line, adding to savings achieved after moving some 17,000 of its U.S.-based jobs, mostly to the low-wage Caribbean Basin, and reincorporating in the tax haven Cayman Islands. The jobs cuts were spread across the South, especially Kentucky, where earlier in this decade Fruit was one of the largest employers. ''They are trying to win in Washington what they've been unable to achieve in the marketplace,'' says Charles Lewis, executive director of the Center for Public Integrity, a watchdog group. ''They're now trying to secure advantages from Congress at a time when they're in dire financial straits.''

Dire is right. After a major inventory snafu, Fruit's financial elastic stretched again last month, when it had to make a $45 million interest payment on accumulated debt of $1.3 billion. Its stock, traded at $48 a few years ago, now sells for less than $4. The board, its confidence in Farley shaken, managed to shunt him into the role of nonexecutive chairman in August, and the company is searching for a new CEO. Farley retains a role in large measure because he still controls 28.5% of Fruit's voting shares. He has also arranged for the company to guarantee loans to himself worth $65 million.

Fruit of the Loom's favorite trade bill has led to a rare split between Kentucky's two conservative Republican Senators. While McConnell is expected to support the tariff cut, his colleague Jim Bunning has no intention of backing the measure. Asks Bunning: ''How many more jobs do we have to lose until we wake up and smell the Caribbean coffee?''

Yet for Bill Farley, the aroma is nothing if not enticing. By one count, he's tried to get versions of the bill through Congress six times in recent years. Perhaps seven's the charm.

Mr. HOLLINGS. Mr. President, I don't know whether the distinguished majority leader would agree that this is a special interest bill, but the public domain thinks it is a special interest bill. The leading news magazine in the world thinks it is a special interest bill. Therefore, campaign finance reform would be relevant.

Why do I say that?

''The Fruit of Its Labor.''

It is on page 50.

''How a company that exports jobs pushes for a Capitol Hill handout.''

''The politics of underwear.''

I quote:

If you are an underwear mogul, you surely cannot lack confidence. So it is with Bill Farley. The handsome physical-fitness buff has under his belt brands like BVD, Munsingwear and his flagship, Fruit of the Loom. He rubs shoulders with the rich and powerful, and recently co-chaired a lunch that raised more than $500,000 for George W. Bush. Muscles rippling, Farley, 57, has also shown up wearing a tank top in Fruit of the Loom advertising. He once even put himself forward as a candidate for President of the United States.

Maybe that is where Trump got the idea. I always wondered where that rascal could think he could be President.

But, in any event, reading on:

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Mr. President, I ask the same question as the distinguished Senator from Kentucky, Mr. BUNNING. How many more jobs do we have to lose until we wake up and smell the Caribbean coffee? Is there any question in anybody's mind? As we used to say in the law, any reasonable and prudent man—and now woman—can see that this is not a special interest bill. And with campaign finance reform, which is mentioned in this article and which is mentioned in this particular bill, it would be relevant—not under the majority leader's rule of relevancy.

Ask the majority leader when he comes to the floor. I can offer the campaign finance reform, or I can offer the minimum wage. Then we will all agree to move right along and vote on the amendment. I will agree to a time agreement. We are not holding anybody up. We can vote both of those amendments this afternoon. We don't have to worry about cloture on Friday. We are ready to roll. We, like the majority leader, want to get out of town. We have a lot of work to do. Don't put on this act about how reasonable and thoughtful and so pressured we are in

trying to reconcile all of the particular problems there are in the closing days. Don't give me any of that. Let's get to the reality.

We have a special interest bill; we have a bill affecting workers. I want to put up another bill affecting the workers that have been up all year long and all last year—minimum wage. The majority leader won't come out and say it is relevant. When he comes out and says it is relevant, I will put up the amendment; we can vote in 10 minutes' time. When he says a special interest bill, Shays-Meehan is relevant; we can vote in 10 minutes. The House has voted on it overwhelmingly.

We couldn't get a vote on account of the so-called rules of the majority leader with respect to when we can call something and when we can't call anything around here. They won't give us a freestanding Shays-Meehan without the cloture and everything else.

I have been interested in campaign finance reform since I voted for the Federal Election Campaign Act of 1974. We had that bill up, and we had a good bipartisan cross-section vote for the measure saying one cannot buy the office. We have come full circle. What we are saying in Washington today is, the trouble is, there isn't enough money to buy the office. Do you know what? We have amendments. Mr. President, $1,000 isn't enough; we ought to be able to buy it quicker with $3,000 and $5,000, $10,000. We have moved in the opposite direction from the original intent of cleaning up politics in this land of ours by stating categorically one could not buy the office.

I can still see the Senator from Louisiana, Russell Long. He said, every man a king—everybody, regardless of economic circumstance or background, could aspire for the Presidency of this land of ours. Listen to Elizabeth Dole. One can be a former Secretary of Commerce, one can be a Secretary of Transportation and Secretary of Labor, one can have been head of the American Red Cross, every kind of track record, but unless the candidate has the money, the candidate doesn't stand a chance—money is what talks.

We are saying it is a real problem. On the one hand, we have too many limits, we ought to have more money in this; or, on the other hand, let taxpayers, let the public, pay for our politics; let's have public campaign finance. We have had about three votes on it.

I remember when I first introduced it, it was a joint resolution. There was one line, and it is in now, but I can't get it up. I have been waiting for a good joint resolution to come over, Senator. If it comes over, I will offer it. They told me I couldn't offer it to campaign finance reform because mine was a joint resolution and it was a simple bill, with three readings to be signed. A joint resolution, of course, and amending the Constitution, is not to be signed by the President.

That being the case, I put in this particular one-line amendment that the Congress of the United States is hereby empowered to regulate or control spending in Federal elections. I had a dozen good Republican colleagues—my senior colleague and others—joined as cosponsors way back; this has to be almost 20 years ago. We can't get that, except for the distinguished Senator from Pennsylvania, Senator SPECTER. So the Hollings-Specter amendment was so salutary that the States said, wait a minute, add that the States are hereby empowered to control or regulate spending in Federal elections.

So we added that. We have gotten a majority vote, but we never have gotten the two-thirds necessary. It would pass. I am not worried about it at any next election. It would easily come about.

We relied upon looking at the last five of the six amendments. They passed in an average of 17 months.

Does the distinguished Senator have a question? I am just feeling good about this particular measure.

Mr. REID. If the Senator will yield, I do have a question. I personally am in agreement with the different issues the Senator has raised—campaign finance reform, minimum wage, being able to amend bills. I agree with the Senator in that regard.

However, the Senator from Texas and I have a matter on the floor. I ask the Senator about how much longer he will speak. I know the Senator has a lot of capacity, but if he could give an idea so we could either interrupt at this time or come back at whatever time the Senator indicates.

Mr. HOLLINGS. I suggest the Senator come back because I am just beginning to cover the subjects. We have a luncheon in the next 15 minutes, and I will complete my thoughts.

Mr. REID. The Senator will finish in the next half hour?

Mr. HOLLINGS. Yes.

Mr. REID. I thank the Senator.

Mr. HOLLINGS. I thank the distinguished Senator from Nevada.

What happens if we can get up campaign finance and get an up-or-down vote on Shays-Meehan? I have my doubts about its constitutionality. I have voted several times for McCain-Feingold. I voted against the most revised or limited McCain-Feingold for the simple reason it was similar to half a haircut; it was worse than none at all. It said the parties couldn't take soft money but everyone else could take soft money.

Immediately, my adversary, Tom Donohue at the Chamber of Commerce, said we had not participated financially sufficiently in campaigns. So I am getting up a kitty of $5 million. The Chamber of Commerce will get up a kitty of $5 million and pick some 8 or 10 senatorial races and give them at least $100,000.

Mind you me, the Chamber of Commerce no longer represents Main Street America, no longer represents the middle-size or small business; rather the international, the transnational, the gone overseas crowd, such as the Farley group that has already transferred 17,000 jobs offshore. It is headquarters to the Cayman Islands. I don't know whether those are foreign contributions. I had better look into that. It strikes me they are talking about the Chinese. I am wondering whether the Chinese have any worse position that the Cayman Islanders to make contributions. I think we ought to call Janet Reno and say here is an example of foreign contributions by the Cayman Island Farley to the campaigns—$500,000 for George. Poor George W. will never get through the year. They will find these things I am talking about. Poor fellow, he hasn't gotten into the Washington go-round. This crowd will chew anyone up.

See how the logic applies. We are all talking about the Attorney General not doing enough on some antiquated contribution; that happened way back. I am talking about what is being made now in this week's Time magazine, the Cayman Island contributions to poor George W. in Texas, and he probably doesn't even know it—when one runs a mammoth national campaign. We will have to look into that.

We have a special interest bill. We need a vote on Shays-Meehan to find out whether it is constitutional or to make sure, along with it, to constitutionalize Shays-Meehan by coming right along and taking the Hollings-Specter amendment to constitutionalize it.

As I was about to say before examined by my distinguished friend from Nevada, we have found that of the last eight amendments to the Constitution, seven have passed in 17 months' time.

There is no debate, and they all relate to elections. There is no greater cancer on the body politic than the campaign finance practices in this land.

Everybody talks about the amount of money. I would say a word about the amount of time. As a full-time Senator, I am supposed to be giving full time to the problems of the people of South Carolina. But I found myself last year giving full time to my particular problem of staying in office, by going all over the country, trying to collect funds from anybody and everybody who thought I could be a pretty good Senator.

This was the seventh time I have been elected to the Senate. I am still the junior Senator. I am working hard on my way up.

Be that as it may, when I first got elected back 33 years ago, it was a little budget, somewhere, I think, around $400,000 or $500,000. I had to collect $5.5 million last year.

In a small State where they are all Republicans, such as Delaware and South Carolina, we have that Dupont crowd. We have them. They are the best of the best. But all my State has gone Republican as did the South: two Republican Senators in Texas, two in Alabama, two in Mississippi, and two in Tennessee. October of last year I was the last remaining statewide Democrat in office except for my friend the comptroller, Earl Morris. He and I were the last two: city councils, mayor, the Governor, the legislature—all Republican. With this recording of every contribution in and every contribution out, there were a lot of Republican friends who wanted to participate. But we put that burden on them. They would have to, literally, explain why they gave that fellow HOLLINGS $100 or $1,000, whatever the contribution was.

Rather than become involved—if we want to know what cuts off people have from involvement in the process in America today, it is just this particular requirement. I voted for that requirement. I think it ought to be made public. But it can get bad, and it does, and has gotten bad in my State.

We can correct this. We can constitutionalize whatever is the intent of Congress. You do not have to get that distorted opinion of Buckley v. Valeo for the simple reason that they said money amounted to speech. Those with money had all the speech they wanted, but those who did not have money could get lockjaw. They could just shut up and sit down. ''You are not in the swim, Liddy Dole; you are not in the race at all. You can forget about it.'' The party has already arranged and crowned George W. in Texas, and he has $50 million to $60 million. He doesn't need the public money, and everybody thinks that is great.

I think that is not great at all. I think when it has gotten to be that bad, when you have enough money, like Perot, to start a party, and you have enough money to control the party as is being done now on the Republican side, we have to clean this thing up and get back to not being able to buy the office. So I would have campaign finance reform as a very strong amendment and make sure there is no question.

Time magazine thinks it is relevant, but the Senator from Mississippi does not think it is relevant. If he can come out and if he will make the proposal that he does think it is relevant, we can agree on a time agreement on Shays-Meehan, 5 minutes to a side, and vote. Do not come weeping and wailing that, Oh, we have so many things to get done, we have the appropriations' bills, we have this bill, we have that bill, and everything like that. This is not a time-consumption strategy on the part of the Senator from South Carolina. This is to bring to the fore that which has been prevented from even being debated in this body. The most deliberative body in the history of the world can no longer, under the process, deliberate. You have to walk up to the table and find out how to vote.

I was here with Senator Mansfield. Senator Mansfield would think that demeaning, to put there how a Senator is supposed to vote. Senator Dirksen would absolutely oppose nonsense of that kind. But that is how we all are going. You have to do it this way and get on message. You cannot debate what the public wants debated. You can only debate what the polls show to be debated.

Everybody is running all over the world talking about education because it shows up in the polls. But we only control 7 cents of every education dollar; the 93 cents, that is the State and local responsibility. Bless them, I am a leader on that subject. You name another Senator in this body who has put up a 3 percent sales tax and passed it for public education. You name another one who has come in with a system of technical training that would even equal—much less be better than—ours.

I have worked in the vineyards over the years for education so I do not demean the need for improving the quality of education, namely, doubling the pay of teachers. So you get what you pay for. If we start attracting the best and the brightest, they do not need retraining; they need money. They need to be paid. The average pay, I think, in South Carolina, is around $27,000 or $28,000. Maybe it has gone up to $31,000. Don't hold me to the exact figure. But I know that is relevant. That doesn't pay for the children to go to college. I go to the graduations and they come across the stage. ''Senator, I would like to have taught, but I am not able to get into teaching because I cannot save enough money to get my children through school and college. So what do I do? I get into international studies, business course and otherwise.''

Mr. President, we have the Kathie Lee sweatshop bill here before us, where 17,000, according to Time Magazine, have gone from Kentucky in the last few years. I have the exact figures. I had a talk the weekend before last to the northern textile industry. The Senator from Delaware had all of his textile people there, Drew Potter and otherwise. I was glad to talk to the northern textile industry people.

I want to make a record of this particular situation because this is how bad it can get, how politics can really take over. I have been the principal sponsor of five textile bills that have passed this Senate, four of them have passed the Senate and the House of Representatives and gone to the President of the United States. One was vetoed by President Carter, two by President Reagan, and one by President Bush. I remember when President Bush implied, in his commitment to the talk in Greenville, that he was for textiles. When asked how come he vetoed it, he said, ''C'est la vie.'' He not only wants to import the textiles, he wants to import the language. That is how far off we have gotten.

I could not get invited. I tried last year. Here is a fellow who has grown up and held just about every office at the local level: Lieutenant Governor and Governor and Senator elected seven times. But I tried. They have a little lunch or evening meal, I think it is, at the Piedmont Club, these new young executives. I said: You know, I ought to make an appearance there because they have a new group and everything else. I could not get invited. They never could find a time.

I had some old-time leaders say: We will arrange it for you. I could get invited, thanks to Karl Spilhaus and the leadership of the northern textile industry. At least I can get invited now to the northern textile industry, but I could not get invited to my own backyard.

Here, as the cosponsor and voter for the right to work bill, I am out here trying to protect organized labor because—where are they? I heard that Ms. Evelyn Dubrow is finally back in town. She is the best of the best. She just won the Presidential Medal last month. I congratulate her. She has been outstanding over the years. Maybe if I explain this bill long enough, we might be able to pick up some votes.

I see others waiting. I said I would take at least 15 minutes. My good friend from Minnesota, who really held the fort down yesterday, has been trying to get recognized to say a few words. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I see the Senator from Ohio is here. I ask unanimous consent that I follow the Senator from Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I thank my colleague from Minnesota for his courtesy. I say to him and the Senator from California, I plan on speaking probably 12 minutes.

Yesterday, I filed an amendment to H.R. 434, the African Growth and Opportunity Act, which amendment would improve our Nation's ability to retaliate against illegal trade practices by foreign governments. Despite efforts to reduce European trade barriers against American agriculture, despite repeated rulings by international trade bodies that European trade barriers are illegal, there still remains a ''fortress Europe'' mentality against free and fair trade.

The amendment I have filed is designed to strengthen the one and only

allowable weapon in our arsenal against WTO noncompliance, the only weapon we have when a country is found to be in violation of the WTO and repeatedly refuses to comply. The only weapon we have, the only method of forcing compliance, is tariff retaliation.

The amendment I filed enjoys widespread bipartisan support. In fact, the bill I filed is similar to the amendment and now has 24 sponsors. It is bipartisan.

This amendment has strong backing by our very diverse agricultural community, and this is certainly no surprise. Ask any corn grower or cattle producer or pork producer. They know and understand their well-being depends on expanding our export markets. We have the greatest agriculture in the world. We do it more efficiently and cheaper and better than anyone in the world today. All our farmers say is: Give us a chance to sell; give us a chance to compete. That is what this amendment is about.

It is my hope the Senate, by adopting this amendment, will take a stand for our farmers and ranchers and send a strong signal to the European Union that their gross violations of international trade law simply must stop.

Specifically, the European Union, despite years of efforts to find a fair solution, continues to defy the World Trade Organization's rulings against its ban on U.S. beef imports and its banana import rules. Both cases are important not just for the specific producers and the distributors impacted by these two cases, but it is important for every American business, particularly small businesses, seeking a fair shot at the European market.

To appreciate the magnitude of Europe's current actions against American agriculture, it is important to put it in the context of recent history. Both these specific trade cases took several years to work through the WTO and were undertaken at great expense to the U.S. Government, and the producers in the businesses are at the heart of this dispute.

Here are the essential facts. This is the story.

The E.U. first imposed their ban on U.S. beef with growth hormones in 1985 and officially banned all U.S. beef in 1989. When the United States sought rulings on this ban, either through the WTO or the General Agreement on Tariffs and Trade process, the result was the same: The E.U.'s ban was found to be without merit and in violation of international trade rules. That was the ruling repeatedly, time after time. First through the GATT process and then through the WTO, the results were the same.

In other words, the WTO, and before that the GATT, found against the European Union for violating trade laws. However, in spite of these repeated rulings, the E.U. has refused to comply, and to this very day, to this hour, to this minute, they continue to refuse to comply. In spite of these rulings, the E.U. has refused to change its practices. In spite of these rulings, they continue to thumb their nose at the WTO decision.

The real question is whether or not the WTO rulings are enforceable, do they mean anything, and every nation that is a member of the WTO has a vested interest in making sure the rulings are enforceable, they do mean something, and they do matter. That is what this amendment is about.

In the face of noncompliance by the E.U., the United States only has one remedy, and that remedy is tariff retaliation. We have no other way to go. This is prescribed, it is allowed, and it is provided for in the WTO rules. This is the only recourse a country has when another country refuses to comply.

Under current WTO rules, the United States can retaliate against a beef ban by imposing tariffs on European imports at a total amount equal to the amount of financial pain being inflicted on our U.S. beef industry. The WTO determined in this particular case that the E.U. beef ban was inflicting $116.8 million per year in economic damages to U.S. farmers.

Although the WTO's $116 million figure is significant, our cattle industry strongly believes this is a very conservative estimate. They believe the actual impact is closer to $1 billion annually.

Let me talk for a few moments about the other case, the banana case. With bananas, the E.U. imposed import quotas and licenses in the early 1990s. While the United States produces bananas in Hawaii, we also have a significant stake in the distribution and sale of bananas domestically and internationally.

Seven times, the WTO ruled that the European Union's attempts to obstruct U.S. banana distribution violated WTO rules—seven different rulings. The WTO determined that the banana policy of the E.U. is resulting in $191.4 million worth of economic damage annually to U.S. interests. Again, the impacted U.S. companies believe the actual damage is more than $1 billion annually. Again, the United States, with regard to bananas, as was the case with beef, has the authority to impose retaliatory tariffs against E.U. products.

Let me recap where we are in the story. With both bananas and beef, the European Union repeatedly has been in violation of the WTO rulings. The European Union has refused, in spite of these rulings, to change its policies.

The WTO procedures provide a waiting period of 15 months for a nation that is found to be in violation of rules to comply. In other words, nothing happens—even as the ruling comes out, nothing happens for 15 months. What happened here in 15 months was nothing, absolutely nothing. The European Union, again, continued for that 15-month period of time not to comply. On the beef and banana cases, we waited these 15 months, and the European Union still didn't comply. So at that point, the United States simply had no choice but to impose tariffs in retaliation—tariffs that are fully allowed under the WTO.

The purpose for allowing the United States to impose tariffs is, of course, to compel compliance with the WTO rulings. It has been 6 months since tariffs on European imports were imposed in response to the banana case, and it has been 3 months since tariffs were imposed in response to the beef ban. So we had the 15-month waiting period. We had some other time that elapsed, and then we had the 6 months and the 3 months in the banana and beef cases. After all this, are the Europeans making any effort to comply with either ruling? We know the answer. The answer is, no, on both counts. They still are not in compliance, and they still give absolutely no indication that they are going to come into compliance.

This is not just about beef. It is very important. It is not just about bananas. It is about whether the WTO is going to mean anything. And it is whether or not the rulings of the WTO are going to mean anything. I think we have to look at the big picture and put this in perspective.

While the European Union, the E.U., continues its fortress mentality and thumbs its nose at the WTO rulings, other WTO member nations finding themselves on the wrong side of a WTO ruling have acted responsibly.

Members of the Senate may ask: Well, what has happened in other cases when other countries have been found to be in noncompliance, to have violated the WTO, and the ruling has come down, and they lost their case and they have lost their appeal? What have they done? The answer is, they have done what you would expect them to do. They have complied.

The United States has lost four separate WTO cases. In each case, after losing, we complied. Canada has lost and they complied. Korea lost and Korea complied. Japan lost and Japan complied. Everybody but the E.U.—all of these countries that lost their cases came into compliance. In fact, every nation found in violation of a WTO ruling has come into compliance—every nation—except for the nations of the European Union.

Retaliation is the only authorized tool to bring a country into compliance with WTO rulings. That is the point of this amendment, to make this authorized retaliation more effective and to get the job done.

What is a nation to do if its current list of imports subject to retaliatory

tariffs is not working to move the offender such as the E.U. into compliance? The solution, I believe, is to seek other products to target and at tariff levels that will impose the kind of pain that will cause the European Union to see compliance as the remedy. This is a process known as ''carouseling.'' That is what this amendment is about.

In both the case with bananas and the case with beef, we came forward with a list of products that we were retaliating against and the duties were imposed. Nothing has happened. What our amendment provides—and I will discuss this in greater detail later when I formally offer this amendment—is that if the first list of items on which we are imposing tariffs to retaliate against the E.U., quite candidly, does not inflict enough pain to get their attention, then we need to carousel or change the list.

The amendment provides that at least one of the items must be changed. It provides that many can be changed, but at least one has to be changed. The whole idea is, if this is the only way we can get their attention, the only remedy we have, the only tool we have, the only stick we have is this type of retaliation, we must make sure it is effective and we must make sure the correct products are being chosen on which to inflict the pain to get the attention of the E.U. That is what this amendment is all about. It is a rather modest amendment, but it is an amendment that we believe will significantly make a difference.

To date, the administration has refused to carousel products in either case. They do have, currently, the authority to do it, although they are not compelled to do it. As long as the E.U. remains unwilling to comply with WTO rulings, it becomes more imperative that the tool of retaliation be used effectively. Our amendment would do that by requiring the United States to change retaliation lists periodically to inflict pressure, pain, on the noncomplying party to comply—in this case, the E.U.

The ramifications of the E.U.'s noncompliance with the entire WTO dispute settlement process is staggering. If the E.U. is successful, if they get away with this, then we can expect them to continue this tactic on other products and other commodities, and the entire WTO process will mean nothing, at least as far as the E.U. is concerned.

The issue today is beef and bananas, but tomorrow it could be grains, apples, peaches, potatoes, perhaps even computers. Who knows? A lot is at stake. We must ensure our retaliation does, in fact, result in compliance. We must ensure that it works.

This amendment would require the carouseling—or the rotating—of products on a list of goods subject to retaliation when a foreign country or countries have failed to comply with a previous WTO ruling. This amendment would help ensure the integrity of the WTO dispute settlement process because it would provide the U.S. Trade Representative with a powerful mechanism to place considerable pressure on noncomplying countries to actually comply.

In conclusion, it is my hope that in the near future, my fellow cosponsors and I will have an opportunity to have a more detailed discussion of this amendment and the issues involved and that the Senate will overwhelmingly approve our amendment.

It is time, frankly, to break down the barriers of fortress Europe in the name of fairness for American farmers.

I thank the Chair and yield the floor. And I do thank my colleague from Minnesota for his courtesy.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, let me repeat, in about 2 minutes, what I suggested today about the legislation before us, the several trade bills.

I think while those who argue, with the WTO meeting that is coming up in Seattle, that we might be able to have some enforceable labor provisions and environmental provisions, and, for that matter, think about a fair shake for farmers in this trade regime, now bring to the floor of the Senate some trade agreements where there is no enforceable labor standards whatsoever, no enforceable environmental standards—zero—the message of this legislation to working people in this country is: If you should want to organize and bargain collectively to make a decent wage, those companies are gone. And the message to people in other countries, the Caribbean and African countries, is: The only way you get investors to your country is if you are willing to work for less than 30 cents an hour, or whatever.

This is hardly legislation that leads to the uplifting of living standards of working families in our country, much less poor and working people in other countries.

I am opposed to these trade bills and have had a chance yesterday to lay out my case. And Senator HOLLINGS has spoken today. Others may have spoken, as well.

But what I want to do right now is speak to another issue which I think is almost more important than the legislation before us.

We now have legislation out here, and the ''tree'' has been filled with amendments, so there is no opportunity whatsoever for those of us who have been saying for a while that we wanted to have an opportunity to offer some amendments, some legislation that we think will make a difference for the people we represent, there is no opportunity for us to be able to do so. That is what is at issue.

If the majority leader, to whom I spoke about this earlier, was serious about trying to get this legislation passed, getting the necessary votes for cloture, then certainly we wouldn't have a piece of legislation on the floor with the tree filled with no opportunity for Senators to offer amendments. The majority leader wants to argue they have to be relevant amendments. Who gets to define relevant? One wonders whether or not, if we had amendments to have enforceable labor standards, that would be viewed as relevant.

For me, it has been, now, about 6 weeks. This is why I deferred to the Senator from Ohio. First of all, he was on the floor first and I didn't want to precede his speaking. Secondly, I want to take a little bit of time. I think probably I will wait for a more timely time to take more time because one way or the other I am going to force a vote on some agricultural initiatives. The Chair and others can vote for or against it, but I have, for the last 6, 7 weeks, asked the majority leader, when will I have an opportunity to offer legislation I think will fix not all that is wrong but at least could make a positive difference? Other Senators can disagree. But we take responsibility for what we do, and we vote one way or the other. We debate one way or the other, and then we are held accountable.

The exchange I had with the majority leader today about this has been going on for quite some time. The majority leader said he was pretty sure if I introduced an amendment, he probably would be opposed to it. That is fine. It think the more important point, which is what I tried to explain—I don't choose to debate the majority leader; he is not here—is that nobody in the Senate, Democrat or Republican, should be under the illusion, because we passed a financial assistance package, emergency package, that we have, in fact, dealt with the price crisis. I don't know of any producers who feel good about this bailout legislation every year. People are sick of it. They want us to get to the root of the problem.

They don't think the farm policy is working. I don't think it is working. I don't even choose to point the finger. I thought Freedom to Farm was ''freedom to fail.'' I never liked it. I thought it was a big mistake. I thought it was great for the packers and the grain companies. I didn't think it was good for family farmers. Others take a different position.

It seems to me the point is, looking forward not backward, whether or not we are willing to talk about some modification, some adjustment, some changes. If Senators don't think taking the cap off the loan rate makes sense,

then what else? If Senators don't think a moratorium on these mergers and acquisitions, which is what I will talk about today—that is the amendment I wanted to introduce to this legislation, which the majority leader shut me out from doing right now—makes sense, then perhaps Senators will have other proposals.

In farm country in Minnesota—maybe it isn't that way in Montana—almost everybody I know thinks there is a correlation between monopoly power, the power of a few companies that muscled their way to the dinner table and have control, and their low prices. The farm retail spread grows wider and wider, a lot of our producers face extinction, and the packers are in hog heaven. IBP makes record profits, and pork producers are going under.

I thought I could introduce this amendment today, which I will explain.

Mr. President, I came to the floor probably for the sixth or seventh time today to ask the majority leader when I would have an opportunity to submit an amendment to introduce legislation that I believe will speak at least in part to the economic convulsion that is taking place in agriculture. We have too many family farms that are going under the auctioneer's hammer. There are too many of our producers who are being driven off the land.

If I had to pick one ''issue'' that means the most to me right now just in terms of the emotion of it, it would be what is happening to our producers. What is happening to our producers is they are being driven off the land. This is not only where they work. It is where they live. I think it is all quite unnecessary. I think if we were willing to change some of the policies, this wouldn't be happening.

I am determined one way or another to force the Senate to vote up or down on several initiatives that I believe would make a difference. If there are other Senators who have a better idea than having a moratorium on these mergers and acquisitions that are leading to more monopoly power by these conglomerates and driving farmers off the land, or have a better idea of taking the cap off the loan rate, or creating a farmer loan reserve, or extending the payment period on the loan rate so that farmers have some leverage vis-a-vis these huge conglomerates, then come out on the floor of the Senate with your ideas. If there are Senators who believe we should leave in the next week or two without taking any action whatsoever to deal with the price crisis, to deal with what is really going on in agriculture, then come on out and make the argument.

I appreciate the exchange with the majority leader. But, to tell you the truth, I think what is going on in the countryside doesn't have much to do with whether or not the majority leader says something that is fairly clever, or I say something that is fairly clever, or we have a kind of back and forth discussion. That is fine. Each of us is saying what we believe. Each of us is representing what we think is right.

The only thing I know is that October 25, 1999, at the Bird Island Elevator in Renville County, wheat was $2.89 a bushel; corn was $1.43 a bushel; soybeans were $4.04 a bushel; and this is way below the cost of production. These farmers can work 19 hours a day, be the best managers in the world, and they are still going to go under.

If U.S. Senators want to come out on the floor and amend the ''freedom to fail'' bill, feel free to do so. But let's have the debate. More importantly, let's all come out here with some legislation, some change in policy, that will make a difference so we don't lose a whole generation of family farmers.

In Minnesota, farm income has decreased 43 percent since 1966, and more than 25 percent of the remaining farmers may not be able to cover expenses, or won't be able to cover expenses in 1999.

That is why I take it so personally when I am essentially told again: We are going to shut you out. We are going to bring this legislation to the floor. We are going to fill up the tree, and we are going to make sure, Senator WELLSTONE, that you can't come out here with an amendment, or with legislation that you think would help farmers in your State.

I hope my colleagues will vote against cloture, whether or not they are for this trade legislation, just because of the way business is being conducted in the Senate. The way business should be conducted in the Senate is that when we have a piece of legislation, Senators must be able to come out with amendments they believe are an important part of their work to represent people in their State. If other Senators don't agree, they can come out and disagree. If other Senators want to come out and say you have no business bringing legislation to the floor of the Senate that deals with agriculture because we are on a trade bill, then I would ask you: When have I had the opportunity over the last several months or for the last year? The majority leader alluded to some of my colleagues who think that because we passed the financial assistance package we have dealt with the problem. Spend one second in Minnesota, come on out to northwest Minnesota, or west central Minnesota, or southwest Minnesota, or southeast Minnesota, and meet with some of our producers. Look in their faces and see grown men and women break down and cry. Why don't you come out to do that? Since, again, we are not going to take any action—this legislation is now filled up with amendments—people in greater Minnesota don't know and have any idea what ''fill up a tree'' means. It means, once again, we can't come out here and fight for the people in our State.

DEAR FARM AID: My husband and two of our sons live on the farm in Missouri. My husband has loved the farm ever since he was a little boy. It would just kill him if he loses it. And in fact it might just kill him. I am so very concerned. We have been farming several years, and we have gone in and out of bankruptcy. That is why we cannot get financing to save our farm.

I will make a long story short. I am not used to this. We have no place to go. Our farm may be sold at the end of September on the courthouse steps. Many lives will be affected. I am really worried about what will happen if we can't hold onto our farm. We have worked our entire lives and made many improvements to the farm. I do not know how you can help. You cannot give farmers a price for what they sell, but anything you can do would be appreciated. The banks are demanding $200,000 from us. Time is very critical. If you can save our family farm, we will be forever grateful. You may even save one's life.

Actually, we can do something about the price. When we talk about taking the cap off the loan rate, we are saying to farmers, get more leverage in the marketplace to get a better price. When we talk about farmer on reserve, we are talking about farmers being able to withhold their grain until they get a decent price. When we are talking about the need to take antitrust action and a moratorium on the acquisitions and mergers, we are simply saying to our livestock producers when there is less concentration of power, there is a much better chance of getting a decent price.

When a farmer is at an auction and there are three buyers for what is being sold, one does not get a very good price.

DEAR FARM AID: We are at our wit's end. This farm has been in our family since 1908. We are one of the only original homestead families still surviving. We fought off foreclosure three times since the 1980s. We have four children and we don't live a fancy lifestyle. We built a new home 6 years ago. Or rather we tried to build a home 6 years ago. We still hope to have siding on the house one day. We got running water 3 years ago, and fortunately we have electricity. We were able to purchase a window for the house in 1997, and some day the house will have flooring and sheet rock. This is our only luxury. We don't have any retirement, life insurance or health insurance.

I repeat: We don't have any retirement, life insurance or health insurance.

Our farm has been listed for sale 5 times but so have all our neighbors' farms. There is not employment in this area and the nearest city is 78 miles from us [Montana farm.] Yet we do not want to leave. We owe the bank $39,000 currently and we know they will not release any income for our land payment that is due this January. Therefore, we face foreclosure in 2000. We don't know which way to jump. Should we declare bankruptcy? We cannot afford a lawyer. We don't even have money for groceries. We are not ignorant and we are not bad farmers. We cannot compete against the large companies. Last year we couldn't even sell our grain and it had to go

under the CCC loan. We delivered the grain for loan repayment but it didn't bring enough to cover the CCC loan and we owe an additional $1,765 on that, as well. What can we do? Should we concede defeat and lose our legacy? Our son would have been the 6th generation to work this land. Where will he go? We can no longer qualify for conventional loans. What's next? What do we do? We are so scared. In 1 year we can lose what has taken 92 years to build. We have tightened our belts as far as we can. We live on less than $3,000 a year.

Senators, are you listening to that?

Please tell us what we should do. We live on less than $3,000 a year. Please tell us what we should do.

What we should do, come early February when we come back in session, before spring planting season, is have 10,000 farmers and rural people coming to the Capitol and rocking the Capitol. That is what we need to do. We need to have farmers, rural people, the religious community, labor and supporters coming right here—people are not going to come by jet because they don't have the money—buses of people coming from the Midwest, the South, and other agricultural States, joined by allies, have face-to-face meetings in every Senator's office, every Representative's office, be he or she a Democrat or a Republican. That is what we are going to need to do.

It is clear to me with a week to go we are not going to take this action. I can't even get an up-or-down vote on one amendment. I can't even get an up-or-down vote. I can't even get a debate. On this piece of legislation, the tree is filled. No amendments can be introduced.

But today won't be the day because the Senate right now is waiting until the cloture vote on Friday. The first opportunity I get to get the floor when we do need to do a lot of business, I will be out here talking for hours about agriculture—for hours.

A Kansas farmer's daughter:

My father is a farmer and the bank is foreclosing on his farm. Due to circumstances beyond his control he has been unable to make his mortgage payments. He was able to forestall the sale scheduled for June 9, 1999. I don't know how much longer he can put them off. He has been farming since he got out of the army in 1945. He is 77 years old and he is still trying to make a living. He has no life insurance and I am fearful that his health will not hold out. Is there any help for him? What can be done to help him maintain his farm?

All appeals have fallen on deaf ears.

Including the deaf ears of the Senate.

At this moment, I hold the majority party accountable for not enabling us to come to the floor with amendments to try to change the situation for the better.

All appeals have fallen on deaf ears. This farm has been in our family since the 1800s. We don't want to lose it. But it seems one way or the other my father's life will be taken. Either the stress and his health will kill him, or losing the farm will kill him. Please help.

I am going to repeat that so often on the floor of the Senate. We debate statistics. It is all abstractions. It is all party strategy. Several hours ago when I came out ready to go with this good bill to impose a moratorium on large agribusiness mergers and establish a commission to review large agricultural mergers and the concentration of market power with Senator DORGAN, the majority leader came out and through several motions filled up the tree.

That is what we are talking about—filling up the tree. Don't let Senators have any amendments. Then I heard the majority leader say: We certainly don't want to have something dealing with agriculture.

It seems one way or the other my father's life will be taken. Either the stress and his health will kill him or losing the farm will kill him. Please help.

I guess this woman in Kansas isn't going to get any help today from the Senate. Won't get any help tomorrow. Since the majority leader has filled up the tree, there is not opportunity for any amendments at all, no opportunity to bring legislation to the floor to try to make a difference. No opportunity.

Please help.

I am going to read this again quickly because several other colleagues have come to the floor. This woman is talking about her dad. He is a World War II vet. He is 77 years old. He is trying to make it on the farm. She says:

What can be done to help him maintain his farm?

With these record low prices and record low income.

All appeals have fallen on deaf ears. This farm has been in our family since the 1800s. We don't want to lose it but it seems one way or the other my father's life will be taken. Either the stress and his health will kill him or losing the farm will kill him. Please help.

There is no help from the Senate today because the majority leader has filled up the tree and I don't have the right to come to the floor with an amendment to try to help this woman, this farmer or other farmers in our country. When are we going to do something about agriculture? Are we sleepwalking through history? I see my colleague, Senator GRASSLEY from Iowa. He knows what is going on in the countryside. I know he knows. But I just believe the Senate does not. We are going to go with the current policy? Do Senators not believe that we need to make perhaps some modification, maybe some adjustments when farmers are getting prices way below the cost of production? When the men and women who produce the food and fiber for our country cannot even make a decent living, do we think we should not be doing anything about this?

Iowa farmer:

I am a hog farmer and as you know times are tough. I want to make some changes in my farm business that would necessitate an off farm job. I do not have much choice. I have to get an off farm job, or I will have no farm. I'm 54 years old, I'm healthy, and I have a BA in history. When I go to the employment agencies, I feel like the counselors do not know how to help me. The only jobs out in my area are low paying factory or sales jobs. Do you have any suggestions? I feel that time is running out.

I hear that so often. I hear that so often from farmers. They say, ''I feel like time is running out.''

That is the way I feel, as a Senator from the State of Minnesota. I feel that time is running out. I feel that time is not neutral. I feel if we stand still and we do not pass any legislation that will make a difference and we do not change this failed farm policy, a whole generation of producers are going to be wiped out in my State of Minnesota. The majority leader fills up the tree, denying me and denying other Senators an opportunity to come out here with legislation we think would help people in our States.

By the way, I am pleased to debate this with any Senator, the majority leader and others.

An Illinois farmer wife:

DEAR FARM AID: My mother and father-in-law saved and borrowed enough money in 1945 to buy an 80-acre farm in Illinois. They farmed with horses, milked cows, raised hogs in the Timber Creek Bed and raised 12 children. My husband now has had the farm turned over to him since his parents have passed away and his sister was killed in a car accident 2 years ago. My husband is, has always been, a very hard worker.

Boy, I tell you, this sounds like my mother, Mensha Daneshevsky. If she really liked somebody, this was her ultimate compliment. She would say, ''He's a hard worker'' or ''She's a hard worker.'' My mother is no longer alive. I tell you, family farmers in Minnesota and around the country are hard workers.

We both work at jobs full-time, our other jobs outside the farm. We were both raised on a farm and we both love to farm. We cash rent three other farms close by to get along, but we are still having an awful time. The prices are so low that we just cannot seem to make ends meet.

That is the point. I cannot believe it when Senators come out here on the floor, or at least one Senator today, and talk about this emergency financial crisis bill we passed, this disaster relief bill we passed, as if this is a response. It does not have anything to do with low prices.

All that money we have been spending, more than we ever spent before in the ''freedom to fail'' bill, is only enabling people to live to farm another day. There will be no ''other day'' for these farmers until we deal with the price crisis. I am told by this majority party that I cannot bring an amendment to the floor to try to enable this family to make a living?

Prices are so low that we cannot seem to make ends meet. If it wasn't for our jobs in

town we would have lost everything my husband's parents worked so hard for. We are doing all we can, but we just cannot get out of debt. In fact, we are going deeper and deeper into debt every year. My husband and I have shed many tears and had many sleepless nights trying to figure out just what to do to save our family farm. We do not want to lose it. Do you have any help for us or anything else that we can do? We lost over $20,000 this year. It breaks my heart to see my husband work so hard and get so tired of working two jobs and still not making it. Please help us. If we could just get a break, even on this year, things would be easier. Thank you for listening and I hope you will be able to help my husband save his deeply loved family farm.

I have hours of stories, especially from Minnesota farmers. I am going to pick the right time on the floor of the Senate to go through all of that, especially when the Senate most needs to do business.

But this is what I hear over and over and over again. ''Thank you for listening and I hope you will be able to help my husband and save our farm.''

The answer is: I can't. I can't. I can't help save family farmers in my State or in other States because the Senate, and in particular—I don't usually come out on the floor and do this, but I am doing it today—the majority party which filled up this legislation with amendments has turned its back on agriculture. I heard today we do not want to deal with agriculture.

When are we going to deal with agriculture? Exactly how much longer do you think these people have? How many farmers do we want to see driven off the land? How much more pain do we want to see? How many more families do we want to see shattered before we do something?

This is about the angriest I have ever been since I have been on the floor of the Senate because I was ready to do this amendment. I say this to my colleague from Iowa, who is a good friend, he has nothing to do with anything I am talking about. But I was ready to have a debate. I was ready to bring out this amendment. I was going to say I think we ought to have a moratorium on these acquisitions and mergers because they are taking place at such a breathtaking pace, and I think what is happening is we are moving to monopoly and our family farmers cannot get a break. Let's have a study of this and let's put a moratorium on it for 18 months.

I tried. I have an amendment that is I don't know how many pages. It is well thought out. My colleague from Iowa could agree or disagree. We even had some discussion. He raised some questions I thought were important questions. But as long as we have legislation out here with the tree filled and no opportunity to do the amendment, there is just no opportunity to do it.

I would not be out here today saying this, but this is the sixth or seventh time. For the last several months, I have been saying: When do we have the opportunity to have this debate? It is hard to go home and meet with people and know people are hoping for some change and know this disaster package we passed does not do anything but enable people to survive. But then what about next year and next year? People want to know: Do I have a future? Do my children have a future? What is going to be done?

Basically, what we get out here today on the floor of the Senate is a parliamentary maneuver which basically denies any Senator from coming out here with amendments.

Therefore, I do not know what is going to happen, but I certainly hope my colleagues will vote against cloture. Then, of course, it becomes a game again. Then the President, who wants this legislation, will not get the legislation. Then some people can say that is good; we don't care one way or the other anyway. Or people can point the finger and some people can say: Those who voted against cloture, they are the ones who killed it, and many of them were Democrats.

It goes on and on and on, this grand political strategy.

Look, I don't support this legislation. I was out on the floor the other day stating my reasons why. But, frankly, I think there is a larger question. That has to do with whether or not we are going to have debate on issues that are important to the lives of people in our country and whether we are going to have the opportunity to represent and fight for people in our States. Today certainly is not such a day.

I have at least a 2-hour historical analysis, but not today—I got the attention of my friend from Iowa—at least a 2-hour historical analysis of concentration in the food industry. I will go back to the Sherman Act, the Clayton Act, and some of the work of Estes Kefauver. I will talk about the Farmers Alliance, the populist movement, the gilded age, Teddy Roosevelt, and what we should be doing. As a matter of fact, tomorrow I have the opportunity to testify about Viacom buying up CBS. It is pretty incredible. There we have concentration in the media, telecommunications, which deals with the flow of information in a representative democracy. I think food is a pretty precious commodity.

I will summarize what this amendment would have done, if adopted.

This amendment represents comprehensive legislation. I would have offered this with Senator DORGAN—he would be out here, Senator HARKIN would be out here, and other Senators would be out here—to deal with the problem of market concentration in agriculture. Anybody who does not think we do not have a problem of market concentration in agriculture just does not know what is going on in the countryside. If anything, we are looking to put free enterprise back into the food industry.

Given this concentration, given the mergers, given the anticompetitive practices, and given the failure of our antitrust authorities to remedy the situation, we need to do something.

A moratorium on these large agribusiness mergers is something the Congress can do right now. This would apply to mergers and acquisitions among firms that do at least $10 million of business annually. It would apply to mergers and acquisitions that, under current law, must already be filed with the Justice Department and FTC; namely, the mergers and acquisitions in which one party has net revenue or assets over $100 million and the second party more than $10 million. The moratorium would last 18 months or until the Congress enacted comprehensive legislation to address the problem of concentration in agriculture, whichever occurred first. We also would set up an agriculture antitrust review commission to study the nature and consequences of concentration in the agricultural sector.

We have a long history in our country, a glorious history, of ordinary people who have been willing to take on concentrations of wealth, of economic power, and of political power that are unhealthy for democracy. They were some of our greatest leaders: Thomas Jefferson, Andrew Jackson; think about the New Deal, the Progressive era, Teddy Roosevelt, and the People's Party of the late 1800s.

The populist platform of 1892 at the nominating convention in Omaha declared:

> The fruits of the toil of millions are boldly stolen to build up colossal fortunes for a few unprecedented in the history of mankind.

The People's Party founder, Tom Watson, thundered:

> The People's Party is the protest of the plundered against the plunderers.

The late 1800s and the early 1900s is the way it seems to me in this country now. I keep referring to my colleague from Iowa because he is a friend. I do not know what his experience is, but when I speak, for example, to pork producers—there may be several hundred there—it seems as if I am in the late 1800s when the deck was stacked against producers. It really does. They work hard. There are just a few packers who pretty much control everything. The producers do not understand why they cannot even make a living and IBP is making millions.

Come on, what is going on? Where is the competition? Let's give our producers a fair shot, a fair shake. That is all they are asking. I have not met anyone in the countryside—and this transcends all party differences—who does not believe there is some correlation between the concentration of power and the low prices they receive.

Everybody thinks this is a problem, and we are sitting on our thumbs. I am

told today by the majority leader, in filling up the tree: We don't want these amendments such as agriculture; that is unrelated; that is not relevant.

An amendment on agriculture is relevant to me. It is relevant to Minnesota. It is relevant to family farmers in the Midwest. It is relevant to rural America. If I cannot meet the majority leader's definition of relevant, then I will just have to come to the floor whenever I can and take as many hours as I can to talk about what is relevant.

There is nothing more relevant to me right now than the pain and agony of family farmers in my State of Minnesota, and there is nothing more urgent, from my point of view, than for me to try, even if I lose—I may very well. Cargill, IBP, ConAgra, and Monsanto have a fair amount of clout, but I think it is worth trying to take them on. I really do. At least I am going to try to fight for it, and at least I am going to try to continue to force this question in the Senate. If I cannot get an up-or-down vote and keep getting blocked, then I will just have to figure out ways to block the Senate as we try to do our business because to me this is the relevant question.

What is relevant to me is that on the present course, we lose a generation of producers. We can change the course. We can change some of our policy. We can make some modifications. We can make some adjustments. We can get the price up. We can give our producers some protection against these monopolies. We can do something that will make much more sense on trade policy, and we can make a difference.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, on the Africa trade bill, which is now before the Senate, we are in a parliamentary position in which all the amendments offered have been offered by the Republican side. Such a position had to be taken by the majority leader because of failures to get time agreements and commitments from the other side, meaning the Democrat side, on a limitation on amendments and time agreements on those amendments so we could bring this bill to a vote.

I hope our Democrat friends will heed the necessity of this legislation from President Clinton's State of the Union Address that this was one of the most important goals of his administration. Since the Republican majority in the Congress is often criticized by the President for not working closely with the President—and I think those charges by the President of the United States are overblown most times, but those charges are still made. So in the present environment in which one of the President's prime pieces of legislation is before the Senate, with a determination by our majority leader to help get this part of the President's program into law, I would think the Democrat minority would be embarrassed that they are taking actions that make it difficult to get one of the President's programs through this Congress for the President's signature.

I hope, as one Senator—not speaking for the majority leader, just speaking for myself—they will reach agreement on these very important amendments so we can bring this bill to finality and get it sent to the President, not because it is one of the President's major goals, not that it shows the President's charges against the Republican majority are many times unfounded, not for any of those reasons, as legitimate as that might be, but because the substance of this legislation is very important for the economy of the United States and the economy of the countries that it applies to—because free trade strengthens economies, free and fair trade creates jobs, not only in the United States, but also economies that practice free trade anywhere around the world are stronger economies because of it. That is the goal we seek in this legislation.

We have heard we have a lot to fear from free trade. In the last few months, we have heard from many quarters that free trade is harmful because it destroys jobs. We have heard free trade is not fair trade because it causes investments to shift overseas. We have heard that the Africa trade bill will do both of these things, as well as cause illegal transshipment that we cannot do anything about.

When you look at the facts, none of these three arguments that are used against this piece of legislation has any merit. First, let's look at the claim that free trade destroys jobs. The 50-year history of the multilateral trade negotiations, first under the General Agreement of Tariffs and Trade, and now under the World Trade Organization, called WTO for short, shows the enormous positive effect on the world economy of liberalizing trade by reducing tariffs and getting rid of nontariff trade barriers.

We have had eight series, or rounds as they are called, of multilateral trade negotiations since GATT first started in 1947. We are about to launch a new round, the ninth one, at the WTO Ministerial Conference in Seattle in about 5 weeks.

During the first round, the Geneva Round it was called, in 1947, we negotiated 45,000 tariff concessions affecting one-fifth of world trade.

In the sixth round, which was called the Kennedy Round, we slashed custom duties on average of 35 percent.

During the last round, the Uruguay Round, starting in the middle 1980s, ending in 1993, we reduced or eliminated many nontariff trade barriers.

The results of this trade liberalization have been nothing short of astounding—creating jobs, expanding the world economic pie, creating better economies in various countries around the world, enhancing political opportunities and, most importantly, political stability. The expansion of free trade that has followed this 50-year period of trade liberalization has spurred one of the greatest bursts of wealth creation the world has ever seen.

In 1947, when we started postwar trade liberalization, the total value of world exports was about $50 billion. Today, the total value of world exports is $7 trillion, more than 3½ times the total budget of the United States.

Free trade has enriched every American family. According to the President's own 1998 economic report, the added economic benefit to each American through expanded trade is $1,000 per year or $4,000 per year for a family of four, as we measure families in America. This is equivalent to an annual $4,000 per family tax cut. Where can one get a $4,000 tax cut these days? Even the tax cuts now being debated in the Congress do not come anywhere close to this amount of money to enhance family income and disposable income.

The facts that show the benefits of free trade seem to be so compelling that in explaining them, I don't know where to begin.

Let me mention a recent example that comes from NAFTA. According to a September 1998 report published by the nonpartisan Congressional Research Service, approximately 191,000 jobs were certified, between January 1, 1949, and August 12, 1998, as potentially suffering NAFTA-related loss—affecting 191,000 workers. That is on the negative side. We have always said that free trade will cause some job dislocation. That is why we have programs such as trade adjustment assistance—to ease the transition that is sometimes necessary when we have open markets.

On the positive side, there has been much more gain. Let's go back to that Congressional Research Service study I cited. The number, 191,000 workers affected negatively by NAFTA over 4 years, represents less than the number of jobs created in any single month in 1997. In contrast, then, on the positive side, more than 1 million new jobs were created from new exports to Mexico and Canada after NAFTA was enacted into law—more than 1 million new jobs.

Next let's look at the claim that is made by opponents of this legislation or free trade generally that it causes investment to shift overseas. That claim, too, has little or no merit. Section 512 of the NAFTA Implementation Act required the President to provide a comprehensive assessment of the operation and effects of NAFTA to Congress. The President's report shows that the amount of new United States investment in Mexico is very low.

Again, the specific facts are compelling. In 1997, direct United States investment in Mexico was $5.9 billion compared to United States domestic investment in plant and equipment of $864.9 billion. In other words, United States investment in Mexico was less than 1 percent of all United States domestic investment in plant and equipment in 1997. So much for that giant sucking sound we were supposed to have heard continuously from south of our border.

Free trade has been so good for our economy. If all these predictions about economic disaster haven't come true when we have liberalized trade in the past, it is clear we shouldn't fear tearing down barriers around the world, as we have for the last 50 years with the good results we have for the 50 years, without the expectation that those beneficial impacts would continue. We should, then, embrace such an opportunity.

Let me get specifically to the Africa trade bill. The fear that the Africa trade bill will cause a huge influx of illegal textile transshipments from Asia, as has been stated on the floor of the Senate, just is not true. I cite the International Trade Commission study, our own Government. It looked at the transshipment issue. Here is what our International Trade Commission found:

Assuming we will get illegal transshipments in a worst case scenario, the ITC study shows that U.S. apparel shipments would drop by one-tenth of 1 percent and result in the loss of less than 700 jobs. Again, to put this number in perspective, the U.S. economy has created about 200,000 jobs each month this year.

Remember, the ITC study guesstimate of 700 jobs is based on a worst case scenario. It is highly unlikely, then, that sub-Saharan Africa will see this level of export growth in the near term. They don't have the infrastructure. They don't have the trained workforce. They don't have good transportation. And the Africa bill has strong anti-transshipment provisions.

One might say, then, why the big deal about the Africa trade bill? Because trade is better than foreign aid and because, when you want to build up the economies of the developing nations, you start someplace. This is how we can best help them to help themselves.

Participating countries will have to commit to full cooperation with the United States to address and take any necessary action to prevent transshipment. The spirit of this legislation is that there not be transshipment. In addition, the U.S. Customs Service has effective procedures to thwart illegal transshipments, as Customs jump teams have proven to be successful in doing in both Hong Kong and Macao. And there are many other provisions aimed at preventing transshipments. So free trade works. Free trade creates jobs and prosperity in the United States, adding $4,000 every year in economic benefits to each American family at home. Free trade keeps the peace by building interdependence among nations, and by bringing political stability to nations that heretofore have relied upon dictators and relied upon a government-controlled economy. Finally, free trade will help Africa break the shackles of poverty by bringing economic freedom to the most economically unfree and also the poorest regions in the world. So I urge my colleagues to join me in supporting this important piece of legislation.

Mr. President, I ask unanimous consent that the pending amendment, No. 2335, be temporarily laid aside in order for Senator REID of Nevada to offer an amendment. I further ask unanimous consent that at the conclusion of that amendment, amendment No. 2335 become the pending business.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

AMENDMENT NO. 2336

(Purpose: To amend the National Defense Authorization Act for Fiscal Year 1998 with respect to export controls on high performance computers)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2336.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS.

Section 1211(d) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended—

(1) in the second sentence, by striking ''180'' and inserting ''30''; and

(2) by adding at the end, the following new sentence: ''The 30-day reporting requirement shall apply to any changes to the composite theoretical performance level for purposes of subsection (a) proposed by the President on or after June 1, 1999.''.

Mr. REID. Mr. President, I was born and raised on the southern tip of the State of Nevada, in a little mining town called Searchlight. When I grew up, there wasn't a single telephone anyplace in the town. No one had a telephone. In the home I was raised in, there was no hot water. We had no indoor toilets; they were outdoor toilets. It was primitive—well, I would not say primitive, but we weren't very modern there. That is the way it was with a lot of people in rural Nevada at that time.

Today, it is hard for me to comprehend what has taken place in the advancement of science. I can go home at night and see if I have received any e-mail on my computer. It is easy to do. I open my computer and it says, ''You've got mail.'' I open that up and find out who has contacted me by e-mail, and it is like magic. I press a button and I can reply to that person as quickly as I can type that message out. That message is sent quicker, of course, than the speed of light. It is gone. It is amazing. I can check to find out the weather on my computer. I can communicate and buy a CD, or anything else I want, on my computer. I can't imagine how that can happen, but it happens.

I rise today in total awe of what is happening in science and technology in America. The amendment I have offered is an amendment that is critical to maintaining our Nation's lead in the high-tech sector. Specifically, this amendment is crucial to the computer industry, the industry that allows me to communicate, for example, with all five of my children. It is easy to do. It is easier to do than seeing if they are home by virtue of a telephone. It is easier to do because it is very convenient. They can send me a message when I want a message sent. I can send them a message when I have the time. I can have a good time with my children over the Internet. I sent one of my boys, who is the athlete of the family, an e-mail last weekend saying that I think the Redskins are going to do well if they get a new coach. He was an athlete at the University of Virginia. It is the first time I can remember that the University of Virginia soccer team has not been ranked in the top 10; they are in the top 20. I suggested to my son that it might not be a bad idea to get a new coach for the soccer team at Virginia.

This is done so quickly. He will communicate back to me when he has the time. I am in total awe of what is going on in the high-tech sector.

This amendment relates to an issue I have been interested in for quite a long time and, in particular, have done a lot of work on this session with some of my colleagues. What I am concerned about is bipartisanship. For once in this legislative session, we are doing something that is bipartisan. I have to say it appears the underlying bill is generally bipartisan, even though some disagree with it.

I want to talk about the U.S. computer industry. According to an article in Computers Today, one of the many computer trade journals, dated July of last year, American computer technology has led the world since the first commercial electronic computer was employed at the University of Pennsylvania in 1946. The advancements that have been made are unbelievable. I can remember, before I came back to Washington, going to the Clark County

Courthouse and being shown around by the person who was in charge of the computers for the county. It was a whole floor of that large building. Of course, it had to be really cold because computers needed constant cool temperatures. Well, today, what was done on the whole floor of that Clark County Courthouse can be done on a computer the size of a briefcase.

The industry is constantly changing with new companies and new products emerging every day. A statistic I find fascinating is that more than 75 percent of the revenues of computer companies comes from products that didn't exist 2 years ago. That statistic shows they will continue to grow and change rapidly.

Through research and development that is largely due to another issue I have strongly favored, the research and development tax credit—and I think it should be permanent—the computer industry has been able to remain competitive for these many years. The challenge we now face is a challenge that, frankly, we haven't lived up to in the past as a Congress, and that is to allow our export control policies to change with the times and not to overly restrict our Nation's computer companies.

In the free enterprise system, entrepreneurs have never been so in charge of what is going on than in the computer industry. They have led this Nation forward economically. We have to give them the freedom that they can continue, in this free enterprise system, to sell the product. We need to stop trying to control technology by politics. We have to start controlling technology by allowing the businesses to go forward. The technology we are regulating, computers with performance levels of 2,000 to 7,000 millions of theoretical operations per second, or MTOPS, is readily available from many foreign companies. Companies from countries such as China and other tier III countries are moving into this field rapidly.

Not too long ago, I secured funding through Congress for a supercomputer at the University of Nevada at Las Vegas. We were so proud of that computer. It required its own room. It is now about as powerful as my laptop computer. The supercomputer is no longer the same supercomputer it was then, in 1988 or 1989, when it came to UNLV. That is exactly, though, the kind of computers we are still regulating politically.

Computers that are now considered supercomputers operate more than 1 million MTOPS, or about 500 times the current level of regulation. Last month, Apple began producing a computer that exceeds the current threshold and, as a result, Apple is unable to sell its new G4 computer systems in over 50 countries.

The bottom line is that by placing artificially low limits on the level of technology that can be exported, we may be denying market realities and could very quickly cripple America's global competitiveness for this vital industry. If Congress doesn't act quickly, we will substantially disadvantage American companies in an extremely competitive global market.

On July 23, 1999, at my urging, and the urging of some of my colleagues, the President proposed changes to the U.S. export controls on high-performance computers. Since that announcement, the President's proposal has been floating around Congress for a mandated review period of 180 days, or 6 months. When the President made his proposal, the new levels would have been sufficient; however, we are still regulating under the old levels, and therefore hindering companies such as Apple from competing in tier III countries with other foreign companies.

The amendment I am offering simply reduces the congressional review period from 180 days to 30 days to complement the administration's easing export restrictions by amending the National Defense Authorization Act of 1998.

I would like to share an example of how outdated today's restrictions are. I was at a meeting recently where Michael Dell, President of Dell Computers, stood up and pulled from his hip holster a little pager. Under current export controls, this little pager, normally smaller than a computer mouse, can't be exported to tier III countries because it is considered a supercomputer. That is wrong.

I am going to withdraw my amendment. I am going to do it because I have had conversations with the chairman of the Banking Committee. I fortuitously was able to have lunch with the ranking member of the Banking Committee, and I met also with Senator ENZI, who has worked very hard on this issue, and also Senator JOHNSON, who has worked very hard on this issue. They indicated they are very impressed with the need to change this time period. They want to do it under the Export Administration Act. I, frankly, have been convinced by them that their intentions are well considered. They have thought this out over a long period of time. I want to work with them and the majority leader and the minority leader to do whatever we can to, this year, move the Export Administration Act. It is vitally important that we do that.

We need to allow the entrepreneurs in America who have made this economy the vibrant, untiring economy that it is the freedom to sell their products because if we don't allow them to have that freedom to sell their products, other foreign companies, some of which will be actually Americans moving over and setting up foreign companies, will be selling products that we should be selling with American-manufactured goods.

I am going to withdraw my amendment with the notice that I am going to work very hard with my friend, the chairman of the Banking Committee and the members of the Banking Committee to do whatever we can to move this very important piece of legislation. It is more than just my amendment. What the Banking Committee wants to move is more important than my amendment. I am concerned about the material that I have in this amendment. I think this is very important.

I look forward to working with the chairman of the Banking Committee and the other members of the Banking Committee to see what we can do to move the Export Administration Act in this Congress. With all the turmoil we have had in recent months with the partisanship, I believe we need to move this legislation in a bipartisan fashion. It can be done. We need to show the business community of America that we can move forward.

It is vitally important to everyone. The people who buy these products don't look to see who manufactures them, whether they are Democrats or Republicans. The people who work putting these computers together, no one knows whether they are Democrats or Republicans. But everyone knows when we have a good economy that we, the Congress, should get some consideration in a positive fashion for that. If something goes wrong, we deserve the blame. I think with things going so well we have to do everything we can to make sure the economy continues to move forward.

I am going to do what I can to help this piece of legislation that we hope will come up as early as this week or next week and have it passed in this Congress and not next Congress. I mean this year of this Congress and not some subsequent year.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I thank our colleague from Nevada for his amendment and for withdrawing it, and for joining our effort to try to pass the Export Administration Act.

As some of our colleagues will be aware, there have been 11 failed attempts to pass a new Export Administration Act since the last one expired.

We now find ourselves in a position where despite the Cox report, despite concerns that have been raised about lost American technology, and despite the growing obsolescence of the residual permanent law the administration is forced to operate under, we have not reauthorized the Export Administration Act. I think it is a terrible indictment of the Congress that we have not done that.

That is the bad news.

The good news is that under Chairman ENZI we have put together an excellent bill. Chairman ENZI has done something I am not aware of any Member of the Senate ever doing. He has

gone over and sat through meetings of the current bodies of the executive branch that make decisions related to export licensing. So he has, through practical experience, come to understand the process. He has provided leadership whereby we have put together a bill. He has provided leadership where we literally sat down with everybody who has any interest in this bill. We have had numerous meetings. We have let people submit concerns in writing. I believe we are on the verge of having a bill that is uniformly supported.

What our bill tries to do is simple to say and very difficult to achieve. We have a conflicting interest. We want to sell things on the world market which embody new technology because those are items that we have a comparative advantage in producing, and they are items that are high-wage items in the production process.

Finally, they represent commodities that will dominate the future of the world economy. So we want to be the leader in selling these types of goods.

On the other hand, we have legitimate concerns about technologies. If they are in the hands of people who may be potential terrorist nations or potential enemies of the United States, they could end up hurting our national security.

We have taken those two conflicting concerns, and we have put together a bill. The two major features of it are the following:

One, we define a brand new concept called mass marketing. It is a very simple and powerful concept. It says if an item is for sale at Radio Shack, if you can buy it over the web site of Dell Computers, if it is generally being marketed in the United States and around the world—though you might wish that it is possible that all of this could happen without it falling into the hands of a potential adversary—the bottom line is there is no practical way at that point that you can keep anybody from getting the technology.

So we take mass marketed items out of the process and, hopefully, reduce the number of different items that are under licensing in any given year from about 10,000 to 1,000 so that we could put the focus of attention where it belongs.

Second, under current law, if companies are accused and found guilty of wrongdoing in China, despite numerous accusations, all of which carry some penalties, the maximum fine under current law would be $132,000, which for corporate America is a relatively insignificant amount of money. Under our bill, we have a $10 million fine per violation. We also have for a conscious, knowing violation where individuals are involved, prison sentences of up to 10 years, and in aggravated cases, life in prison.

So there is a dramatic strengthening of current law.

I agree with our colleague from Nevada. This needs to be adopted this year. I believe we have eliminated opposition to it.

It simply is now our task to provide leadership where we can bring the bill to the floor later this week, or early next week, and get an agreement that this is not going to become a vehicle for a bunch of unrelated amendments.

Having said that, let me stop before I sit down. I want to say a couple of words about the African trade bill.

First of all, I congratulate the chairman of the Finance Committee for his leadership on this bill. I endorse the African trade bill. Our President went to Africa, did an extensive tour, and talked about what we could do to try to break the bonds of poverty—this crushing, grinding poverty—that people in sub-Saharan Africa face. I think the President rightly understood, if we take all the important aid provided by all the countries in the world and combine them, we have about $40 billion a year. There are 700 million people in sub-Saharan Africa, so if they get all the foreign aid provided by all the countries in the world, we will have relatively little impact on them, and there is relatively little evidence that foreign aid has produced economic development in areas where no economic development ever existed before.

As a result, the President proposed bringing in the most powerful tool for economic development ever to evolve in the history of mankind; that tool is trade. The President proposed we open up a fiber trade agreement in textiles with sub-Saharan Africa. I remind my colleagues, under existing agreements internationally, by the year 2005, under the Multifiber Agreement, we will no longer have quotas on tariffs anywhere in the world. We are not talking about a permanent advantage for sub-Saharan Africa; we are talking about giving them a little bit of a head start.

Let me briefly define the problem. The average per capita GDP of countries in sub-Saharan Africa is $490 a year; 40 percent of the people in sub-Saharan Africa earn less than $1 a day. The current estimates are, we import about .86 percent of textiles and apparel imported into America from sub-Saharan Africa. The International Trade Commission has estimated that if they devoted their productive capacity to textiles, under this agreement, still within 10 years we couldn't expect more than 2 percent of our textile imports to come from sub-Saharan Africa. We are talking about expanded trade, and we are talking about trade with countries that have no significant capacity to impact American imports of textiles.

I believe this bill is needed. I think it is a step in the right direction. I remind my colleagues, for any country in sub-Saharan Africa to take part in this program, they have to do the following three things: they have to make progress toward a market-based economy, they have to institute a democratic society, and they have to open their trading system. These are all actions that will mean stronger economic growth in Africa, that will mean greater human happiness in Africa, and that will ultimately mean a greater demand for American goods and services.

I believe this is an important bill. I believe it should be adopted. I am hopeful we will adopt it today. I intend to vote for cloture and for final passage.

There is one provision in this bill in the Senate that is not in the House bill. That is a provision that requires, for textiles and apparel to be imported from Africa, they have to be made out of American fabric and yarn. That same agreement is in the Caribbean Basin Initiative, which I support. But the problem with Africa is that given the transportation costs, and given that their ability to market products is basically based on using longer strand cotton and basically producing different types of textiles that would be relatively new to the American market, I believe the provision in the Senate bill for all practical purposes kills the African trade bill.

I am not going to offer an amendment to strike this provision because it is not in the House bill. I hope it will be dropped in conference. We are talking about a relatively small effort to benefit 700 million human beings. The worst thing that could come out of it is that we would have greater diversity in the textile goods that would be for sale in American stores and they would be at lower prices. I can't see anything but good that can come out of this. Anywhere in the world, when we can encourage people to move toward a market-based economy, toward a democratic society, and toward open trade, we are doing things that benefit them and benefit the world.

These are important bills before the Senate. I am for them. Trade is vitally important. It is an amazing thing to me that, due to ignorance and prejudice, we continue to restrict the importation of goods and services into America. Why we should give government the ability to impose a tax on working Americans and deny them the ability to purchase, with the fruit of their own labor, better and cheaper goods if they are produced abroad, I don't know. That the greatest trading nation in the world would continue textile laws that cost every working American family of four $700 a year is an absolute outrage. Something needs to be done about it. This is not going to solve that problem, but it is the right thing to do. I hope it will become the law of the land this year. I am hopeful it will.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I, too, thank the Senator from Nevada, Mr.

REID, for helping to raise the consciousness of the Senate and the consciousness of the Nation to the increases in productivity that we have gotten through technology and the rate at which it is moving. I thank him for his recognition that we have a bill that will not only solve some of the problems of technology but go hand in hand with our need for national security.

This is a bill that has been before the Banking Committee and, before that, before the International Trade and Finance Committee, of which Senator JOHNSON is the ranking member on that subcommittee. He and I had an opportunity this year to spend a lot of time pursuing a bill to increase our world trade while preserving national security, making sure they run down parallel tracks instead of crossing tracks where the locomotive might wind up in a train wreck.

I thank the chairman of the Banking Committee, the senior Senator from Texas, for working with me to focus the committee on the need to reauthorize the Export Administration Act. I appreciate the assistance that has given in helping to put together a balanced product that we reported out of the Banking Committee.

I am remiss if I do not mention Senators SARBANES and JOHNSON again. They deserve our thanks for the constructive and thoughtful input they put into the bill to make it truly bipartisan.

I thank every single member of the Banking Committee. We worked together for a period of 9 months to be sure all of the concerns of national security and commerce were covered in this bill on which we are working. The members not only devoted a lot of time to it; they assigned staff to it. We had one of my offices—I don't have very many offices—dedicated to this bill. At any hour of day, and often night, one could walk into that office and there would be a group of people meeting to make sure their concerns and their solutions were being represented. We had some great discourse that led to a solution that I think can pass both the House and the Senate. We worked with the members of the Defense Committee, Intelligence Committee, Commerce Committee, and the Governmental Affairs Committee, and I think the bill is better because of everyone's involvement in it.

The first 9 months I was on the job as chairman of the subcommittee I spent dedicated to this bill. At first, I did not envision I would have to put in quite as much work on the issue as I did. I now realize there was a lot to learn about export controls.

It has been mentioned there were attempts to reauthorize the Act, which expired in 1994. Since 1994, this country has been operating under Executive orders on something so entirely crucial to the United States. But during that period of time, we have tried to reauthorize it. During that time, 11 separate measures have failed; in fact, they failed to even make it out of committee.

But one of the nice things about the Senate is that there is a lot of documentation, even on things that fail. We have gone back and looked at that documentation. We have talked to the people who were involved in the issues each of those 11 times. We were able to find out what the pitfalls were before and have worked to come up with a solution.

As mentioned, I visited the Bureau of Export Administration and I observed some of their activities and processes. I sat in on committee meetings.

During the time we were working on this, the Cox and Dicks report also came out, and so did the Deutch Commission report that talked about problems that have been identified with foreign countries getting secrets from this country. These commissions and committees looked into ways to solve that.

As soon as their reports were filed with the Intelligence Committee, before any public documentation came out on it, I went over to the Intelligence Committee and I read those reports to see if the efforts we were making had any parallel with the suggestions that were coming out from these people who were looking at some very detailed and often secret situations. I am pleased to say, out of the recommendations of Congressman Cox and Congressman Dicks there were 17 different areas of legislative possibility. We covered 15 of those in the act and part of the other two.

The subcommittee and full committee held a total of 6 hearings that consisted of 25 witnesses who helped us identify critical areas relating to export controls as well. We also met with various high-tech and industry groups. We met with several Members of Congress. I have mentioned the Departments we met with, and a lot of the other executive agencies it seems have some involvement in exports and securities or both, and we met with them as well.

We also had an opportunity to meet with many people in the business community. It has been my goal to have an open-door policy for everyone, and we will continue that policy through the time the bill finally gets passage. Throughout the hearings held this year on the Export Administration Act, there were many calls to reauthorize the expired act. Only a few people have questioned the need for us to reauthorize that act. They asked what problems have been identified with the current system.

There are several reasons for reauthorizing the Export Administration Act. The first is the U.S. Government's inability to convince other countries, even our strongest allies, to improve their export control regimes. Only if the EAA is reauthorized can the United States exercise a legitimate leadership role to strengthen the multilateral export controls that seek to curb dangerous dual-use items. We cannot do it by ourselves; we have to have help from other countries. Our ability to convince other countries to impose similar controls on their exports is compromised by the fact that Congress has allowed the EAA to expire.

In our June 24 hearing, Richard Cupitt, who is the associate director of the Center for International Trade and Security, agreed with this assessment by saying:

> The inability of the U.S. Government to craft a firm legislative foundation for its own controls on the export of dual-use goods, technologies, and services over the last decade. . .has compromised U.S. leadership initiatives.

Another reason for the reauthorization is the lack of penalties for violations of export controls under the implementing Executive order—very strict. If the outdated EAA of 1979 had stiffer penalties than the Executive order's maximum penalty of $10,000, we would be in better shape. A reauthorization will also give enforcement officers the authority to use the tools they need to be effective.

I now have a person on my staff, who has been loaned to us, who has been working on the export enforcement, so we can make sure enforcement will be adequate. She has run some numbers for us on some of the indictments that have been handed down on things that happened during this period between 1994 and now. You have heard some of those numbers—16 indictments, potential fine of $132,000 on a contract that was $5.4 million. A microdot in the budget—less than the advertising budget spent. Fines need to be increased.

Additionally, it is important we deal with the issue of export controls in a comprehensive reauthorization instead of allowing some issues to be addressed by a patchwork of inadequate measures. I suspect over the next few days and over the next few months, if we do not get this passed, you will see parts of the bill that solve a particular problem put on as an amendment to something else to take care of an immediate critical need. There are a lot of them involved in the bill.

There is a very delicate balance that is maintained through this bill. All of it needs to go through together. If one person gets everything he or she wants, there is no reason to participate in the rest of the bill. All of them have worked together to make sure their interests were covered as well as being able to live with the other interests involved here.

We have received great cooperation from the administration because they understand the need to reauthorize the

Act. Under Secretary Reinsch has even said:

The EAA is held together right now by duct tape and bailing wire.

It is also questionable whether export controls are permitted under the International Economic Emergency Powers Act.

The bill before us today represents a compilation of thoughtful comments gathered from industry, the administration, Members of Congress, on and off of the committee. However, it is not a hodgepodge of conflicting ideas and competing interests. The bill is interwoven with several basic themes throughout: Transparency, accountability, deterrence, multilateral cooperation, and enforcement. It strikes a balance by recognizing the need for export controls on very sensitive items for national security purposes while relaxing those controls on items that have foreign availability or mass market status and thus are difficult to control effectively. It allows enforcement to concentrate on what can be effectively enforced. It gives each of the departments and agencies an equal stake and a fair shake. The compromise for the interagency dispute resolution process represents a fair procedure that defaults to decision. Yet it provides any department's representative the opportunity to appeal a decision without going through the bureaucratic hassle of convincing his or her boss of the need to appeal a decision in a relatively limited amount of time.

Transparency, accountability: The reporting requirements in the EAA of 1999 instill accountability and transparency in the export control process and multilateral negotiations. The criteria for foreign policy control provisions foster an accountable system, very similar to that in the EAA of 1979.

The bill encourages the administration to strengthen multilateral export control regimes since multilateral controls are more effective. It also maintains the sanctions provisions for those who violate multilateral export control regimes and contribute to the proliferation of missile, chemical, or biological weapons.

The bill remains tough on terrorism, requiring licenses for the export of certain items to countries designated as supporting international terrorism. Additionally, it includes penalties that deter violations of export control law and the authorities to effectively enforce the provisions set forth in the bill.

It has been mentioned this is supported in a bipartisan way. This bill came out of the full Banking Committee unanimously. Our country needs this bill, and the people on that committee recognize the need. The more they were involved in it, the more they recognized the need.

I want to mention the patience the House folks have had during this process. The problem has been more deeply studied in the House, perhaps, than on the Senate side. The suggestions for what needed to be done came from the House side, but they have been waiting, watching, discussing, following, and commenting on the process we have had on this side. They have spent a lot of time with Senator JOHNSON and me, to see if the solutions we came up with met the suggestions they have given. They have waited, but they are ready to go.

This bill cannot be done piecemeal. It needs to be done immediately for the security of our country and for the furtherance of our commerce. I ask for your support.

Again, I thank the Senator from Nevada for raising the consciousness on this level and giving us an opportunity to comment.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. I thank the Chair for recognizing me.

Mr. President, I want to comment on the legislation pending before the Senate which is the Caribbean Basin Initiative trade bill along with the African trade bill.

I remind my colleagues, it came out of the Senate Finance Committee with a unanimous vote. In essence, we did it on a voice vote. At a time when this Congress and perhaps this Senate is becoming better known for what we have not done, we are presented with an opportunity to do something extremely significant in the area of trade for a large part of the world with which the United States deals.

When we write about what we did or did not do in this first session of this Congress, it will be clearly pointed out that we did not do Social Security reform, as the Presiding Officer well knows, because of his involvement in an effort to reform that system.

We did not do Medicare reform, as the speaker certainly knows, following the efforts of the National Commission on Medicare.

We did not do campaign finance reform, and we all remember those arguments.

We have not done Patients' Bill of Rights legislation because of the differences of opinion and the politics involved in that legislation.

I do not know of any environmental legislation that has worked its way through this body with a resounding vote of support, nor do I remember particularly any major education efforts that have been successfully navigated through this body this year.

I have a great fear this body is becoming more known for what we have not done rather than what we have done. I wonder what the American people think of the distinguished Members of this body with whom I have the privilege of serving and why we cannot get together and work out our differences in the interest of the American public. Why do we spend so much of our time debating whose fault it is that nothing is getting done as opposed to working together? We can always have the debate over who did it. At least under those circumstances we would be arguing about success: Look what we did; no, look what we did, rather than arguing about failure and whose fault it is that nothing was done.

We have one last opportunity of great significance in this Congress to pass legislation that is bipartisan in its origination, that is strongly supported by the administration, which, when it came before the Senate Finance Committee after the hearings and after the debate, we reported out by a voice vote.

The question then becomes: What is the problem now? Some will argue it is the Republicans' fault because they have filled up the tree. That ought to go over well in my State of Louisiana when I tell people we did not pass this bill because the Republicans filled up the tree. They are going to say: What in the world are you talking about?

I daresay some are going to say: We did not complete action on this bill because we were not able to offer amendments to it in the nature of other important efforts, such as minimum wage or agricultural provisions, or other trade legislation that some want to offer. Because they cannot offer it now, we are not going to continue our progress on this legislation.

I daresay, the American people would say: What in the world are you talking about?

Here is a trade bill that affects U.S. jobs, U.S. industry; it helps people who have been loyal to the United States in other parts of the world. It clearly helps Central American nations which not too many years ago were Marxist countries, Communist dictatorships that have gradually been brought into the family of nations with the assistance of the United States, and we want to continue having their support on things that are important for the people of this country.

This legislation is a way of doing that—by working out bilateral trade agreements with these countries to the south of us that will help them economically. When we help them economically, they help us. When countries in Central America can do a little bit better economically, they buy more of what we produce.

From my own State of Louisiana, they could buy more rice, more soybeans, more manufactured goods. They would ship it through the Port of New Orleans, the Port of Baton Rouge, and the Port of Lake Charles because they have more money and better jobs. They are helped and we are helped. It is a win-win situation.

The question is: Why don't we do it? What is the problem? The problem is

politics. The problem is political posturing about whose fault it is that it is not getting done. Most of the debate is going to be why we did not do it and blame each other for failure. Then, again, the American people are going to say: What in the world are they talking about?

My State is particularly affected by this. I have heard arguments that it is bad for American jobs. My State has lost thousands of jobs in the stitch-and-sew industry. It used to be in Louisiana that thousands of minimum wage employees, many of them minorities, were working in the stitch-and-sew industry for many of these large companies that manufacture items we are talking about today. Many of them were arbitrarily dismissed, arbitrarily fired. Many of them lost their jobs right before Christmas a couple of years ago when most of the companies moved out of my State and went to Central American and Latin American countries and located down there. That has already happened. It did not happen because of this bill. This bill was not being considered then. It happened because of the existing state of the world.

I have worked with our people. We have helped them find other jobs. Fortunately, because of the economic conditions of our State and the economic conditions of the United States, the vast majority of these people who lost jobs in the so-called stitch-and-sew industry have found jobs in more sophisticated, if I can use that term, industries in the United States that represent the future of the United States in terms of jobs in the high-tech industries as opposed to something like stitch and sew.

What we have been able to do is use some of the training programs and retrain these people to get them into other manufacturing segments, to get them into high technology, to get them into computers, to get them jobs where they now find they are much better off than they were sitting behind a sewing machine stitching and sewing underwear.

I argue the future of U.S. employees is not in the stitch-and-sew industry. If we have to somehow preserve jobs in the stitch-and-sew business, we are not being very bullish on America. I argue that is not the future of this country. The future of this country is highly trained men and women who can do the jobs for the 21st century, and that is not in the stitch-and-sew industry.

It is interesting. I love my dear friend and colleague from South Carolina who was reading this article in Time about how these companies have, in fact, moved out of the United States. He is absolutely right. One of the things I noticed when I was looking at the article the distinguished junior Senator from South Carolina was pointing out is the article had a picture of the State of Kentucky, and the caption under the article is: ''Fruit of the Loom eliminated more than 7,000 jobs in the past 6 years. Here would-be workers attend a job fair held by new arrival Amazon.com.''

That is particularly important because it says that while stitch-and-sew jobs are moving out of this country, high-tech jobs, better jobs, better paying jobs, more sophisticated jobs, jobs that require more training and a better educated workforce are moving in.

The people who were leaving the Fruit of the Loom jobs were moving, on the other hand, into jobs that Amazon.com was providing in that area using those workers and retraining them for the 21st century.

That, I argue, is the future of the United States. The future workers of this country are not going to sit behind a sewing machine. If that is the future of this country, I daresay it is not a very bright future. The future is highly trained jobs in highly technical industries which pay well and have a future.

We are not going to be able to compete with the poorest of the poor in terms of who can pay the lowest wages. We should be concentrating on educating our workers for the 21st century and then, at the same time, trying to do what we can in the textile industry.

The reason I believe it is so very important and necessary to pass this bill is because we say in this trade bill, particularly in the textile industry: Look, we are not going to have the stitch-and-sew jobs, but, by God, we are the best manufacturer of textiles and cloth and fabric.

We have the best technical ability to weave and dye the fabric. And this bill, for the first time, says: Look, if we are going to give these countries some advantages, at least we want it to be a two-way street, to at least say, if you are going to be able to do these products in your country, with lower paying jobs, at least use fabric that is manufactured and woven and dyed and assembled in this country. We will send it to you. We will manufacture the fabric, you will use those fabrics to manufacture garments, and then you have the ability to export those products back to this country.

Mexico can do it now. China will be able to do it. Unless we have something like this, we are not going to get any part of the business.

This legislation, when it talks about the products that are covered, clearly says: Apparel articles assembled in the Caribbean basin and sub-Sahara Africa from fabrics wholly formed and cut in the United States from yarns wholly formed in the United States.

What that says to the cotton farmers in my State of Louisiana and throughout the South is that we are going to use their cotton. Without this legislation, we are not going to be using their cotton. The fabric will come from overseas, as well as the finished product. At least this legislation says we will use their cotton.

This legislation also says it has to be assembled in this country. It has to be woven in this country. If it is going to have a color to it, it is going to have to be dyed in this country. So we are getting something out of this that we do not have now, that in the absence of this legislation we will not have. Therefore, I think it is very clear this is something that is important to do. The House thought it was.

You talk about how bad the House is divided. The House passed this 234–163. Now it is before this body. For those who argue they don't like the process, I don't like the process, either. I would probably like to offer a Medicare reform bill to this legislation. People are looking for a wagon to jump on to get something passed they would like to have passed. I understand that. The problem is that you are affecting the merits of good legislation that was bipartisan when it left the Senate Finance Committee, that passed by voice vote in the Senate Finance Committee, and that merits our support.

So my point is that other countries are going to benefit, but we are going to benefit. If we do not have this legislation, other countries will be able to have access to our market with no requirements on using U.S. fabric at all. I think we owe it to the workers of this country who are still engaged in some aspect of this industry to come up with a fair product and fair package like this is.

I intend to support this legislation. I think it is the right thing to do. I hope my colleagues will join me in that effort.

I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPACT AID PAYMENTS FOR SCHOOL CONSTRUCTION

Mr. BAUCUS. Mr. President, I am going to speak a few minutes about an issue that is very important to me; that is, the condition of school buildings with the federal impact aid, particularly on the school buildings on Indian reservations which are in very dire condition. I hope there is something we can do about it.

As you know, there have been many bills introduced in this Congress to try to help school districts and make sure school districts have enough funds for school construction and renovation, modernization, and so forth. But as you also know, when schools try to raise money, basically they do so by bonding, which is paid for by local property

taxes. That is essentially the way schools in our country are financed; it is a time-honored approach to school construction.

The problem is, in this heated debate, one group of children is continually left out in the cold; that is, students who live on federally owned land, usually on an Indian reservation or a military installation.

In my State of Montana, there are about 12,000 children who fall into this category; that is, children who live on a military installation or on an Indian reservation, where there is either none or there is very little private property to support school funding, particularly school construction. These schools are located in areas where much of the local property just cannot be taxed. Why is that? Because it is Federal property.

In many cases, the local schools have to educate the children of the families who live on the property, and these are so-called Federal students who could come from military families, from civilian families, or could come from Native American families. Some schools are off reservations, but a lot of the kids live on reservations, and vice versa. This causes a tremendous problem in financing school construction.

I believe we have a responsibility. After all, the Federal Government has a trustee responsibility with respect to Indian reservations. More than that, more fundamentally, we have a moral obligation to be sure all children in our country have not only equal access to education but generally have the same accessibility to good schools and relatively up-to-date schools. We are not asking for the Taj Mahal but just basic solid construction.

Congress has recognized its responsibility in many respects for these schools through payments authorized under title VIII of the Elementary and Secondary Education Act. That is the impact aid provision. These districts are supposed to receive impact aid to compensate school districts for the burden of educating children whose parents do not have to pay local property taxes due to Federal activities; namely, because they live on an installation or an Indian reservation.

The bulk of the impact aid payments do help with salaries and utilities and other day-to-day costs of running the schools, but this is the catch: When it comes to replacement or renovation of buildings, these schools still have an additional problem; that is, impact aid cannot begin to pay both the salaries and utility bills and the day-to-day costs, and also pay for the modernization of schools because they just cannot issue the construction bonds to pay for them.

There have been several bills introduced in this body dealing with school construction, but none of them deal with this problem; that is, the problem of impact aid on reservations and installations.

I am asking for something that is pretty simple. I am asking for a slight increase, from the present $7 million that goes to impact aid school construction to $50 million. That is all. That is not very much money. Mr. President, $7 million is currently spent on impact aid school construction, and I am asking that it be raised to $50 million. Very simple.

I can give lots of stories, lots of examples, of just the dire conditions these school districts face. For example, I talked to the superintendent of the Harlem school district. Harlem is in north central Montana. He says his district is so crowded that his students are now using a closet. Guess what was in that closet. In that closet was a snowblower that they hauled out whenever there was a bad snowstorm.

So that closet is now a classroom. The snowblower is out in the hall. The students are in the closet. I think this is not right. It is no place to put kids. There is no place to put kids in the closet of a school and put the equipment out in the hallway. In addition, if they try to bring in a portable classroom, then there would be no playground. That is just not right.

A few days ago, I received a letter from the principal of the elementary school in Box Elder, MT. His student population is growing very rapidly because there is new housing on the nearby Rocky Boy Indian Reservation. In fact, virtually all of the 300 or so students in his school are Federal students.

He has classrooms in portable buildings and in basement rooms with no windows and only one exit door. He tells me he would be afraid to send his own small children to that school, but he has to. This is a disgrace.

Last year, the Box Elder school received—get this—$13,000 in Federal impact aid construction funding; $13,000, that is all.

That is about the average for schools in this situation. I might say, $13,000 is a pittance. That is not even enough for half of a paint job in the school, let alone for reasonable reconstruction or renovation.

I have some photos I would like to display. These photos are representative of not only my State but could represent almost any State in the Nation that has Federal impact aid. This is a picture of an out-of-code electric installation at Babb Elementary School in Browning. There are no fire sprinklers in the basement where the insulation is located. Over in the left corner, we see a socket and wiring dangling. It is uncovered. It is obviously a fire hazard. This is all they can do.

Now I have another photograph of a doorway at Babb. This is a doorway in the school. This photo doesn't begin to represent how bad the situation is. Sometimes pictures overstate something. In this case, the photograph understates.

The next photo is that of a lunchroom. This is down in the basement of the school. Again, it doesn't look all that bad; but I have been there; it is worse. Then there is a photo taken in the local high school in the same community. There is a leaky ceiling. Things are starting to fall apart. Again, this school can't find the money to pay for it.

Imagine for a moment that we in the Senate met in a facility that looked like this or our offices were in rooms such as this or we had electrical equipment so obviously out of code. We would change it. We would do something very quickly because we wouldn't stand for it.

What kind of message does this send to children throughout our country—the message that we don't have enough respect for them, enough respect for their parents, enough respect for education to do something about this. We have a huge Federal surplus and the biggest, most wealthy country in the world. Yet we turn our back on a lot of kids in our country. Obviously, it is to their peril but even more to the peril of our country.

The bill I will introduce will raise the authorization from $7 million to $50 million—not very much but a first step that is needed. We also make a change in the eligibility rules. Right now schools with populations made up of 70, 80, or even 100 percent Federal students cannot ask for impact aid construction funds if the percentage of the federally impacted population for the whole district is less than 50 percent. That is, obviously, a standard that is much too high.

The bill introduced by me and Senator HAGEL will decrease the district minimum to 25 percent. That will affect a lot of schools in this district.

I have a chart that shows how many States would be affected by changing the eligibility standard from 50 percent to 25 percent. You can see that virtually every State in the Nation would be affected, which means every State gets a little bit, if it is enacted at the $43 million increase from the current $7 to $50 million.

This is obviously a problem in our State. It is obviously a problem in other heavy Federal impact aid States, such as Nebraska, Senator HAGEL's State. But this isn't a parochial problem. This isn't a partisan problem. This is a national problem.

I ask that we step up to the plate, exercise our responsibility and, when we take up the Elementary and Secondary Education Act, make this change so that a needy portion of our school population gets a modicum of assistance. Then after that, I hope we can go further.

The PRESIDING OFFICER. The Senator from Ohio.

AFRICAN GROWTH AND OPPORTUNITY ACT—Continued

Mr. VOINOVICH. Mr. President, I rise in strong support of the trade legislation package which constitutes the manager's amendment to H.R. 434, the African Growth and Opportunity Act. This trade legislation will provide economic opportunity to millions of people in the United States and throughout the world.

Under this package, African and Caribbean nations will be able to use trade as a tool to spur economic development where foreign aid and other means clearly have not worked. Stronger economies in these two regions of the world will, in turn, lead to bigger markets for U.S. exports, and consequently more and better paying jobs for American workers.

On the issue of open foreign markets for U.S. products, I would like to express my support for an amendment on carousel retaliation being offered by my colleague from Ohio, Senator DEWINE. If the newly formed World Trade Organization and the promise of a rules-based system of international trade is to survive, then we cannot—and should not—tolerate flagrant disregard for internationally agreed trading rules by other WTO members such as the European Union. We need to use the tools that are now available to us to ensure that our trading partners comply with WTO decisions. And its important to those of us who believe in free trade that the U.S. Trade Representative and the Department of Commerce use all the tools available to them to guarantee that we have fair trade. Too often we have amendments like Senator DEWINE's amendment—which I have co-sponsored—because the U.S. trade representative has not been as aggressive as they should be and they do not use the tools they have been given by Congress.

This is very important, because trade is the economic lifeblood of the United States. Twelve million American jobs depend directly on exports. And exports are a major reason why our economy continues to do so well. In fact, one-third of our economic growth since 1992 can be attributed directly to exports.

Ohio is a textbook example of why international trade is good for America. When I was Governor, I had four goals in the area of economic development—agribusiness, science and technology, tourism and international trade. We pursued each of these aggressively in order to maximize Ohio's business potential, especially in the trade arena.

For example, Ohio has outperformed the nation in terms of the growth of exports to our NAFTA trading partners. Since 1993, U.S. exports to Canada have grown 54 percent and U.S. exports to Mexico have grown 90 percent, while Ohio exports to Canada have grown 64 percent and Ohio exports to Mexico have grown 101 percent.

Thanks in part to such trade-liberalizing agreements as NAFTA and the Uruguay Round of GATT, overall Ohio exports have risen 103 percent in just the last decade.

And because export-related jobs tend to require higher-skilled workers and provide higher-paying salaries, when America's exports of goods and services increase, so do the number and quality of American jobs. Just in Ohio, the increase in exports has created 182,000 jobs over the past ten years. And these export-related jobs tend to pay, on average, 15% more than a typical private sector job.

Eliminating trade barriers has not only helped Ohio companies sell more overseas, but it has also allowed more foreign companies to invest in Ohio, creating more, good paying jobs for Ohioans. According to Site Selection magazine, from 1991–1997, Ohio had more growth in non-U.S. owned firms than any other state—some 300 new manufacturing facilities and plant expansions took place during that time.

In addition to creating more, better-paying jobs, trade openness has an enormous impact on the earnings for average Americans who invest in companies that increase their international trade presence. These earnings help increase the amount of money people have to reinvest in the growth of our economy or to invest in their savings, retirement and education funds.

This chart lists 35 of the biggest U.S. corporations as measured in market value. None of these companies is majority-owned by a family or individual. In other words, they are all in the stock market. For 25 of these 35 companies, trade makes up more than one-third of their global operations, and for 12 of these companies, international trade accounts for more than half of global sales or revenues—including Cincinnati-based Procter and Gamble, which can attribute about 51 percent of its global sales to international operations. Thus, in the case of Procter and Gamble, there is a genuine interest on the part of thousands of employees, and even more thousands of individual shareholders, in the ability to expand internationally.

In my State of Ohio, there are many more companies that understand that robust two-way trade is the key to creating more jobs and increased investment. These are companies like—Cincinnati Milacron, Federated, American Electric Power, The Limited, Inc. and Intimate Brands, TRW Inc., Chiquita Brands, The Andersons, Battelle, ElectraForm, General Electric Jet Engines, Lincoln Electric, NCR, R.G. Barry Corporation and hundreds of other small businesses, many of which traveled with me when I was governor, on nine trade missions around the world.

In Ohio and across America, the future of companies like these is a crucial link to the vitality of our communities because of the jobs they support and their contribution to the local tax base. In addition, these companies provide philanthropic support to local hospitals, schools and colleges and universities as well as countless charities and institutions.

The support these companies provide is linked directly to the overall quality of life in many of our communities. For example, Atlanta would be a much different city without the civic and charitable contributions of a company like Coca-Cola. Companies like Coca Cola—their workers, their stockholders—know that 95% of their potential customers for their products live outside the United States, and that's why trade expansion is so fundamental to the economic future of all Americans.

Many of my colleagues may ask why the average American should care about the importance of trade and the expansion of markets overseas. The reason they should care is because it's average Americans who are the stakeholders—the millions upon millions of individual investors.

Indeed, according to a survey in this past Sunday's Washington Post, nearly half of all Americans are invested in the stock market. Twenty-two million American households, or roughly 22%, are invested in corporate America through employer-sponsored retirement plans. And those Americans referred to as ''Generation X''—individuals in their 20s—reportedly hold 80 percent of their assets in stocks. Baby boomers, who own about half of all outstanding stock, have about 57 percent of their assets in equities.

As these figures show, international trade does matter to the average American. The economic stimulus sparked through increased international trade and investment allows millions of Americans to plan for their children's college education, for retirement nest eggs and for long-term financial security.

While the passage of this legislation is important to the economic future of America's workers and citizen stockholders, it will also provide a lasting impact on the economic and political development of our African and Central American trading partners—an impact that is sure to fulfill our hopes for world peace and prosperity.

With respect to increased U.S. trade and investment in the nations of Africa and the Caribbean, it is far better to stimulate the economies of the nations of these two regions than to simply offer these nations foreign aid year after year. Increasing investment and trade opportunities in these regions means that more people can work and raise their own standard of living.

It's like the old adage ''give a man a fish, and he eats for a day. Teach a

man to fish, and he will eat for a lifetime.''

International trade not only allows nations to become productive members of the world community, but it is probably the best way to ensure international stability.

In fact, back in 1994, U.N. Secretary General Boutrous Boutrous-Ghali visited Columbus, Ohio and I said to him that ''nations that trade together, stay together and help sustain world peace.''

Promoting peace and prosperity through trade was one of the aspects I pursued on each of my nine foreign trade missions when I was Governor of Ohio, including trips to India, Thailand, Chile, Hungary and China.

Unfortunately, that particular aspect of international trade is too often ignored. We ignore the impact of international trade on stability and peace in the world.

What amazes me, Mr. President, is that so many so called protectionists lament about deplorable conditions in the world's poor nations, and this Nation, the United States of America, doesn't respond to the needs of people in Africa and other parts of the world. Yet it is these protectionists who are content to criticize free trade proponents for wanting to take down trade barriers, invest in poorer nations, and provide the tools for economic growth, jobs, and self-reliance in those countries. There is no way the U.S. Government can provide the billions of dollars needed for these countries to develop and raise the standard of living for their people. It can only be done through private investment. The leaders of 47 African nations know this fact, and that is why they want us to support this trade measure.

As Senator BREAUX pointed out earlier today, international trade also contributes to the political stability of the countries in the world. Think about what has happened in South America since we opened up our economic relationships with them over the last number of years.

This trade legislation will help drive an economic expansion in Africa, as well as for our neighbors in the Caribbean and Central America. In addition, it will provide for the future of an energetic, export-driven American economy. It will sustain and create good-paying, high-quality jobs in Ohio and across America and allow millions of Americans to save and invest for their children's education and their retirement security. This legislative package stands on its own merits. It was unanimously reported out of the committee, and I really believe it deserves the support of our colleagues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I came momentarily to the floor to hear my distinguished colleague from Louisiana try to justify that Bill Farley article in Time magazine, which I referred to earlier. His justification, of course, was not the matter of campaign finance reform, which is the major thrust of the article; interestingly, the thrust that, look, we ought to be getting rid of these jobs, says that these textile workers now can go to the high-skilled, better-paying jobs, and that is the future of America.

Let me go right to the other comment made by my distinguished colleague from New York, who joined with it, about trade adjustment assistance, and what a wonderful program it is. Thirty-seven years ago, as he said, as Dean Acheson would say, he was at the table. He is right. He had a distinguished career of service there as the Assistant Secretary of Labor negotiating the trade adjustment assistance agreement. Everybody will agree with that.

But 38 years ago, I was at the table, and I was at the table for the seven-point textile program of President Kennedy. It was a very interesting exercise because what we had found out was that they were really about to do away with the industry, we thought, when it included some 10-percent import penetration. I had come up to testify before the old International Trade Commission, and testifying before that International Trade Commission, we thought we had made a good impression.

At that particular time, 38 years ago, we were confronted with Tom Dewey, who was then representing the Japanese. He chased me all around the hearing room, and my friend, Charlie Daniel, at that time an outstanding contractor/builder/civic leader, says: Now, Governor, let's go by and see the chief. That was President Eisenhower. We called on Wilton B. Parsons, and Jerry Parsons ushered us in and President Eisenhower said: Don't worry, you will win that case.

In June, the International Trade Commission ruled against us. At that particular time, we realized we were totally lost unless we could get involved in the campaign, which wasn't too difficult because then-Senator John F. Kennedy from Massachusetts understood very clearly the importance of the textile jobs.

I am going right back to the Senator from Louisiana saying the future of the country is to get rid of these jobs. I am laying the groundwork of the historical record about the importance and the significance of these jobs.

The case was in talking to then-Senator Kennedy. We met with him. And my friend, Mr. Feldman, was his legislative assistant. We obtained a letter on August 30, 1960. You can imagine, this was in the heat of the 1960 campaign between Kennedy and Nixon.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, August 30, 1960.

Hon. ERNEST HOLLINGS,
Governor of the State of South Carolina, State Capitol Building, Columbia, SC.

DEAR GOVERNOR HOLLINGS: I would, of course, be delighted to discuss with you and with textile industry leaders the problems of the textile industry and the development of constructive methods for showing the growth and prosperity of the industry in the future. The critical import situation that confronts the textile industry which you so eloquently describe in your letter is one with which I am familiar. My own State of Massachusetts has suffered and is suffering from the same conditions. The past few years have been particularly difficult for this industry. There seems to have been a basic unwillingness to meet the problem and deal constructively with it. During the first six months of this year imports of cotton cloth are twice what they were during the same period in 1959, the highest year on record. Similarly alarming increases are occurring on other textile and apparel products. Since 1958 imports have exceeded exports by constantly increasing margins. There are now 400,000 less jobs in the industry than there were 10 years ago. It is no longer possible to depend upon makeshift policies and piecemeal remedies to solve the problems which the industry faces.

As you know, I supported the establishment of the Special Senate Sub-committee for the Textile Industry, under the chairmanship of Senator Pastore, of which Senator Strom Thurmond is a member. In an effort to help develop suggestions to improve the competitive position of the industry in the United States and world markets, this Subcommittee for the first time undertook a broad investigation of the problems of the United States textile industry and offered a number of constructive recommendations. With only minor exceptions, the Eisenhower Administration has failed to implement these recommendations.

I agree with the conclusions of the Pastore Committee that sweeping changes in our foreign trade policies are not necessary. Nevertheless, we must recognize that the textile and apparel industries are of international scope and are peculiarly susceptible to competitive pressure from imports. Clearly the problems of the industry will not disappear by neglect nor can we wait for large scale unemployment and shutdown of the industry to inspire us to action. A comprehensive industry-wide remedy is necessary.

The outline of such a remedy can be found in the Report of the Pastore Committee. Imports of textile products, including apparel, should be within limits which will not endanger our own existing textile capacity and employment, and which will permit growth of the industry in reasonable relationship to the expansion of our over-all economy.

We are pledged in the Democratic Platform to combat sub-standard wages abroad through the development of international fair labor standards. Effort along this line is of special importance to the United States textile industry.

The office of the Presidency carries with it the authority and influence to explore and work out solutions within the framework of

our foreign trade policies for the problems peculiar to our textile and apparel industry. Because of the broad ramifications of any action and because of the necessity of approaching a solution in terms of total needs of the textile industry, this is a responsibility which only the President can adequately discharge. I can assure you that the next Democratic Administration will regard this as a high priority objective.

Additionally, we shall make vigorous use of the procedures provided by Congress such as Section 22 of the Agricultural Adjustment Act and the Escape Clause in accordance with the intention of Congress in enacting these laws.

Lastly, I assure you that should further authority be necessary to enable the President to carry out these objectives, I shall request such authorization from the Congress.

I hope that these thoughts are helpful to you in your own deliberations and I reaffirm my interest in discussing problems of mutual concern with you.

With all good wishes, I am

Sincerely yours,

JOHN F. KENNEDY.

Mr. HOLLINGS. Mr. President, in the letter he said he supported the special Senate subcommittee of the textile industry under the chairmanship of Senator Pastore. He said he agreed with the conclusions of the Pastore committee that sweeping changes in our Federal trade policy were not necessary:

Nevertheless, we must recognize that the textile and apparel industries are international in scope and peculiarly susceptible to competitive pressure from imports. The problems of the industry will not disappear by neglect, nor can we wait for a large-scale unemployment and shutdown to inspire us to action. So a comprehensive industrywide remedy is necessary.

They had a national security provision in the law at that particular time. Before then-Senator Kennedy and later-President Kennedy could actually implement any kind of comprehensive industrywide remedy, he had to have a finding that the industry was important to our national security.

We brought the witnesses. It was a Cabinet committee that was formed for the witnesses to attest to. It was Secretary Dean Rusk of the Department of State, Secretary McNamara with the Department of Defense, Secretary of Commerce Hodges, Secretary of Labor Goldberg, Secretary of the Treasury Dillon, and Secretary of Agriculture Freeman, with whom I served as Governor.

They had the hearings, and they concluded at the close of those hearings that next to steel, textiles was the second most important to our national security. In a line, you needed steel in order to make the weapons of war and the tools of agriculture. Therein lies the steel problem, because that is the World Bank singsong. They run the world around telling these emerging Third World countries that they cannot become a nation state until at first they obtain a strong manufacturing sector, particularly in steel.

That is why, incidentally, you have the dumping. We have an overproduction in the world of steel. They are dumping here in the United States at less than cost. We have had the hearings, and they voted on the House side. We tried to get a vote on this side and get the bill passed for action by the White House itself.

But back to the second most important industry that I would like the Senator from Louisiana to remember, because I remember when he had a substantial investment by Fruit of the Loom down there in Louisiana before it left, and now it looks as if it has all gone to the Cayman Islands. But you couldn't send them to war in a Japanese uniform. This is back in 1960. Today, you might say a Chinese uniform, because the Chinese have gone just 8 years ago from a $5 billion deficit in the balance of trade to a $55 billion deficit in the balance of trade, mostly in textiles and clothing.

So we have to go to conflict with our friends in the People's Republic. We have to call up Beijing and say: Wait a minute. Before we have this standoff, please send us some uniforms because we have to be prepared in order to go to battle. We can't go in Chinese uniforms. We have to be able to distinguish the troops.

As a result of that finding, then-President Kennedy, on April 24, 1961, promulgated his seven-point program.

He did all of the things that dealt with that and followed on into the Kennedy Round, as the distinguished Senator from New York has pointed out, the Trade Adjustment Assistance Act, one-price cotton, and reciprocity, which stabilized the industry for several years ongoing until really the 1970s, and then, of course, the 1980s and early 1990s with all the vetoes by President Reagan and President Bush. There has just been a deluge. With President Clinton, the deluge turned into a waterfall more or less with NAFTA.

For those who say that these things, as the distinguished Senator from Ohio said, are going to create millions of jobs in the United States and the world around, let us be accurate. It will create millions of jobs in the world around. It is going to create millions of ''jobless.'' We have lost over 1 million manufacturing jobs since NAFTA here in the United States. There are 420,000 textile jobs lost all over the country, 31,700 in the State of South Carolina alone.

There is no education in the second kick of a mule.

What we have on foot is another NAFTA without the advantages. At least in NAFTA, we had the side agreements on labor rights. At least in NAFTA, we had the side agreements on the environment. At least in NAFTA, we had reciprocity.

Now this one-way street down to the Caribbean and over to the Sahara is totally out of the whole cloth. It will start a deluge. We know about the Chinese and their influence in the sub-Sahara.

I will never forget, 5 years ago we had a resolution brought up about human rights. They had voted in the assembly to have hearings on human rights in the People's Republic of China. The Chinese representatives went down into Africa where they have some influence. I was there 25 years ago. They were building the railroad from inner Zaire, the old-time Belgian Congo, out to the coast. They had their work crews all over, their minions all over. They have influence, and it was proved at that time because they changed the vote. They never had that hearing that the United Nations wanted to have on human rights in the People's Republic.

We know, looking at Matsui, the shirts coming through at this moment from Matsui. There is not a shirt factory there. They have been inundating the American market.

We go to Customs. They say: Senator, they have been inundating the market, but we restrict it. Customs agents ask if we want to stop drugs or stop textiles. Of course, the obvious answer is, heavens, stop the drugs. They say: Until you get the other agents, that is about all we can try to keep up with.

The Customs Department has estimated $5 billion already in transshipments, illegal entry of textile goods in the United States, as we speak. We know the sub-Sahara is not going to benefit by it at all with respect to the jobs. It is going to be similar to our minority business enterprise section in the Department of Commerce. They immediately got minority, a black front; then they got the white money and the folks behind it. And with the front, they make a lot of money and get the set-aside contracts through hard experience in Mexico.

I refer particularly to the fabric manufacturers down there. The Senator from Louisiana says we ought to be getting rid of the industry. We ought to remember we are going to get something we didn't have before; namely, with all the cotton goods and everything else we are sending, our fabric and the apparel, shirts for example, will come back with American-made fabric. That is what can come back free of duty, free of restriction. But so can the Chinese-made fabrics. So can the Taiwanese. So can the Korean.

All one needs to do is cross the border at Tijuana in lower California into Mexico and one will think they are in Seoul, Korea. They are not at all bashful about investing there.

The Fabric Resource List of Mexico, appearing in Davison's blue book, I refer to pages 345 to 358 under Fabric Resource List.

Mr. President, we can see the opportunity and to whom it is being given.

Very interestingly, the commitment when we passed NAFTA, from the individuals at the time that the ATMI came in, they say they are not going to take their plants down there.

I refer to an article in the Capital City's Media, back in 1993. The lead article and lead sentence of the article entitled ''Hell No, We Won't Go'':

> That was the battle cry Monday by the directors of the American Textile Manufacturers Institute, who in a last-ditch effort to solidify congressional support for NAFTA, pledged not to move any jobs to Mexico if the act was passed. The ATMI board, made up of firms representing every facet of the textile industry, voted 37–6 in favor of the resolution which said companies would not move jobs, plants or facilities from the United States to Mexico as a result of the North American Free Trade Agreement.

Just in the past year Dan River built an integrated apparel manufacturing plant in Mexico. Another U.S. corporation, Tarrant Apparel purchased a denim mill in Pueblo, Mexico; DuPont and Alpek built a plant in Altimira, Mexico, and formed a joint venture with Teijin; Guilford and Cone Mills created a Mexican industrial park known as Textile City; and Burlington Industries is to build a new Mexican plan to produce wool products.

It reminds me of John Mitchell, the former Attorney General. He said: Watch what we do, not what we say.

Now we know what they do. They go down into Mexico and they invest very heavily. Our friend from Louisiana says the jobs are not important and they moved to higher skilled jobs. I know we have restrictions on the importation of cotton because he says: Look at the cotton. They have quota programs and they have payments they receive for the use of U.S. cotton. That goes back to the One Price Cotton Program we got way back under President Kennedy.

The statement made by the Senator from Louisiana is that we are going to get something that we didn't have. The Caribbean and sub-Sahara are going to get something they didn't have. We are going to lose. Yes, we have protection for American cotton producers and they are buying from American cotton producers. But if you go down into Mexico and the plants all go down there, they don't have to worry about coming back in with respect to American-made fabric because they can go ahead and produce it and bring it back in any way. We are going to be losing that business. Last fall, they had section 807 and 809 and everything else the companies themselves approved. That is not productive at all because they are moving down there. That is why they are moving the fabric plants. And there are no restrictions on those under the NAFTA agreement.

With respect to the export nature of the job, there is a book written by our friend, Eamonn Fingleton. He wrote the book some 10 years ago entitled ''Blind Side.'' He pointed out at that particular time that the little country of 125 million Japanese was outproducing the 260 million productive Americans. In manufacturing today, Japan still outproduces us. They were talking about the growth of the economy because they know how to build up an economy.

Who predicted by the year 2000 the GNP, or gross domestic product, of Japan would exceed that of the richest United States of America? They still could reach it in spite of the turndown of the banking industry and otherwise. They haven't yielded one bit on market share this past year in spite of the turndown in the Japanese economy, the automobile industry. The Japanese automobile industry has taken over again a larger share of the American market. They continue to do so and they continue to invest here, as we know, because we have the Japanese plants in my State of South Carolina.

We continue to weaken what President Kennedy and others knew was necessary to build a strong economy, as if resting on a three-legged stool. One leg is our values; that is unquestioned. The second leg is the military strength, which is unquestioned—the remaining superpower. The third leg, economics, having been fractured in the last 10 years. We have gone from 26 percent of our workforce and manufacturing is down to 13 percent. We are losing and hollowing out the industrial center, the middle class of America. I do not have the ratings of the particular jobs they have at Amazon, but I have a good idea of it. I do not believe they are paying as much at Amazon and these other industries as they are in textiles. The average textile wage in the United States is around $8.37 an hour. The needle trades, Senator BREAUX pointed out, in Kentucky, Fruit of the Loom eliminated more than 7,000 jobs in the past 6 years. Here, ''Would-be workers attend a job fair held by the new arrival, Amazon.''

You do not stand in line to get a job at Microsoft. They have 22,000. You stand at the bank or you stand at the country club. You have to not only have the high intellect, but you have to have the connections. Anybody who is lucky enough to get a job at Microsoft, they ought to go say their prayers at night and thank heavens because it is wonderful. Every one of those 22,000 are millionaires.

That is not the jobs we are talking about, those superduper jobs. We are talking about the 250,000 working at General Motors. We are talking about the 1.6 million still left, maybe 2 million—I can't get the exact figure—of textile jobs left in America. These jobs are important to our national economy. They not only have a national security portion of being able to produce the garments and the uniforms but more particularly to maintain middle America. That is where it is so important. I am going to get the exact pay scale there. I know PSC Corporation, in my own capital city of Columbia, SC, has already shipped out some 500 jobs to India. I forget the exact name of the town. But they can start up the computers in India and get the information back there, and they tell me my light bill is being processed over in India for me right now. That is the trend, the global competition. That is the global development. That is the reality. How do we confront it? Do we maintain a strong manufacturing sector and strengthen that economic leg to our national security?

Go right back to Alexander Hamilton in the earliest days. In the earliest days, you had that doctrine of market forces, comparative advantage, and David Ricardo. That is what they said, Adam Smith—you go ahead, the little fledgling colony that now had won its independence, you produce best what you can and ship it back to the mother country and the mother country in turn will produce and ship back what we can produce best—the doctrine of comparative advantage.

Alexander Hamilton said, ''No way.'' He wrote the book, ''Reports On Manufactures.'' In that particular book he told the Brits to bug off. He said: We are not going to remain your colony.

As a result, the second bill that ever passed this national Congress, in which we stand this afternoon—the first being the U.S. seal—the second bill on July 4, 1789, was a tariff bill, protectionism of a 50-percent tariff on 60 different articles, including our iron and textiles and other things we were beginning to build up—our manufacturing capacity.

Now we hear, to my amazement, the cry on the floor of the Senate: Get rid of it. We are going to become a service economy. We are going to have nothing but software. We are going to have millionaires and country clubs and bread lines and that is going to be America. They had that right after World War II. They told the Brits: Don't worry. Instead of a nation of brawn, we are going to be a nation of brains. Instead of producing products, we will provide services. Instead of creating wealth, we are going to handle it, become a financial center.

The mother country has gone to hell in an economic handbasket. London is nothing more than an amusement park. They do have the two levels of society and they put it on every night on educational TV, public television: ''Upstairs Downstairs.'' Everybody grins and smiles and says: Oh, those were wonderful days. We can all be maids and servants in the kitchen or we can be plantation owners. That is where we are headed. That is where we are headed with this cry of ''free trade, free trade,'' that is enunciated by everybody who does not have an interest in the future of the United States.

That ''everybody'' includes the banks. They first financed these companies, these multinationals, under the Marshall Plan that we sent overseas. Then the think tanks and consultants, then the lawyers, then the retailers. ''You can get a cheaper product,'' and everything else of that kind. Then the consumer groups and what have you. So they all come in and say ''free trade, free trade,'' until you get to intellectual property and ''Oh, no, wait a minute. We have to have trademarks; we have to have copyright; we have to have protectionism.''

They are for protectionism. Jack Valenti in the movies, he will run over here and knock down the desks and everything else. Wait a minute, Hollywood is the biggest protectionist center in the world; protectionism, as they spew out their violence. They killed our TV violence bill momentarily. We keep coming back and we will bring it back again. But I can tell you here and now they want protectionism for the banks, for the insurance companies, for the rich, for the software people but nothing for the sweat of the brow. That is what gets me, when the Senator from Louisiana says now what we need to do is go get a high-skilled, better paying job. That is the future of America.

There is a different future. I hate to disabuse his mind on that particular score. There is a book written about this. As Fingleton points out now in his more recent book, ''In Praise of Hard Industries,'' he takes down, chapter and verse: With respect to exports, there is no contribution whatsoever. It is almost negligible. The idea of the software and the high-tech industry —in fact, it was going broke itself in semiconductors until, what did we do? We gave them aid. We put in Sematech and we put in voluntary restraint agreements—give President Reagan credit for that—to save that particular industry, or you would not be seeing any Intel on that stock market, going up yesterday. The Government gave it a chance to survive. That is all the textile industry is asking this afternoon is for a chance to survive.

Two-thirds of the clothing I am looking at is imported. Do we want to send the rest of it down there? We have shown all the fabric plants they can manufacture if they go down there, and they will go. Do they want to do that for the sub-Sahara, not having any side agreements or understanding about labor rules, not having an understanding about the environment, not having any reciprocity?

Let me get to the restrictions. This industry is terribly restricted. They should understand it right now. That is, I hold in my hand ''Foreign Regulations Affecting U.S. Textile and Apparel Exports.'' That was, a few years ago, in one book. Now they put it out in different, separate items with respect just to the United States, and they do not put it in a book because they think we were the only ones who had any restrictions whatsoever. But can't we do away with the restrictions, not only on the textile industry but the restrictions that they have with respect to the Caribbean Basin Initiative? I have the various products.

Mr. President, knit fabrics, Rwanda. Of course, 100 percent on knit fabrics, 100 percent on apparel. Mali, we have restrictions there. You can turn to the restrictions with the other countries: Gabon, 30 percent on apparel compared to our 10 percent in the United States; Ethiopia, 80 percent compared to our 10 percent. We have already given them the advantage by far.

My hangup is, we have given the advantage to the Koreans, the People's Republic of China, the Taiwanese, the Japanese, the Malaysians. They have the investments in these countries, and they will have a few jobs to give out, but they will literally take the remaining one-third of the American market and put out of business a wonderful basic industry important to our national security.

I say ''a wonderful'' because I watched in the early days when they got the dust and lint in their faces and hair. That is why they called them lint heads. That is not the case anymore. There is no one in the card room. It is mechanically, electronically controlled. In the weave room, where they had 125 people, there are fewer than 15 now. They have modern machinery.

The main point is it has afforded jobs for minorities and for women. You hardly found women in the fabric or textile plants; you found them in sewing. Now they represent over 50 percent of employees. It is a good paying job. If the husband has a job and if a woman can make $8.30 an hour, that can help put the boys through Clemson University. That is what they are doing in my backyard in South Carolina.

They have invested, on average, $2 billion a year for some 15 years. But now they look at this measure—which is really foreign aid, a giveaway to make a record to build a library for the President and for the idle rich over on the other side of the aisle who believe in money and market and not the country itself. They will give anything away. All they want now, like their software crowd after we started the Internet, after we gave them the education at Stanford, after all the other protections, now they want to do away with the estate tax, do away with the capital gains tax, do away with the immigration laws; let them all come in so we can get them even cheaper labor; let's do away with State tort laws, Y2K; let's just do away with the Government. That is the crowd over on the other side of the aisle. I take the floor because that is where we are headed. This industry is watching closely because they do not want to be in a position of not getting their money back.

We have these wonderful textile shows—the machinery boys come from all over the world—in Greenville, SC, at the center. They want to stay ahead of the curve, and they want to be productive, and they are productive, and they do compete. I categorically claim the U.S. textile industry is the most productive in the entire world, bar none. But they cannot afford to remain productive with this initiative because they will not get their money back.

They know the transshipments. They know how the Chinese built these parks in Vietnam. That is why you find the Burlingtons and the Cone Mills and the Guilfords all going down there because they want to stay in business and they have to make money. So they have to break their pledge not to move plants, not to move jobs, and they all are headed down there.

I do not know who is going to be able to hold on in the United States if this measure passes. The ATMI—that crowd is defunct, I can tell you that. I can say that advisedly because I have gotten every award they give. Otherwise, the AAMA, the American Apparel Manufacturers Association—and a man by the name of Larry Martin, a wonderful individual, with whom I have worked for the enactment of textile bills over the last 30 years —ought to be renamed the Central American Apparel Manufacturers. They do not have U.S. apparel manufacturers.

It is just like our friend from the Cayman Islands. It is gone. Fruit of the Loom, Sara Lee, Limited—''The fruit of its labor, the politics of underwear.'' That is the particular article that came out. They are ready to go. They are now in the Cayman Islands. And I will ask Janet Reno to look into this: I say to the Senator from North Dakota—they are talking about Chinese contributions. I am wondering about these Cayman Islands contributions. I don't think George W. knows, but he already has $400,000 from Bill Farley and Fruit of the Loom, according to this article. They are down in the Caymans.

Don't give me this cheese board they have up here, how wonderful this is and everybody but HOLLINGS is for the measure. Why do you think they could not get the black caucus over there or why couldn't they get JESSE JACKSON, Jr., for this bill? Why not go for the Jackson bill? That is what he was for, not for this particular measure. Why did the black ministers in Boston march on the industries? Because they are not taken over with the bum's rush of that corporate business banking crowd that wants to make an even bigger profit.

Former Secretary of Labor, little Bobby Reich, put out a book. I wish you all would read that book. On page 179, you will find out the Fortune 500

has not created a new job in the United States of America in the last 10 years. That book is about 6 or 7 years old, but is still on point, and will be for sometime to come. They are not creating the jobs. They are firing everybody. The companies I am referring to are all listed on the charts. They are getting rid of the jobs and getting rid of the industry. That is what we have in the balance this afternoon.

I emphasize that it is one way, and it is not NAFTA and the nice plea that it has worked so well down in Mexico so let's extend it to sub-Sahara, let's extend it to Central America. We are not, if I have anything to do with it, going to pass this Kathie Lee sweatshop measure. It has not worked in El Salvador.

The Senator from Iowa, Mr. HARKIN, wanted to put a child labor amendment on this measure. Of course, now that they have filled up the tree and have given fast track to this measure, we cannot offer an amendment for labor rights, for the environment, for reciprocity. We are going the way of Mexico.

Let me momentarily hold up with one observation about NAFTA because the claim was made at that time in the debate that they would create 200,000 jobs. It has not created new jobs. We have lost 420,000 textile jobs. They said we are going to have better wage rates. Actually, the take-home wage of the country we were trying to help, Mexico, is less in 1999 than in 1994 and 1995 when we passed NAFTA.

Then they said it was going to help the immigration problem because they are going to have so many jobs. The immigration problem has worsened.

I know better than any. I handle the immigration appropriation. We have a school for the Border Patrol agents. We have literally graduated thousands of Border Patrol Spanish-speaking agents for the Border Patrol down in my hometown. And the immigration problem is, again, even worse. Ask the Senators from California, Mrs. FEINSTEIN and Mrs. BOXER.

And then drugs. Oh, yeah, we were going to solve the drug problem. That has gotten worse.

So NAFTA is not a good example of a positive experience with a trade agreement. It is like they keep talking about deregulation of the airlines. I could go on for 2 or 3 hours about that one. We are in an FAA authorization bill now.

We used to come specifically with the town, the mayor, the tax base, build the airport, get the facilities, go out and get Captain Rickenbacker and Eastern Airlines, and come to the CAB and get the rights; and it was a working deal. You got good service. The community controlled the so-called slots, and everything else of that kind. It worked.

But they got this urge to deregulate, deregulate, and we have now come full swing, full circle. The regulated are buying up the deregulated. You don't get the service. You have all kinds of costs.

I bought a ticket a few weeks ago for my wife. The day before we did not think the plane was going to fly on account of Hurricane Floyd. We found out it was, so we bought the ticket. It was $748, round trip, from Washington, DC, to Charleston, SC, and back—$748 dollars. I will show you the ticket.

So don't talk about the improvements, and everything else like that, with either deregulation or this singsong the money crowd puts on with respect to NAFTA and how well it has worked and how everybody is for it.

Everybody is not for this. Those who are looking and have studied and worked in the trade field realize we are going the way of England and that we just can't afford it any longer. I almost say we, more or less, have given away the store, as they say, in the community chest. As they said to me back in those Governor days: Governor, what do you expect them to make? The airplanes and the computers? Let them make the shoes. Let them make the clothing. And we will make the airplanes and the computers.

My problem is they are making the shoes, they are making the clothing, they are making the airplanes, they are making the computers. That Boeing crowd from Washington is beginning to sober up because their bus is being dumped. Ask these airlines whether they are buying Boeing or Lockheed. No, no, no. They are being dumped on account of the price and financing, and everything else of that kind. And the competition is government; and the policy is set by that government.

Senators say look before you open up Conrad Manufacturing. You have to have a minimum wage, clean air, clean water, Social Security, Medicare, Medicaid, safe working place, safe machinery, plant closing notice, parental leave—I could keep going on and on. They can go down to Mexico now for 58 cents an hour, and there is none of that.

So what is happening in the job policy where you can save as much as 20 percent on your manufacturing cost, which is 30 percent of volume? If you move your manufacturing to a low-wage country, and just keep your executive office and your sales force, and you have $500 million in sales, saving 20 percent moving to that low-wage country, before taxes you can make $100 million. Or you know what, you can continue to work your own people and go bankrupt.

That is the job policy of the national Congress. That is the job policy we are discussing this afternoon on the floor of the Senate. That is what we are talking about: How can we say this is for the people, how we say this is going to create jobs, knowing full well it is going to result in a loss of jobs.

That is why the labor people, and that is why so many African Americans, that is why all are beginning to get stirred. That is what makes Pat Buchanan make sense until lately when he began to talk that nonsense about Hitler. That is the worse thing that ever happened to this particular debate because he was talking sense at the time before he wrote his silly book about Hitler and all these other things. But he is talking about the passing army. That is labor in America. They realize they are hearing all this pretty talk from Washington and how we are going to do this and how we got to go do that—global economy, global competition, and everything else of that kind—and they keep losing out.

They are wondering what is happening when the Republicans and Democrats say the same thing. And so Buchanan comes out, and was the best voice we had in a national sense. I have been talking trade while that boy was in Gonzaga. Is that the name of the high school around here, Gonzaga High School? Gonzaga High School—I was working on this when he was at Gonzaga High School beating up everybody. I know him and like him. I get along with him very well. But he has poisoned the well on this particular score because he loses credibility on the most important issue next to the budget. The second most important is the economy and trying to maintain middle America.

And they tell me—the Senator from Louisiana—all they have to do is get in line and go to Amazon. The fact is that those jobs are not paying as much. These retail jobs just do not provide the same pay. In fact, they make them independent contractors to avoid paying their health costs and everything else.

In fact, take the example—and I will sit down and yield to my colleagues because I have plenty more to cover—with respect to Oneida knitting mills down in Andrews, SC, they had to close the first of the year. We bought them less than 35 years ago, a fine little plant. They had 487 employees, with the average age of 47 years old.

Tell them to get retrained and get skilled tomorrow morning—Washington's approach and the approach of the Senator from Louisiana—get that skill as a computer operator and go apply to Amazon as a 47-year-old. Do you think Amazon is going to employ the 47-year-old or the 21-year-old computer operator? They are sidelined, deadlined. They are out.

This is the issue they ought to be debating in this Presidential race. But since the pollsters are all on education, education, education, and the Governors, education, education, the size of the class, more this, more that, reeducate, reteach, everything else like

that, they are not talking about the real problem that we at the Washington level are talking about.

On education, the federal government only spends 7 cents on the dollar; the other 93 cents comes from the local level. So we are not going to do much on that. But here, when we can do something, we are doing the wrong thing and going in the wrong direction.

They put up these cheese boards around how the Citicorp and that rich crowd is all for it. All they are doing is trying to make money. They are not trying to create jobs.

Read Bobby Reich's book. He's right, the Fortune 500 are not creating jobs at all. We supposedly are trying to, but at the same time we are canceling out these efforts with this job policy.

We have to phase out right now the Multifiber Arrangement. We are going into the fifth year of it. The real hard part is going to be hitting. I can tell you right now, after this election in November 2000, the next President who is going to come on is going to have some real problems. And, Senator, you and I, hopefully, if the Lord is willing, will be here. And we ought to be doing something about it now.

We certainly ought not to be taking this bum's rush that comes out of the Finance Committee. Because that is what they do to me every time. That is what they did on NAFTA. That is what they did on GATT. They wait until the last 10 days of a particular session. Then they come out and they grease it and they give it fast track. They file it. They put in two amendments. They fill up the tree. They file cloture. And say: Ha, ha, ha, we are going off to the party. Struggle as you will. But we have it fast tracked. And this is going to pass whether you like it or not.

We have to get out here and get at least some amendments with respect to the labor and environmental rights, with respect to the reciprocity. I hope we will look closely at what has happened here.

Mr. President, I ask unanimous consent to have printed in the RECORD the 1998 Ratios of Imports to Consumption from the International Trade Commission, this two-sheet listing.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1998 ratios of imports to consumption

[In percent]

Certain industrial thermal-processing equipment and certain furnaces	48.9
Textile machinery and parts	67.0
Metal rolling mills and parts thereof	46.6
Machine tools for cutting metal and parts	48.1
Machine tools for metal forming and parts thereof	55.3
Semiconductor manufacturing equipment and robotics	51.9
Boilers, turbines, and related machinery	44.4
Electrical transformers, static converters, and inductors	43.2

1998 ratios of imports to consumption—Continued

Molds and molding machinery	44.8
Aircraft engines and gas turbines	70.3
Automobiles, trucks, buses, and bodies and chassis of the foregoing	40.6
Motorcycles, mopeds, and parts	48.5
Aircraft, spacecraft, and related equipment	45.7
Office machines	47.2
Microphones, loudspeakers, audio amplifiers, and combinations thereof	77.9
Tape recorders, tape players, video cassette recorders, turntables, and compact disc players	100.0
Radio transmission and reception apparatus, and combinations thereof	57.9
Television apparatus, including cameras, camcorders, and cable apparatus	68.5
Electric sound and visual signaling apparatus	49.9
Electrical capacitors and resistors	69.5
Diodes, transistors, integrated circuits, and similar semiconductor solid-state devices	45.2
Electrical and electronic articles, apparatus, and parts not elsewhere provided for	49.1
Automatic data processing machines	51.6
Optical goods, including ophthalmic goods	51.5
Photographic cameras and equipment	63.8
Watches	100.0
Clocks and timing devices	62.2
Drawing and mathematical calculating and measuring instruments	71.4
Luggage, handbags, and flat goods	79.7
Musical instruments and accessories	57.2
Umbrellas, whips, riding crops, and canes	81.1
Silverware and certain other articles of precious metal	59.9
Precious jewelry and related articles	55.8
Men's and boys' suits and sportcoats	47.5
Men's and boys' coats and jackets	62.5
Men's and boys' trousers	50.4
Women's and girls' trousers	56.4
Shirts and blouses	62.9
Sweaters	76.4
Women's and girls' suits, skirts, and coats	59.0
Robes, nightwear, and underwear	68.8
Body-supporting garments	42.8
Neckwear, handkerchiefs, and scarves	46.7
Gloves, including gloves for sports	76.1
Headwear	54.1
Leather apparel and accessories	67.2
Fur apparel and other fur articles	81.7
Footwear and footwear parts	84.2

Mr. HOLLINGS. Mr. President, you can go down this list: textile machinery and parts, 67 percent; certain industrial thermal processing equipment, 48, 49, 50 percent; machine tools, 55.3 percent; semiconductor manufacturing, 51 percent; aircraft engines, gas turbines, 70 percent; microphones, loud speakers, audio amplifiers, 77.9 percent; tape recorders, tape players, video cassette recorders, turntables, compact disk players, 100 percent; radio transmission and reception apparatus and combinations, 57.9 percent; television apparatus, including cameras, camcorders, cable apparatus, 68.5 percent; electric sound and visual signaling apparatus, 49.9 percent; electrical capacitors and resisters, 69.5 percent; diodes, transistors, integrated circuits, 45.2 percent; electrical and electronic articles, apparatus and parts not elsewhere provided, 49.1 percent; automatic data processing machines, 51.6 percent; optical goods, including opthalmic goods, 51.5 percent; photographic cameras and equipment, 63.8 percent; watches, 100 percent—I don't know about Timex; I guess they just repair them—100 percent for watches—they have gone to Korea—clocks and timing devices, 62.2 percent; drawing and mathematical calculating and measuring instruments, 71.4 percent; luggage and handbags, flat goods, 79.7 percent; musical instruments and accessories, 57.2 percent; umbrellas, whips, riding crops, canes, 81.1 percent; silverware, certain other articles of precious metals, 59.9 percent; precious jewelry, related articles, 55.8 percent; men's and boys' suits and sport coats, 47.5 percent; men's and boys' coats and jackets, 62.5 percent; men's and boys' trousers, 50.4 percent; women's and girls' trousers, 62,9 percent; shirts and blouses, 76.4 percent; sweaters, another 76 percent; women's and girls' suits, skirts, coats, 59 percent; robes, nightwear, underwear, 68.8 percent; body supporting garments, 42.8 percent; neckwear, handkerchiefs, scarves, 46.7 percent; gloves, including gloves for sports, 76.1 percent; headwear, 54.1 percent; leather apparel and accessories, 67.2 percent; fur apparel and other fur articles, 81.7 percent; footwear and footwear parts, 84.2 percent, on down the list.

I was listening to my distinguished friend from Ohio, Senator VOINOVICH. He was talking about exports and how he got Ohio, as Governor, prepared for exports. As a Governor, I have done the same thing. For both Ohio and South Carolina, there isn't going to be anything left to export. This was last year's statistics. I can tell you the trend is overwhelming in the wrong direction.

Look at the deficit in the balance of trade. It is going to approximate this year $300 billion. We are not talking about exports as a wonderful thing. Let's look, as they used to say when my children were growing up, Big John and Sparky, all the way through life, make this your goal; keep your eye on the doughnut and not the hole. We have the eye on the hole.

Export, export, that is the singsong. Citibank, Citicorp, and all those other financial institutions listed up there, that banker board and what have you; export, export. What we have to watch is the imports. That is the doughnut. That is the problem we have.

When you are spending over $100 billion more than you are taking in, you're going to create a huge economic problem. We should know: the fiscal year just ended, September 30, less than 30 days ago, and we have spent $103 billion more than we took in, we

are still running over $100 billion deficits, deficits, deficits. All right. We finally got on to that at least to save Social Security. Now they are talking exports, when they ought to be talking imports because with this particular trend, we don't have anything to export.

Exporting movies, exporting software, exporting insurance policies, exporting bank accounts—come on—where is the work there? All you have is this computerization and everything else. You will have your country terribly enfeebled. It is all a bum's rush to let us help the sub-Sahara foreign aid, let us help the Caribbean Basin nations. But they won't have reciprocity down there. They will all move in on those poor little islands, like we called up that little Felicia in Antigua after the poor airmen got killed in the barracks. Don't you remember, at Lebanon? The marines, I should say, got killed in the barracks at Lebanon. After we lost some 278 marines, they ran down and got suits off the Gulf coast and said: We are invading Granada because Antigua asked us to.

We know what is going to happen. Look at the sheet: Kathie Lee sweatshop in El Salvador. If you try to get a union there, they will kill you. They will kill you. I can tell you right now. Workers fired and blacklisted if they tried to defend their rights. Workers paid 15 cents for every $16.96 pair of Kathie Lee pants they sold; starvation wages, locked bathrooms, forced overtime; pregnancy tests; workers illegally fired and intimidated; death threats. To have the audacity to stand on the floor of the Senate and call this a win-win bill.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I've already stated my opposition to this Africa trade bill. At best, it does virtually nothing for Africa, and at worst it actually harms African economies while doing little for the United States.

Instead, the Senate should support legislation that works with the countries of Sub-Saharan Africa to diversify and strengthen African economies and fight the real enemies of economic progress on the continent: the overwhelming debt burden and the devastating AIDS epidemic.

There are many sound policy reasons for opposing this bill, which carries the slightly Orwellian title, the Africa Growth and Opportunity Act or AGOA. These reasons have been well articulated during this debate.

But today I come to the floor to talk about who supports AGOA—a long list of wealthy corporations who will reap huge benefits if AGOA becomes law.

I don't think my colleagues will be surprised to learn that many of these corporate interests are also powerful political donors who know how to use the current campaign finance system to lobby Congress when their interests are at stake.

Many supporters of AGOA can be found among the members of Africa Growth and Opportunity Act Coalition, Inc. I'm not making this up Mr. President. This corporation was established, according to its website, to ''demonstrate to the United States Senate that there is significant public support behind enacting the Africa Growth and Opportunity Act (H.R. 434).''

I argue that the support this coalition really demonstrates is not broad-based support from the American public, but the very narrow support of the few but powerful members of the coalition themselves—Amoco, Chevron, Mobil, The Gap, Limited Inc., Enron, General Electric, SBC Communications, Bristol-Myers Squibb, Caterpillar and Motorola, to name just a few.

Our campaign finance system allows these companies to be heard on the issue of Africa trade not only because of their business concerns, but because of the legal loophole they have at their disposal to influence this policy debate—unregulated, unlimited soft money contributions.

This coalition has the weight of millions of dollars of soft money behind it, Mr. President.

We know these corporations have the wealth and clout to be heard in Congress on this bill, so the only question is—what does AGOA offer them?

AGOA provides millions in benefits to help corporations invest in Africa—corporations that are often already investing there in the first place, and many corporations that, not coincidentally, comprise the AGOA coalition.

AGOA is a huge windfall for many American corporations, but it does little or nothing for African nations or African people or working Americans.

It doesn't make an effort to stimulate African economies by helping small businesses in Africa, or adequately guard against transhipment of goods through Africa, which will rob Africans of the benefits AGOA is supposed to intend.

Essentially it offers the status quo, plus a multi-million dollar bonus in tariff reductions for American corporations that already do business on the continent.

Mr. President, just to give an idea of the soft money donations that give the Africa Growth and Opportunity Act Coalition, Inc., so much clout, I'd like to Call the Bankroll on this industry coalition, as I do from time to time on this floor, for the benefit of the public and my colleagues.

First the total numbers. The companies that are members of this coalition gave a total of $5,108,735 in soft money to the political parties in the '98 election cycle. Over $5 million in one cycle, Mr. President. That is an extraordinary figure. Our parties have received over $5 million in financial support from this industry coalition that was organized to lobby for this bill. Are we really comfortable with that? Does that not give us just a little pause?

Two major U.S. retailers and coalition members, Gap Inc. and The Limited Inc., have a particularly strong interest in passing AGOA, since they can benefit from importing cheap textiles. Let's look at their soft money contributions specifically.

During the 1997–1998 election cycle, Limited, Inc. gave the political parties $553,000 in soft money donations, and in just the first six months of 1999, Limited Inc. gave the parties more than $160,000 via the soft money loophole.

The Gap also played the soft money game during this period, with more than $185,000 in the 1998 election cycle and nearly $54,000 already during the current election cycle.

And that's not all, Mr. President, not by a long shot.

I'd also like to turn my colleagues attention to the wealthy donors who would like to secure enactment of the Caribbean Basin Initiative or ''CBI'', which was combined with the AGOA in the managers' amendment.

The soft money donations from one donor with a huge stake in seeing CBI passed are particularly interesting, and bear mention during this debate.

Fruit of the Loom stands to gain $25 to $50 million from so-called CBI-NAFTA parity, which essentially removes tariffs on the goods Fruit of the Loom imports from its places of production in the Caribbean basin.

Fruit of the Loom stands to gain at least $25 million, Mr. President, and the loss from eliminating duties on apparel from the Caribbean will run U.S. taxpayers at least $1 billion in lost revenue over five years, according to an article from this week's Time Magazine.

Mr. President, this article, entitled ''The Fruit of Its Labor,'' has already been printed in the RECORD. I ask my colleagues to read it.

What might a corporation do to lobby for this kind of major change in our trade laws, Mr. President?

Under today's campaign finance rules, they might consider making some hefty soft money contributions, and in fact that's just what Fruit of the Loom did.

Fruit of the Loom gave nearly $440,000 in soft money during the last election cycle.

The company has been an active donor in the current election cycle as well, especially surrounding key moments in the life of CBI legislation.

On June 14 of this year, just over a month before CBI/NAFTA parity legislation was introduced in the Senate on July 16, Fruit of the Loom gave $20,000 to the Republican Senate-House Dinner Committee.

On July 30, 1999, two weeks after the bill was introduced, the company gave the National Republican Senatorial Committee $50,000.

I state these facts for those who might wonder whether political contributions are ever intended to effect what we do here on this floor, and for those who question whether there is an appearance of corruption caused by the soft money system.

I offer up the facts, and I ask my colleagues and the public to be the judge of a system that allows these unlimited soft money contributions to occur—contributions that would appear to any logical observer to have a potentially corrupting effect on this vitally important trade debate.

Now, one might think, Mr. President, that the business community would be solidly behind this soft money system that allows it so much access and opportunity to influence the legislation that comes out of this body. The amount of money that businesses spend on political donations is a small investment indeed for the kind of return that legislation like the AGOA and the CBI offers.

But recently we have seen some very significant cracks in business community support for this system. Perhaps most notable, was the emergence this year of the prestigious business and academic think tank, the Committee for Economic Development, as a supporter of reform.

The CED came out in March with a strongly worded report that denounced our current system and proposed a series of reforms. Its comprehensive report and recommendations reached the following conclusion: ''No reform is more urgently needed than a ban on national party 'soft money' financing.''

When we debated the McCain-Feingold soft money ban recently, the Senator from Kentucky dismissed the CED report. He called CED and I'm quoting here, a ''little known business group'' and ''a business group which until a few months ago no one had ever heard of.''

Let me tell the Chair and my colleagues a little about the CED, this ''little-known'' group.

CED was founded in 1942. It's trustees are chairmen, presidents, and senior executives of major American corporations, along with University Presidents. CED's early work was influential in shaping the Bretton Woods Agreement, which established the World Bank and the International Monetary Fund. CED Trustees were prime movers behind establishing the Marshall Plan, the President's Council of Economic Advisors, and the Joint Economic Committee.

With respect to the Marshall Plan, the Senator from Kentucky might be interested in knowing that the President's Committee on Foreign Aid, established by President Harry Truman and led by Averell Harriman, included five CED Trustees. Among these was Paul G. Hoffman, chairman and President of The Studebaker Company who happened to be the founder of CED. Hoffman was ultimately selected by President Truman as the first administrator of the Marshall Plan.

Interestingly, Senator Arthur H. Vandenberg, a prime mover of the Marshall Plan in Congress, rejected President Truman's first choice of Undersecretary of State Dean Acheson as the plan's first administrator. He argued that the person in that post needed ''particularly persuasive economic credentials'' and that Congress wanted an administrator from ''the outside business world . . . and not via the State Department.'' In the end, Senator Vandenberg himself selected Paul Hoffman to run the Marshall Plan, noting that he was to be the ''business head of a business operation.''

According to SEC Chairman Arthur Levitt, ''CED has played a leading role in fostering public sector policies and private sector policies that have helped make America's economy the strongest in the world and its companies the most competitive.''

Mr. President, at this point, I ask unanimous consent to have printed in the RECORD letters praising CED's work from Presidents Eisenhower, Johnson, Carter, Reagan, and Bush.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GETTYSBURG, PA,
October 1, 1963.

Hon. SIGURD S. LARMON,
Chairman, Information Committee, Committee for Economic Development, New York, NY.

DEAR SIG: I am delighted to respond to your query. The Committee for Economic Development provides a means by which many able and public spirited men in American business can join their talent and experience to advance the economic welfare of the country. For 20 years the business leadership represented by C.E.D. has sought out the best experts it can find on each given problem to help them develop the best ways to promote a growing and stable economy and rising living standards. I thought its contributions to the nation invaluable when I was in the White House, today I believe they are equally so.

With warm regard,

As ever,

DWIGHT D. EISENHOWER.

THE WHITE HOUSE,
Washington, December 10, 1964.

Mr. ALFRED C. NEAL,
President, Committee for Economic Development, New York, NY.

DEAR MR. NEAL: Thank you for your kind letter of November 25. I have enjoyed and profited from my contacts with the Committee for Economic Development, and I am pleased to know that this feeling is shared by you.

Whenever the CED feels that it can be helpful to the country and the Administration, I hope that you will not hesitate to communicate your views.

Sincerely,

LYNDON B. JOHNSON.

THE WHITE HOUSE,
Washington, November 8, 1978.

Mr. ROBERT C. HOLLAND,
President, Committee for Economic Development, Washington, DC.

To ROBERT C. HOLLAND: The Civil Service Reform Act of 1978, which I signed into law earlier this month, will make possible the first overhaul of the Federal personnel system in 95 years.

This historic step would not have been possible without broad public support. The statement by the Committee for Economic Development on ''Revitalizing the Federal Personnel System'' was an especially timely and thoughtful contribution to the national debate on civil service reform. The trustees of CED can be justly proud of their accomplishment.

I wish you and your fine organization continued success in bringing a responsible perspective to the public dialogue.

JIMMY CARTER.

THE WHITE HOUSE,
Washington, May 14, 1982.

I welcome the opportunity to extend my congratulations to members of the Committee for Economic Development as you commemorate your fortieth anniversary.

These four decades since your organization's founding encompass a period of economic growth unequalled in our country or anywhere else in the world, and the value of the free enterprise system as a system which can spread its benefits across our entire society has been demonstrated.

One of the reasons for our achievements is the opportunity we have in this nation to examine and discuss economic issues freely. In the public forum, we accept ideas from all sides, and we share, sift, propose, and criticize, thereby unlocking the ingenuity and initiative of our best minds.

I applaud the timely focus of the Committee for Economic Development on the issue of productivity as the key to the economic future of the United States. My Administration's economic recovery program includes strong incentives for business investment to modernize plant and equipment. Our aim is higher productivity, more jobs, and increased competitiveness for American industry in markets at home and abroad.

One of the great glories of America is the willingness of busy citizens to take time from their important personal interests to devote their energies and abilities to the public welfare.

The CED is a prime embodiment of this spirit of voluntarism. Your members bring priceless knowledge and experience from corporate and academic life to our public policy forums.

I share your pride in forty years of valuable service to the nation and know that you will use this celebration to renew your dedication to the progress of our country.

RONALD REAGAN.

THE WHITE HOUSE,
Washington, May 21, 1992.

Greetings to all those who are gathered in New York to celebrate the 50th Anniversary of the Committee for Economic Development. I am pleased to join with America's former Secretary of State, George Shultz, in welcoming our visitors from abroad.

From its inception in 1942 through the recent end of the Cold War, the CED and its trustees have made significant contributions toward the social and economic development of the United States and other nations around the globe. After World War II, your

recommendation proved valuable in assessing the needs of postwar Europe and in formulating the Marshall Plan. Today, your support of both current and prospective international agreements on trade is helping to promote greater economic opportunities for peoples in both hemispheres. Because America's productivity, prosperity, and strength depend on a well-educated and highly skilled work force—one that will be able to compete in the expanding global marketplace—I especially applaud your support of education programs such as Head Start and America 2000.

As with the end of other epic struggles, new opportunities and challenges lie ahead now that America and its allies have won the Cold War. Indeed, your work remains very important as we chart a new course for ourselves in an increasingly interdependent world.

Barbara joins me in congratulating the Committee on its anniversary and in sending best wishes for the future.

GEORGE BUSH.

Mr. FEINGOLD. Mr. President, let me quote from President Bush's letter, sent on the occasion of CED's 50th anniversary in 1992. He said: ''From its inception in 1942 through the recent end of the Cold War, the CED and its trustees have made significant contributions toward the social and economic development of the United States around the globe.''

So, far from being little known and obscure, CED has been a leading voice of the business community in its interaction with government for over 50 years. It is a nonpartisan group that has had a significant role in government policy in education, job training and employment, international economics, and budget and fiscal issues. CED Trustees have held numerous high level government posts, and come from both political parties. The current Chairman of CED, Frank Doyle, is the retired Executive Vice President of General Electric, who has served as a U.S. Representative to the OECD and the European Community.

It's also fascinating, Mr. President, that the Senator from Kentucky implied during our campaign finance debate that CED's endorsement of campaign finance reform was insignificant because he has gone to great lengths to try to dissuade it from its view. Indeed, this summer, the Senator from Kentucky wrote to up to 20 business executives to urge them to resign from CED because of its position on campaign finance reform. The Senator from Kentucky charged that CED's position was part of a campaign to ''eviscerate private sector participation in politics,'' and ''ban corporate political activism.'' He criticized CED for aligning itself with groups like the Sierra Club on this issue.

The chairs of the subcommittee that developed the CED report, which by the way was adopted without dissent either from the subcommittee or from the 56 member Research and Policy Committee that gave it CED's official imprimatur, replied to the Senator from Kentucky that they thought it ''entirely appropriate for groups with diverse interests to speak out jointly on an issue that they believe threatens the vitality of our participatory democracy.'' And they flatly rejected the charge that they want to silence the private sector.

Mr. President, I ask unanimous consent that the text of Senator MCCONNELL's letter, along with the response from the CED's leaders, as printed in the New York Times, be reprinted in the RECORD along with a New York Times news story and editorial about this exchange. I also ask unanimous consent that a New York Times story concerning the president of CED, Charles Kolb, who was a lawyer in the Office of Management and Budget and in the Department of Education under President Bush, also be printed in the RECORD.

[From the New York Times, Sept. 1, 1999]

A LETTER AND ITS RESPONSE

Senator Mitch McConnell of Kentucky, chairman of the National Republican Senatorial Committee, wrote to 10 business executives on July 28 suggesting that they resign from a group promoting overhaul of campaign finance laws, which prompted a reply on Aug. 23 by three leaders of that group. Following is a letter sent to an executive, with the recipient's name deleted by the advocacy group, the Committee for Economic Development, and the group's reply:

MR. MCCONNELL'S LETTER

I was astonished to learn that . . . has lent its name, prestige and presumably financial backing to the Committee for Economic Development in its all-out campaign to eviscerate private sector participation in politics, through so-called ''campaign reform.''

This week, the Committee for Economic Development joined hands with Ralph Nader and the Sierra Club in taking out a full-page ad in The Hill, demanding new campaign finance laws that would ban corporate political activism and render the Republican Party powerless to defend probusiness candidates from negative TV attacks by labor unions, trial lawyers and radical environmentalists.

To legitimize its claim to represent the corporate community in advocating anti-business speech controls, the Web site of the Committee for Economic Development prominently lists . . . as one of the trustees that is ''engaged in implement[ing] their policy recommendations.''

If you disagree with the radical campaign finance agenda of the Committee for Economic Development and resent its abuse of your company's reputation, I would think that public withdrawal from this organization would be a reasonable response.

Thank you for considering my great concern over these developments.

THE COMMITTEE'S LETTER

We are responding to your letter of July 28 to several trustees of the Committee for Economic Development (C.E.D.) urging them ''to resign from C.E.D.'' because of our recent policy statement on campaign finance reform.

Your letter refers to a full-page ad that C.E.D. and other organizations sponsored urging the Senate to work toward meaningful campaign finance reform. We make no apologies for expressing our views and associating with groups such as AARP, the League of Women Voters, and the Sierra Club. In our view, it is entirely appropriate for groups with diverse interests to speak out jointly on an issue that they believe threatens the vitality of our participatory democracy. In fact, we find it ironic that you are such a fervent defender of First Amendment freedoms but seem intent to stifle our efforts to express publicly our concerns about a campaign finance system that many feel is out of control. Efforts to secure funding for the Republican Party should not be based on silencing other organizations.

You also accuse C.E.D. of an ''all-out campaign to eviscerate private sector participation in politics.'' We respectfully submit that you have misread our report. First, it is disingenuous to imply that a business organization such as C.E.D. wants to silence the private sector or is anti-business. Second, if C.E.D.'s recommendations were enacted tomorrow, there would be more, not less, money available to finance elections. These funds would come primarily from individual contributions—either directly or through political action commitees—not through loopholes in existing laws that have created today's unregulated, apparently limitless, flood of soft money. Our proposal would restore the principle that campaign contributions should be made by individuals not corporations or unions.

We know that a majority of the House and the Senate supports campaign finance reform. That sentiment is also shared by a growing number of business community leaders. We hope that you will reconsider your opposition and enable the issue to be discussed and voted on this fall in the Senate.

Those of us at C.E.D. applaud your many years of public service. We respect and share your commitment to the First Amendment. However, many of our trustees happen to disagree with you on this issue.

[From the New York Times, Sept. 1, 1999]

DEFYING SENATOR, EXECUTIVES PRESS DONATION RULES CHANGE

(By Don Van Natta, Jr.)

WASHINGTON, Aug. 31.—Leaders of a committee of business executives who have endorsed a ban on unlimited campaign contributions said today that their members would not be intimidated by an aggressive letter-writing campaign led by Senator Mitch McConnell, one of the Senate's most ardent opponents of a bill that would overhaul the campaign finance system.

In the letters, Mr. McConnell, a Kentucky Republican, accused the group of trying to ''eviscerate private sector participation in politics'' by imposing ''anti-business speech controls.''

''I hope you will resign from C.E.D.,'' Mr. McConnell scribbled near the bottom of one letter sent to an unidentified senior executive of a telecommunications corporation.

Leaders of the organization attacked by Mr. McConnell, the Committee for Economic Development, which includes executives of General Motors, Xerox, Merck and the Sara Lee Corporation, refused to identify the executive or the corporation in the letter. But they did say that Mr. McConnell wrote letters to executives who work for companies that have significant issues pending before Congress.

None of nearly 20 members of the Committee for Economic Development planned to resign from the committee, as Mr. McConnell urged in the letters sent late last month, committee leaders said.

Edward A. Kangas, a co-chairman of the C.E.D. committee that studied the campaign

finance system, said today that Mr. McConnell's letter confirmed for him that the organization, which has enlisted more than 100 current and retired executives to endorse new campaign finance rules, was beginning to shape the contentious debate on the subject on Capitol Hill. The letter was first reported on Sunday on the editorial page of The New York Times.

''What we've been doing as a group of business leaders is obviously beginning to have an impact,'' said Mr. Kangas, the chairman and chief executive of Deloitte Touche Tohmatsu, the accounting and consulting firm. ''If we weren't having an impact, he would not be communicating with us.''

In his public statements, Mr. McConnell argues that current campaign-finance legislation would infringe on free speech protections of the First Amendment. Critics of the Republican Party's position on the issue, however, say that Republicans are motivated by the knowledge that they hold a commanding advantage in raising campaign money from the private sector.

In the letter, Mr. McConnell also wrote that he was ''astonished'' that the corporation of the recipient had ''lent its name, prestige and presumably financial backing'' to the Committee for Economic Development, which he said was lobbying on behalf of a ''radical campaign-finance agenda.'' Mr. McConnell argued that the executive's alliance with such a group had consequently damaged the reputation of the executive's employer.

Mr. McConnell wrote the letters in his role as chairman of the National Republican Senatorial Committee, the party's major fundraising group for Senate candidates. His spokesman, Robert Steurer, said that Mr. McConnell was unavailable for comment, and referred questions to the National Republican Senatorial Committee.

Steven Law, executive director of the National Republican Senatorial Committee, issued a brief statement tonight, in which he said: ''Nearly all the companies we contacted had no idea that C.E.D. was throwing their name around in connection with campaign-finance reform and they were outraged that C.E.D. had hijacked their corporate identity to sell a position with which they sharply disagreed.''

The executives on the C.E.D. committee are speaking for themselves, and not necessarily on behalf of their companies. Most of their corporations still continue to give large sums to political parties and candidates.

Mr. Kangas and other committee leaders said they had recruited more executives in the past several days. They said their goal was to have 300 executives endorse their campaign finance proposals by late autumn.

''I think most of the people at C.E.D. have figured out just how corrupt the campaign finance system is, and this letter is just an example of what they already knew,'' Mr. Kangas said, ''Actually, we are broadening the constituency of business leaders who recognize that the campaign finance system is a real problem. Senator McConnell's letter has not had much impact.''

The letter was seen by some as an attempt to intimidate the members with the implied message: Resign and keep quiet or don't count on doing business with Congress. ''The reaction was interesting,'' Mr. Kangas said. ''These guys are running big enterprises of their own. They are not easily intimidated. They looked at the letter and most of them just chuckled and filed it away.''

The committee is a 60-year-old business-led public policy and research association based in Manhattan. Its leaders pride themselves that it is fiercely non-partisan.

The executives on the committee are urging Congress to prohibit soft money, the unlimited donations that corporations give to political parties. The committee also advocates increasing the limit on individual contributions to $3,000 from the current limit of $1,000.

''The business community, by an large, has been the provider of soft money, said Charles Kolb, the committee's president. ''These people are saying: We're tired of being hit up and shaken down. Politics ought to be about something besides hitting up companies for more and more money.''

The committee's members studied the campaign finance system for two years. Committee members said they were horrified at the public perception that big donors receive special favors in Washington. In a report released in March, the committee wrote: ''The suspicion of corruption deepens public cynicism and diminishes public confidence in Government. More important, these activities raise the likelihood of actual corruption.''

In a response sent to Mr. McConnell last week, leaders of the committee wrote: ''We know that a majority of the House and the Senate supports campaign finance reform. That sentiment is also shared by a growing number of business community leaders.''

Both Warren E. Buffett, the acclaimed value investor and chief executive of Berkshire Hathaway, and Jerome Kohlberg, a founder of the leveraged buyout firm Kohlberg Kravis Roberts & Company, have tried on their own to persuade chief executives of businesses to embrace campaign finance reform measures. But many, though sympathetic, refused to speak out because they do not want to rankle the legislators on whom they depend.

Mr. Kangas said he disagreed with Mr. McConnell's position that campaign contributions were protected by the First Amendment. ''I was a little disappointed that he would suggest that freedom of speech does not apply to us, but it applies to the people who agree with him,'' Mr. Kangas said.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 17, 1999]

SOFT MONEY'S MULTIFACETED FOE

(By Don Van Natta, Jr.)

WASHINGTON.—Charles Kolb may be this city's most unlikely champion of campaign finance reform. A conservative lawyer who worked on domestic policy in the Bush White House, Kolb acknowledges that he never expected to be doing what he is doing now.

As president of the Committee for Economic Development, a group of chief executives and academic leaders committed to public policy changes, Kolb leads its fight against soft money, those unlimited contributions to political parties that have come to exemplify the capital's cash-flush influence industry.

''I personally came at this with a deregulatory viewpoint,'' explained Kolb, who is 48, ''But the more I studied it, the more concerned I became about the appearance of influence-peddling, the quid pro quos. There should be access to politicians, but I don't think you need to pay a toll to get it.''

He paused to catch his breath. ''I have become something of a radical on this subject,'' he said.

Trim and energetic, Kolb may look like just one more sharp-dressed politician or lobbyist—until he opens his mouth. He speaks in eloquent, perfectly formed paragraphs about the need to change a federal election system that some analysts say may cost $3 billion in 2000.

As the leader of a fiercely nonpartisan group, Kolb says the organization does not reflect his biases. ''If it did, I wouldn't be doing my job,'' he said. Still, his friends are not surprised that, as a champion of noble causes, he has embraced its position on campaign finance reform.

Upon leaving the Bush administration, where he was deputy assistant to the president for domestic policy, Kolb wrote a book whose title communicated its author's intense disappointment: ''The White House Daze: The Unmaking of Domestic Policy in the Bush Years'' (Free Press, 1993). The path that led Kolb to his current post also wound through law and charity.

''I've never worried about answering the question, 'What do you want to do with your life?' '' Kolb said. He has a one-word explanation for his good fortune: serendipity.

Business executives consider it serendipitous that Kolb took the post at the Committee for Economic Development in September 1997. He is its fourth president in 57 years, and his predecessor held the job for 31 years. Several trustees credited Kolb with invigorating the organization.

The committee is an independent research organization that recommends economic and social policies. Its board includes executives of General Motors, Xerox, Merck and Sara Lee.

Despite the organization's growing momentum, Kolb has occasionally found it difficult to persuade executives to publicly endorse a soft-money ban. They worry that their endorsement will hurt their corporations on Capitol Hill.

''When Charlie talks with most CEOs, they are very sympathetic, very supportive,'' said Michael J. Petro, the committee's director of business and government policy. ''But then they say, 'Let me put you in touch with our Washington guys,' '' who often try to kill the idea.

Kolb blamed what he calls the capital's cottage industry of money and influence. ''The people who favor the status quo are the people who hand out the checks and the people who cash the checks,'' he said.

Kolb always wanted to practice law. It was what other men in his family had done. He went to Princeton, then to Balliol College at Oxford University, where he received a master's degree in philosophy, politics and economics.

At Oxford, he met the academic who had the most influence on his life, Sir Isaiah Berlin, the renowned historian who died in 1997 at 88. ''What he taught me is there is no excuse for arrogance,'' Kolb said. He once invited Berlin to tea in Kolb's dormitory room. ''And for four hours, the leading philosopher of this century sat on my bed and sipped his tea and talked with me.''

Kolb earned a law degree at the University of Virginia, and after practicing at two Washington law firms, joined the Office of Management and Budget. He then moved to the Education Department, where he met his wife, Ingrid. (They now have a 2-year-old daughter, Charlotte.) In 1990, he joined the White House, working on domestic economic, education, legal and regulatory issues. After that, he spent five years as general counsel of the United Way.

On his desk, Kolb displays evidence of his freedom from partisanship: a canceled check for $250 that Kolb wrote on Nov. 1, 1996, to

the re-election campaign of Sen. Mitch McConnell, R-Ky., an ardent opponent of changes in the campaign finance laws.

Last summer, McConnell took on Kolb's organization, writing a blistering letter to as many as 20 executives who had endorsed a soft-money ban. McConnell accused the group of trying to ''eviscerate private sector participation in politics'' by imposing ''anti-business speech controls.''

At the bottom of most letters, McConnell scribbled a message that some executives regarded as a threat: ''I hope you will resign from CED.''

Kolb responded sharply. ''I think it was an abuse of senatorial authority,'' he said. ''It did a lot to convey to the public what this fight is all about.''

In the end, McConnell's smash-mouth tactics backfired. Publicity about the letter helped the organization recruit more executives, doubling its ranks. Now, 212 executives have endorsed the soft-money ban. And not one executive resigned.

With a smile, Kolb said, ''It is far better to be attacked than to be ignored.''

Mr. FEINGOLD. Mr. President, far from having its intended effect, the Senator from Kentucky's letter, which many believe smacks of intimidation, seems to have emboldened CED and its membership. At last count, 212 business and civic leaders have endorsed the CED report, and not a single member of CED has resigned in response to the Senator from Kentucky's tactics. Not a single one.

It was amazing to me, Mr. President, that we heard Senators on the floor during the campaign finance debate questioning whether our current system is corrupting. But the Senate has heard me talk about the corruption of the system a lot. It's no surprise that I think this system has a corrupting influence on the Congress. But for those who are skeptical of this view, perhaps the words of the CED trustee who chaired the subcommittee that developed CED's recommendations on campaign finance, will carry more weight. Listen to the words of Mr. Edward Kangas, who is the Chairman of Global Board of Directors of Deloitte Touche Tohmatsu, in an opinion piece in the New York Times that appeared after the first days of our campaign finance debate here in the Senate.

''You could almost hear the laughter coming from board rooms and executive suites all over the country when Senate opponents of campaign-finance reform expressed dismay that anyone could think big political contributions are corrupting elections and government.'' Mr. Kangas continues: ''For a growing number of executives, there's no question that the unrelenting pressure for five- and six-figure political contributions amounts to influence peddling and a corrupting influence. What has been called legalized bribery looks like extortion to us.''

Mr. Kangas doesn't mince words on how the system appears to someone who has been part of it. He says:

I know from personal experience and from other executives that it's not easy saying no to appeals for cash from powerful members of Congress or their operatives. Congress can have a major impact on businesses. The solicitors know it, and we know it. The threat may be veiled, but the message is clear: failing to donate could hurt your company. You must weigh whether you meet your responsibility to your shareholders better by investing the money in the company or by sending it to Washington.

This is an incredible indictment of the system that a minority of this Senate is preserving through a filibuster. These words from a business leader plainly and powerfully answer the arguments from the Senator from Kentucky and others that there is nothing corrupt or corrupting about soft money. This is not some liberal ''do-gooder'' speaking here. This is a respected business person, chairman of the Board of Directors of an international accounting firm, a participant in this system.

He says, ''The threat may be veiled but the message is clear. Failing to donate could hurt your company.''

I ask unanimous consent that the full op-ed by Mr. Kangas appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

You could almost hear the laughter coming from board rooms and executive suites all over the country when Senate opponents of campaign-finance reform expressed dismay that anyone could think big political contributions are corrupting elections and government. On Tuesday, those opponents prevailed, blocking a final vote this year on banning soft-money contributions. But the innocent and benign system described by the Senators arguing against reform hardly passed the laugh test for those of us on the receiving end of the soft-money shakedown.

For a growing number of executives, there's no question that the unrelenting pressure for five- and six-figure political contributions amounts to influence peddling and a corrupting influence. What has been called legalized bribery looks like extortion to us. The Senators who oppose reform would be far more credible and receive a sympathetic ear if they admitted the high cost of campaign force them to focus on large contributors, rather than defending the system.

Congress passed laws that would put corporate executives in jail for offering money to a foreign official in the course of commerce. Now some of its members express bewilderment when people note that there is something unseemly about making large payments to the campaign committees of American elected officials.

I know from personal experience and from other executives that it's not easy saying no to appeals for cash from powerful members of Congress or their operatives. Congress can have a major impact on businesses. The solicitors know it, and we know it. The threat may be veiled, but the message is clear: failing to donate could hurt your company. You must weigh whether you meet your responsibility to your shareholders better by investing the money in the company or by sending it to Washington.

Increasingly, fund-raisers also make sure you know that your competitors have contributed, implying that you should pay a toll in Washington to stay competitive.

Unlike individual donations, most large corporate contributions aren't made as gestures of good will or for ideological reasons. Corporations are thinking of the bottom line. Will the contribution help or hurt the company? Despite the protestations of some Senators, everyone knows big checks get noticed.

Like most Americans, corporate executives also now know the issue isn't really free speech. (You'll notice that the First Amendment argument is more often made by the listeners, the politicians, then by the speakers.) Companies don't question their ability to speak forcefully. We have lobbyists and trade associations, and we provide many jobs—all of which help us to be heard. And, as salesmen, we resent the ideas that the only way we can get a chance to make an effective pitch about legislation is to pay a large fee.

One clear sign of the growing dissatisfaction of corporate leaders with this pressure is the endorsement by more than 200 business and civic leaders of a campaign finance reform plan made by the Committee for Economic Development, a group of chief executives and academic leaders. This group, of which I am a member, is not saying that all political contributions are bad or corrupting. We know campaigns cost money.

But we see what should be obvious to everyone. There's a big difference between a $1,000 contribution—the current limit on individuals' donations to a campaign—and a $50,000 or $1 million check filtered through a party as ''soft money.'' The potential for corruption is minimal at $1,000, or even at the $3,000 level to which our reform plan would raise individual contribution limits. But the unlimited amounts that pour through the soft-money loophole are dangerous.

Americans understand the influence of money. It's time to give elections back to democracy's shareholders—the voters.

Mr. FEINGOLD. Mr. President, CED is not the only business organization that supports campaign finance reform. The Campaign for America is an organization founded by Jerome Kohlberg, former founding partner of the firm of Kohlberg, Kravitz. That organization sent us a letter during the recent campaign finance debate, signed by, among others, Warren Buffet, Arjay Miller, who is the former President of Ford Motor Company and Dean Emeritus of Stanford Business School, and Bob Stuart, former Chair of Quaker Oats. These prestigious business leaders write: ''We believe the current soft money system works against the public interest and against the interests of business. . . . [B]usiness and industry must have access and say in policy-making. But soft money distorts the process.''

I ask unanimous consent that the letter from Campaign for America and these business leaders appear in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CAMPAIGN FOR AMERICA,
Washington, DC, October 18, 1999.

Hon. RUSS FEINGOLD,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINGOLD: As the Senate debates reforming the way federal officials finance their campaigns, we hope you will consider what the appropriate relationship between government and business should be. We believe the soft money loophole creates an improper conduit for corporate and union money to flow in unlimited amounts through increasingly murky channels into the political system. Speaking as business people and as citizens, we urge you to support the McCain-Feingold bill.

We believe meaningful reform will require fuller and more timely disclosure of contributions and expenditures. It will require all organizations trying to influence the outcome of elections to play by the same rules as candidates. Above all, meaningful reform will close the soft money loophole. Does McCain-Feingold cure all the ills of our current system? No, but it is a crucial first step.

We believe the current soft money system works against the public interest and against the interests of business. Congress must have input from business or it risks legislating in a vacuum; business and industry must have access and say in policy-making. But soft money distorts the process.

American business traditionally places its faith in the market. And while it is naïve to think that the government won't play a role in shaping the market, the soft money system encourages companies to seek government intervention in the market in an arbitrary and unfair way.

Congress enacted a law in 1907 to prevent corporations from using corporate money to exert an undue influence on the political process. In 1947 the Congress passed a similar restriction on unions. The soft money loophole subverts these laws. If soft money contributions are capped rather than banned, the subversion of the principles behind these laws will continue.

Some opponents of reform would have you believe the parties will wither and die if the flow of soft money contributions is cut off. But the soft money loophole can be closed without starving candidates or parties of needed resources by adjusting the hard money limits.

The Senate has an opportunity to find a consensus on the appropriate process for financing federal campaigns. We urge you to return to our citizens a system that is fair and equitable. We urge you to oppose a filibuster and allow the Senate an opportunity to vote for the McCain-Feingold bill.

Respectfully,

George T. Brophy, Chairman, President & CEO, ABT Building Products Corporation; Warren Buffet, Chairman & CEO, Berkshire Hathaway Inc.; William Coblentz, Attorney at Law, Coblentz, Patch, Duffy, and Bass; William H. Davidow, General Partner, Mohr, Davidow Ventures; E.C. Fiedorek, Managing Director (Retired), Encap Investments L.C.; Alan G. Hassenfeld, Chairman & CEO, Hasbro, Inc.; Ivan J. Houston, CEO (Retired), Golden State Mutual Life Insurance Co.; Robert J. Kiley, President, New York City Partnership; Jerome Kohlberg, Jr., Kohlberg & Company; Robert B. Menschel, Senior Director, Goldman, Sachs Group; Arjay Miller, Former President, Ford Motor Company, Dean Emeritus, Graduate School of Business, Stanford University; Thomas S. Murphy, Chairman & CEO (Retired), Capital Cities/ABC, Inc.

Raymond Plank, Chairman & CEO, Apache Corporation, Sol Price, Price Entities; Arthur Rock, Arthur Rock & Company; David Rockefeller; Ian M. Rolland, Chairman & CEO (Retired), Lincoln National Corporation; Richard Rosenberg, Chairman & CEO (Retired), Bank of America; Jim Sinegal, President & CEO, Costco Companies, Inc.; Bernard Susman, Bernard M. Susman & Co.; Donald Stone, Former Chairman & CEO, MLSI, Former Vice-Chairman, New York Stock Exchange; Robert D. Stuart, Jr., Chairman Emeritus, The Quaker Oats Company; Dr. P. Roy Vagelos, Chairman & CEO (Retired), Merck & Co., Inc.; A.C. Viebranz, Former Senior Vice President for External Affairs, GTE Corporation; Paul Volcker, Former Chairman, Federal Reserve.

Mr. FEINGOLD. Mr. President, business support for campaign finance reform is real and it is growing. Businessmen are tired of being the fall guys of American politics. They are tired of seeing politicians with their hands out for money. They are tired of the ever increasing demand for ever larger checks. They are tired of the feeling like they are being shaken-down for their contributions, like political donations are a form of protection money.

They are tired of the public's perception that when business wins an argument in Congress it wasn't because its position was right but because they gave big soft money donations to the political parties. That is certainly a risk with this particular Africa trade bill, as my Calling of the Bankroll at the beginning of this presentation showed.

I want to commend the leaders of the business community for joining this cause, and standing up to the pressure from those who want to preserve this corrupt system. In the end, they are on the right side of the issue, not only for business, but for the American people.

I have to ask my colleagues, Mr. President, how can this body continue to allow soft money contributions to flow to the political parties' warchests—unregulated, unchecked, and doing untold damage to the public perception of the way we do business in this Chamber?

How long can we expect the public to put up with a U.S. Senate that refuses to shut down such an egregious loophole, and chooses instead to perpetuate a soft money system that taints everything we do on this floor?

That's right. I'll say it again. Everything we do on this floor is called into question by the soft money system. And that includes this Africa and Caribbean trade bill. The $5 million in soft money contributions by the industry coalition created supposedly to show public support for this bill casts a shadow on this debate. It's the 800 pound gorilla, as I've said before, that is sitting over there on the floor and that we all ignore.

Until we close the soft money loophole, the shadow will get darker and darker, and the gorilla bigger and bigger. Until we close that loophole, our constituents have every right to be skeptical of whether we work for them, or for the big contributors. Until we close that loophole, the concept of one person, one vote—a basic and fundamental tenet of our democracy—is in serious jeopardy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I ask unanimous consent that the pending amendment No. 2335 be temporarily laid aside in order for Senator ASHCROFT of Missouri to offer an amendment.

Mr. HOLLINGS. I object.

Mr. ROTH. I would say, if I might, to my distinguished colleague that while it takes unanimous consent for me to ask this, the leader of course could come down and accomplish the same result. So I hope the distinguished Senator will not object.

Mr. HOLLINGS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROTH. Mr. President, I regret that objection because I think it is important that we be able to proceed with this most important legislation.

This is legislation that has the support of both the Republican and Democratic leadership. It has the support of the White House and the President. I am disappointed that we are unable to reach agreement to begin the amendment process so that this most important legislation can be acted upon in the remaining days.

I point out to the distinguished Senator from South Carolina that this legislation was reported out by the Finance Committee in June of this year. We had hoped action could be taken earlier, but the schedule did not permit that.

Does the Senator from Missouri wish to speak?

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. I thank the Senator from Delaware for his leadership, and I thank him for making the attempt to increase our capacity to serve America by allowing me to offer an amendment.

The measure that I am offering today is a measure that Democratic minority leader Senator DASCHLE, 31 cosponsors, and I had introduced as free-standing legislation earlier this year. All of the cosponsors of the measure have been strong advocates on behalf of American agriculture. We are addressing the ability of American agriculture to be represented effectively in trade negotiations.

Currently, there is a temporary American Ambassador for agriculture in the Office of the U.S. Trade Representative so that America's farmers

and ranchers always have a representative at the table when the United States enters large trade negotiations. If we are worried about the United States' balance of payments, we ought to elevate and try to increase our number of exports.

Our farm community outproduces and outworks any farm producers around the world. When trade agreements are negotiated, we need our farmers to be represented there by a consistent, strong voice for agriculture.

The Senate Democratic minority leader, Senator DASCHLE, and I and 31 cosponsors introduced this free-standing bill, S. 185, because we thought it is essential to U.S. farm and trade policy. It is a bill, which as an amendment to this measure, ensures that our Nation's farmers and ranchers have a permanent trade ambassador in the Office of the U.S. Trade Representative. Let me express that once more to be very clear: We want to have a permanent agricultural trade ambassador in the Office of the U.S. Trade Representative so whenever our Trade Representatives are making considerations about the kinds of agreements that will govern the relationships between the United States and other nations as they relate to trade with agricultural products, an expert, clearly focused on, committed to, trained in, and abreast of the circumstances in the agricultural community, will be right there at the table advancing our interests.

This is very important, especially as we understand that our agricultural productivity far exceeds our ability to consume. In my home State, between a quarter and a third of all the agricultural products produced must go into the international marketplace. I heard the Senator from Illinois the other day talk about how that in his State over half of all the products are grown for shipment overseas. For some commodities, such as soybeans, over half of those commodities must be exported.

This is a simple concept. The placement in the Office of the U.S. Trade Representative of a permanent trade ambassador for agriculture has broad bipartisan support in the Congress. It is supported by more than 80 national farm organizations. And the administration supports it.

I talked recently with U.S. Trade Ambassador Charlene Barshefsky in a meeting with the congressional ''WTO Caucus for Farmers and Ranchers.'' Let me explain. Senators LARRY CRAIG and BYRON DORGAN have assembled people in the Congress who are concerned about agriculture's capacity to trade effectively and to get our products overseas. We have organized with their leadership this caucus, consisting of both Senate and House Members, to address agricultural issues in the upcoming World Trade Organization Seattle Round.

This fall in Seattle we are going to launch a new round of trade negotiations. We have been seeking as a caucus of Members of the Congress to work with our trade ambassador, Ambassador Barshefsky, to say we want to make sure we in the Congress cooperate so that when any trade agreements are finally reached, the Senate is in a better position not only to understand them but also to approve them if at all possible.

I was delighted that when we discussed this need for a permanent agricultural trade ambassador within the Office of the Trade Representative, Ambassador Charlene Barshefsky endorsed the program fully. She said this initiative is very important.

I described the fact we have the WTO round of trade talks starting in late November in Seattle. I want to communicate the urgency to get this provision we are offering today enacted into law before the Seattle Round kicks off. I think Senator DASCHLE understands, the other 31 cosponsors understand, the members of the WTO trade caucus understand, and the White House understands the urgency of having agricultural issues fully represented at the table. That is why the administration supports this. That is why I am pleased to have been an original cosponsor with the minority leader, TOM DASCHLE, on this proposal in February because we all understand the importance of this proposal.

Ambassador Barshefsky went on to say:

> Ensuring that the United States has a permanent trade ambassador will put U.S. farmers in a stronger position in the Seattle round of the WTO negotiations that will begin late this fall.

Ambassador Barshefsky pointed out that when she assumed the position of the U.S. Trade Representative, she appointed Peter Scher as a special trade negotiator for agriculture. He has been the voice for America's farmers and ranchers at the negotiating table, and he has been doing a wonderful job advocating positions that will advance the strength of their interests internationally. However, his position was an administration decision and an appointment as opposed to being a permanent position in the law.

The bill we introduced and the amendment I am offering today makes his position permanent, subject to Senate approval, of course. Our farmers need a representative in the Office of the U.S. Trade Representative who will focus solely on opening foreign markets, ensuring a level playing field for U.S. agricultural products and services, and representing the interests of American farmers, the most productive of all of our sectors of our economy. The opportunity to do that is not only ripe and ready, it is necessary now because we are looking the WTO round in the face. We need to achieve this objective.

In September 1998, American farmers and ranchers faced the first ever monthly trade deficit for U.S. farm and food products since the United States began tracking trade data in 1941. This sounds an alarm for States such as my home State of Missouri. We receive over one-fourth of our farm income from agricultural exports. Already this year the U.S. Department of Agriculture has reported the value of agricultural exports has dropped by over $5 billion since this time last year. We need to be promoting and developing ways of exporting more of the food and fiber we grow in this country. At best, the total agricultural exports will be $49 billion in 1999. This is a reduction from total agricultural exports of $60 billion 3 years ago. We cannot afford to be in a situation where we are vastly increasing productivity and production and curtailing our farmers' amount of exports opportunities. We desperately need to enhance the level of exports for our farmers. We need to make permanent the position of agricultural trade ambassador within the Office of the U.S. Trade Representative.

Also, our agricultural trade surplus totaled $26.8 billion just 3 years ago. By last year, that amount had dropped by almost 50 percent. This year, our annual agricultural trade surplus will have dwindled to about $12 billion.

The bottom line is we need more attention focused on farmers' competitiveness overseas. We need to make this a policy priority. Our priorities need to be reflected in the level of the resources we deploy to do this job of opening markets for farmers and ranchers.

When I am thinking about the Nation's trade policy, especially about agriculture, I ask myself what is good for the State of Missouri. In some significant measure, Missouri happens to be a leader in farming. We are the State with the second highest number of farms—second only to Texas. We have just about every crop imaginable. Missouri is among the Nation's top producers in almost all crops. We are second in terms of beef cows. We are second in hay production. Missouri is one of the top five pork-producing States. Missouri is also among the top 10 States for the production of cotton, rice, corn, winter wheat, milk, and watermelon. With 26 percent of the income in our State coming from exports, our Missouri farmers, like farmers from sea to shining sea, need to know that their ability to export will expand over time rather than become subject to foreign protectionist policies that choke them out of their market share.

During the 1996 farm bill debate, in exchange for decreased Government payments, our farmers were promised more export opportunities. It is time for us to deliver on that promise.

America's farmers and ranchers need a permanent agriculture ambassador

who will represent their interests worldwide, especially as we face more negotiations in the World Trade Organization, and also as we have regional negotiations with both Central and South America progressing. There are a lot of opportunities that could be opened up to our farmers and ranchers in the coming years. We need to have someone at the door, always pressing for those opportunities.

Under the legislation which the minority leader and I and 31 others introduced this year, the agricultural ambassador would be responsible for conducting trade negotiations and enforcing trade agreements relating to U.S. agricultural products and services. Also under the legislation, the ambassador must be a vigorous advocate on behalf of U.S. agricultural interests.

It is imperative, in my judgment, that U.S. interests always have a strong, clear voice at the table in international negotiations. Foreign countries will always have agriculture trade barriers. We need to send the message to foreign governments we are serious about breaking down barriers to their markets, so that our farmers and ranchers will be put on more of a level playing field.

Canada and Mexico have already concluded free trade agreements with Chile, for example. Farmers in Canada can send their agricultural products to Chile, and in most instances Canadian farmers face a zero tariff level. Our farmers, on the other hand, are confronted with an 11-percent tariff. That makes it very difficult for us to be competitive. The E.U. is negotiating a trade deal with Mexico, Chile, Argentina, Brazil, Paraguay, and Uruguay. Thus, these countries will give European farmers more access to their markets at the expense of U.S. farmers and ranchers. We can not afford to wait. America must lead, not follow, especially in our own backyard in the Western Hemisphere, but certainly even around the world.

The agricultural ambassador amendment we are offering today is supported by more than 80 agricultural trade associations. Additionally, State branches of these national associations such as the Missouri Farm Bureau Federation and the Missouri Pork Producers Council are weighing in with their strong support.

We need to utilize every opportunity we have to help our farmers and ranchers in America. Making permanent the position of U.S. Trade Representative for agriculture, we are guaranteed the interests of American farmers and ranchers will always have a prominent status and will ensure that our agreements are more aggressively enforced.

It is with this in mind, and because of what I believe is the overwhelming consensus on this measure, the bipartisan nature of it, and the pressing need for it for this year's WTO round, which will begin in Seattle later this fall, that I wanted to bring this amendment to the floor and offer it. I believe this Senate will overwhelmingly endorse this commonsense proposal which has such strong bipartisan support, which is supported by the Administration, and which would render such great service to the farmers and ranchers of the United States of America who lead America in productivity and who can lead America in terms of our balance of trade and exports.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter detailing the list of the national organizations, American farmers, and ranchers supporting the amendment, and I yield the floor.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 19, 1999.

Hon. JOHN ASHCROFT,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR ASHCROFT: Thank you for introducing S. 185 which establishes a permanent Chief Agricultural Negotiator in the Office of the United States Trade Representative (USTR). Agriculture plays a significant and positive role in the balance of U.S. trade. As we prepare for the next round of negotiations in the World Trade Organization (WTO) it is important that the interests of U.S. agriculture be given special emphasis.

Agricultural trade will be a primary focus in the next WTO round. U.S. farmers and ranchers are dependent upon the continued expansion of agricultural exports and opening of foreign markets. The issue of foreign agricultural trade barriers continues to grow and is often unique and difficult to resolve. The result of the next round of negotiations will have a major effect on the future of U.S. agriculture. The enactment of this legislation will send a message to the member countries of the WTO that the U.S. is serious about agriculture. It will place a permanent advocate and specialist at the negotiating table on behalf of U.S. agricultural interests and establish a position that will be responsible for enforcing trade agreements relating to U.S. agriculture.

We pledge our support for S. 185 and look forward to working with you to ensure its passage.

Sincerely,

American Cotton Shippers Association, American Farm Bureau Federation, American Feed Industry Association, American Meat Institute, American Soybean Association, Animal Health Institute, Cenex Harvest States, CF Industries, Chicago Board of Trade, Corn Refiners Association, Inc., Farmland Industries, Inc., Florida Phosphate Council.

Idaho Barley Commission, International Dairy Foods Association, National Association of Wheat Growers, National Association of Animal Breeders, National Cattlemen's Beef Association, National Chicken Council, National Corn Growers Association, National Cotton Council, National Farmers Union, National Grain Sorghum producers, National Grange, National Milk Producers Federation.

National Pork Producers Council, National Sunflower Association, Nestle USA, Northwest Horticultural Council, Novartis Corporation, The Fertilizer Institute, United Fresh Fruit & Vegetable Association, US Apple Association, US Canola Association, US Dairy Export Council, US Rice Producers Association, US Wheat Associates, US Rice Federation, Wheat Export Trade Education Committee.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Delaware.

Mr. ROTH. Mr. President, first of all, let me commend the distinguished Senator from Missouri for his leadership on agricultural trade issues. I congratulate him for his knowledge, for his leadership on these issues, and the effectiveness with which he deals with them. I want him to know I rise in strong support of his amendment.

The USTR has had an agricultural ambassador at USTR. In my judgment, it has been a most effective tool for furthering our agricultural trade interests. It is my position that making this a permanent position would be good policy, well deserved by the agricultural sector which, of course, has consistently fought for trade liberalization.

Again, I congratulate the distinguished Senator from Missouri and say I look forward to working with him on this critical issue.

Mr. President, I will take this opportunity to address some of the arguments that have been raised during the debate today and earlier. They were worthy arguments that merit our attention. But I do believe the proponents of this legislation have a more than adequate response.

One of the questions that has been raised is, Why take this bill up now? Some of my colleagues have questioned why we are. Let me help them by putting this in context.

Section 134 of the Uruguay Round Agreements Act, which passed the Congress in 1994, just 5 years ago, directed the President to develop a comprehensive trade and development policy for the countries of Africa. That provision originated with Senator DASCHLE, now the distinguished minority leader. In the statement of administrative action that accompanied the act, the President made it very clear the first measures he intended to consider in complying with that congressional mandate were measures to:

> . . . remove impediments to U.S. trade with and investment in Africa, including enhancements in the GSP program, for the least developed countries.

Mr. President, I see the distinguished leader here. I am happy to yield to the distinguished leader.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 2335 WITHDRAWN

Mr. LOTT. Mr. President, I now withdraw the pending amendment, No. 2335.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

AMENDMENT NO. 2340 TO AMENDMENT NO. 2334

(Purpose: To establish a Chief Agricultural Negotiator in the Office of the United States Trade Representative)

Mr. LOTT. Mr. President, I send an amendment to the desk on behalf of Senator ASHCROFT and others and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. ASHCROFT, for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. BURNS, Mr. BROWNBACK, Mr. GRASSLEY, Mr. INHOFE, Mr. HARKIN, Mr. ROBB, Mr. CRAIG, Mr. DORGAN, Mr. LUGAR, Mr. HELMS, Mr. DURBIN, Mr. INOUYE, Mr. CONRAD, Mr. WYDEN, Mr. GORTON, Mr. THOMAS, Ms. COLLINS, Mr. ROBERTS, Mr. BINGAMAN, Mr. MCCONNELL, Mr. JOHNSON, Mr. FITZGERALD, Mr. GRAMS, Mr. ALLARD, Mr. HUTCHINSON, Mr. BOND, Mr. ENZI, and Mr. CRAPO, proposes an amendment numbered 2340 to amendment No. 2334.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

SEC. . CHIEF AGRICULTURAL NEGOTIATOR.

(a) ESTABLISHMENT OF A POSITION.—There is established the position of Chief Agricultural Negotiator in the Office of the United States Trade Representative. The Chief Agricultural Negotiator shall be appointed by the President, with the rank of Ambassador, by and with the advice and consent of the Senate.

(b) FUNCTIONS.—The primary function of the Chief Agricultural Negotiator shall be to conduct trade negotiations and to enforce trade agreements relating to U.S. agricultural products and services. The Chief Agricultural Negotiator shall be a vigorous advocate on behalf of U.S. agricultural interests. The Chief Agricultural Negotiator shall perform such other functions as the United States Trade Representative may direct.

(c) COMPENSATION.—The Chief Agricultural Negotiator shall be paid at the highest rate of basic pay payable to a member of the Senior Executive Service.

Mr. LOTT. Mr. President, before I yield the floor for discussion of this amendment, let me reiterate to my colleagues my hope we can continue to consider trade-related amendments to this important African trade CBI legislation.

I know earlier Senator REID offered and debated a trade-related amendment. I think that was the right approach. I thank him for doing that. I encourage all Members who have amendments relating to the pending subject to work with the managers who are here, ready to work, have their amendments offered and disposed of.

Again, this amendment has, I believe, very broad support across the aisle. I think it is the right thing to do, and I am still anxious for us to find a way to get to cloture so we can have the final amending process and debate on this bill and pass it.

This would be a major step for the Senate. Of course, then we still have to go to conference with the House, which has a very different approach from ours to this legislation. It will be a tough conference. But this legislation is supported by the managers on both sides of the aisle, by myself, by Senator DASCHLE, I believe, and by the President. I hope we can continue to look to find a way to move this legislation to a conclusion.

We can get cloture on Friday, and then I believe by Tuesday or Wednesday of next week, we could be completed with this legislation. We will continue to work to seek a way to achieve that. I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I share the majority leader's desire to finish this legislation. I have indicated publicly I want to work with him to find a way to resolve the matters that are outstanding so we can get to final passage. It is regrettable that the tree was filled before a single amendment could be debated and disposed. The majority leader and I have had conversations in the past, and he is, I am sure, sensitive to the knowledge that this tactic compels Democrats to oppose cloture in order to protect the right of Members to offer an amendment.

Filling the tree actually frustrates the majority leader's stated intention of speedy passage. We could have had a number of amendments today. That has been precluded now because we are in this situation where Senators are prohibited from offering amendments. It is pointless to fill the tree now. We could have allowed amendments for at least 2 days while cloture ripened. If amendments and a good debate and votes were allowed, I think we could have built support for cloture. Under the circumstances, however, there will continue to be a pent-up frustration due to the inability on the part of Senators on both sides of the aisle to offer amendments.

In a sense, filling the tree plays into the hands of the opponents of the legislation. Democrats can never support preemptive filling of the tree or preemptive filing of cloture because I think, in large measure, it is a real affront to the rights of every Senator who wishes to play a part in any debate in this body. While I oppose many of the amendments that could be contemplated and could be offered, I support a Senator's right to offer them.

The majority leader said today he believed he only filled the tree once before in 1999. In fact, this is the seventh time this year he has resorted to this approach. There were six previous occasions: March 8, 1999, S. 280, the Education Flexibility Act; April 22, 1999, Social Security lockbox; April 27, 1999, the Y2K Act; April 30, 1999, S. 557, Social Security lockbox; June 15, 1999, Social Security lockbox; and July 16, 1999, Social Security lockbox.

In addition, of course, the majority leader has twice preemptively filed cloture on measures immediately after calling them up and then moved to other business in order to prevent amendments or debate. That occurred on June 16, 1999, on H.R. 1259, the Social Security and Medicare Safe Deposit Act, and on September 21, 1999, on S. 625, the Bankruptcy Reform Act.

After using these coercive tactics on all of these occasions, I would hope we might learn that they do not work. We do not operate under the rules of the House. We must insist on Senators' rights to offer amendments, even if we ultimately will reject those amendments.

That is not to say that dilatory tactics that go on and on are something that I will support. I will support cloture at some point. But I also support strongly the right of a Senator on the other side of the aisle or a Senator on this side of the aisle to offer an amendment, relevant or not relevant, at least initially.

I respect the Senator's decisions as I always do. I just differ with him in this case. It seems to me if we want to kill this bill, this is the way to do it. If we want to pass the bill, then it seems to me the majority of Democrats will join with the majority of Republicans in finding a way with which to deal with these amendments and ultimately pass this legislation. We can do it, but if we are going to do it, we have to take down this tree. It has to happen sooner rather than later so we do not waste any more time than we have already.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, if I can respond for a moment further, this is a trade bill. This is a bill the Senate would like to pass, I believe. We tried to do fast-track legislation. I believe that was last year or maybe the year before. We did not quite get that done.

This is a major opportunity for us to do something that will be good for America, good for our individual States and constituents, I believe, and good for the Central American countries, the Caribbean area, and Africa.

It is a trade bill. The idea that Senators on both sides of the aisle would bring up issues which would clearly deadlock the Senate and make it highly unlikely that we could get to a reasonable conclusion at a time when we are approaching the end of the session—I have already been told of Senators' desires to offer an amendment dealing with sanctions and their support for a sanctions bill on this side. I understand Senators on the other side said: If you don't offer it, we will offer it.

Clearly, that is an issue we do need to get into. The question of how we

deal with sanctions, particularly agricultural sanctions, needs to be thought through carefully. The relevant committees would get into that, have hearings, give thought to it, and have a bill reported out which we could take up, in and of itself, separately in the next session of this Congress next year.

I had a Senator indicate he wants to offer fast track to this bill which, by the way, I support. At least it is a free trade amendment. It clearly is one that will cause a great deal of consternation on the Democratic side of the aisle, perhaps on both sides of the aisle.

Plus, I was told by Senator WELLSTONE he wanted an agricultural amendment. I have been told there is a gun amendment pending, even though we spent 2 weeks debating juvenile justice and gun amendments earlier this year. I was told three Senators might be looking at campaign finance reform again.

Basically to empty our out basket on issues we have already voted on this year causes tremendous problems and delays in completing this very important trade legislation.

I will be glad, once again, to enter a unanimous consent agreement that we go forward and consider first-degree amendments, relevant amendments, on the trade bill. There are a lot of amendments that Senators want to offer that relate to the bill before us.

To the American people, do you understand me? The complaint is: We cannot debate gun amendments, agricultural sanctions, and farm amendments on a trade bill, on a bill that has bipartisan support and Presidential urging. I realize it may be within the rules, but I do not think it is a way to get this bill done.

I hope we can keep looking for a way to move it forward. I do not want to be in a position of trying to give aid and comfort to the opposition to this legislation. Obviously, that is not my preference, but Senator HOLLINGS is going to avail himself of the rules and he will be very willing to help other Senators who want to offer extraneous amendments if that will be helpful to his cause.

He is smiling and I am smiling because I know exactly what he is up to. He is doing an excellent job in trying to stop this legislation he has made clear he is opposed to. That is the way the Senate works. If one feels strongly and one Senator is willing to spend the time and use the rules, he can cause problems and delay a bill.

As far as using the tree, I did not invent the process. I must confess, I was surprised it has been used as much as it has this year. It has been a longer year than I thought, perhaps, or maybe it is a better tool than I had remembered.

Still, I will work with the managers of the bill and Senator DASCHLE, and if there is a key to unlock this bill to get it to its conclusion, I am willing to look for it. I hope we will not, though, as I said, empty out our baskets on both sides of the aisle and come up with everything we have been harboring in our heart of hearts over the past weeks or months.

Let's keep our eye on the bill. This is a big, important bill. There are countries all over the world looking at us saying: Will they keep their word? The President has gone to Central America, I believe, twice—I know for sure once—and said he wants this; we want to help the Caribbean Basin countries and the Central American countries.

I know he wants to do that, and so do I. I have been there. I have met with the Presidents. I have met with the Ambassadors. They are desperate for help. The good thing about it is this is a way we can help them and help ourselves.

In my State, we are going to produce the cotton. We are going to put the fabric together and ship it to Central America through a port. They are going to finish off the product, send it back to the port, and it is going to be available to the American people at a reasonable price.

Everybody wins: American product, American workers, American dock workers, Central American jobs, then back to America where American consumers will get a fair price for this material. That is just one example. And there are many others.

So I certainly understand what Senator DASCHLE is saying. I know there is a pent-up demand to offer these various and sundry amendments. I understand that, but I do not feel I have any particular obligation to go out of my way to accommodate that.

Sooner or later, the time will come when these things are going to come up, one way or the other. I indicated to Senator WELLSTONE, I would like to know the details of what his amendment is to see if maybe it could be brought up freestanding. I am not so sure we would not want to just say, OK, bring it up. Let's have some limited debate and vote on it. But if you open that door, where and when does it end?

To spend a week on this bill, I was prepared to do that. To spend 2 weeks on it, I am not sure we want to do that. We have to be able to bring an end to this by Tuesday or Wednesday of next week.

That enables and strengthens the hand of the Senator from South Carolina. He knows that we are not willing to run this train endlessly. If we had 2 or 3 weeks, we could grind it down. But I hope that we would not have to do that because we do have some other issues that people on both sides of the aisle do want to do. We need to try to see if we can work out a way to do it.

Well, I am repeating myself. I understand what Senator DASCHLE is saying, and I understand the frustration. But the way to get this done is to continue to see if we can work out an agreement, and then get cloture Friday. Sixty votes; we are going to get probably 52, 53 Republicans who will vote for cloture to go on to the substance of the bill. If we can get 6 or 8 or 10 Democrats—just 6 or 8 or 10—that is all it would take, and we would be on this bill, and we would be done with it by next Wednesday. That is a worthy goal. I hope we can achieve it.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Let me make the majority leader an offer.

He says, if there is a way to work this out, we can do it. I think he could get 30 Democratic votes, maybe even 40, on cloture on Friday if we tear down the tree and allow amendments to be offered.

We are talking about two things. We are talking about a Member's right to offer amendments, but we are also talking about the worthiness of the amendment on this particular issue, as the majority leader has stated now on several occasions, rightfully so.

I would be willing to join with the majority leader in doing one of two things. Our predecessors came up with some ingenious ways with which leadership can deal with amendments they don't want to see added—tabling motions and second degree amendments.

I would be willing to work with the majority leader on tabling motions and on second degrees in order to deal with amendments that he and I do not believe are meritorious. And I can already see the wheels turning. He is thinking: Well, there's going to be a difference between what he thinks and I think. But I believe we can work that out. I think we could have an understanding, even ahead of time, about what that means. But it would give Senator HOLLINGS, it would give Senator WELLSTONE, it would give Senator ASHCROFT, it would give everyone who has an amendment the opportunity to offer amendments. The relevant ones, the pertinent ones, we ought to support. The ones that are not in keeping with the spirit of this legislation, we might choose to oppose.

I am prepared to work with the majority leader to see if we might find a way to accommodate that. I want to see this bill pass. The President has insisted that we do all that we can to pass it. Our ranking member and the chairman have done all that they can to get us to this point. It passed by voice vote out of the Finance Committee. There ought to be a way we can get this done, if not in the timeframe that the majority leader has suggested, certainly in not too long a period after that.

But I have to oppose cloture under these circumstances. And there will not be, I would hope, a Democratic defection on cloture because we are not

talking now about CBI; we are talking about a Member's right to offer an amendment. And I hope there isn't a Democrat who will say that that right isn't worth protecting under any circumstances.

So that is my offer. I am prepared to sit down this afternoon. We can find a way to do this. This isn't it.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 2340

Mr. BROWNBACK. Mr. President, I rise to address the pending amendment put forward by Senator ASHCROFT.

Both leaders were previously up and talking on the floor about moving the bill forward. I think the underlying Ashcroft amendment is actually a pretty good way to move things forward.

It is something about which most of the parties agree. It is about an ambassador position at the U.S. Trade Representative's Office. I think that is an important and worthy goal. I do not know of anybody here who actually opposes it. I know the chairman of the Finance Committee has spoken already in favor of it. Here is a way maybe we can start to move this train forward.

I want to address it from a couple of perspectives, if I could, because I think this is an important aspect for my colleagues to listen and learn a little bit about.

This is at the U.S. Trade Representative's Office, which is our lead trade negotiator. We are going into the Seattle Round, which the United States will be hosting, of the World Trade Organization. This is the premier set of trade talks.

Agriculture is the lead issue that is going to be discussed during this round of trade talks. We do not have a permanent ag negotiator at the U.S. Trade Representative's Office. So we are going into trade negotiations, which the United States is hosting, where the lead issue is agriculture and we do not have an ambassador with permanent status.

That amendment is something I think most people in this body would actually support, perhaps unanimously. I hope we can move this bill forward.

I am glad that we are having some discussions about how we might be able to move this bill forward.

Here is a pretty simple, commonsense amendment. Most of our States have some agriculture in them. Here would be a representative who could help us make that trade go forward.

This position within the U.S. Trade Representative's Office has been established on an interim basis. It was not put in on a permanent basis. It was thought: Let's try this for a little period of time. It has proven to be effective.

My State of Kansas is a major agricultural exporting State. I think we are sixth in the country as far as agricultural exports. It is a key part of our economy. Being able to export food products is an important part of what we do, as well. So to be able to have somebody with an ambassador status to be able to address these sorts of trade negotiating issues at the USTR is important to my State. It is very important.

It is particularly important now when we are having so much difficulty with farm prices. Almost all of that is due to our inability to crack into markets around the world. Whether it is dealing with China and some of their trade barriers, whether it is dealing with the Europeans and their trade subsidies, their export subsidies, whether it is dealing with tariffs globally, the United States faces high agricultural tariffs around the world.

The United States has some of the lowest agricultural tariffs. This trade ambassador would make this a central focus. It would be her or his job to make sure we keep focused on that particular issue. That is an important one. It is vitally important in this body. It is important across this country, and it is certainly important to my State.

I think it would be an important signal for us to send to the other countries around the world that will be convening in Seattle the latter part of November, the first part of December; that the United States values agriculture; that the signal we are sending is: We are going to beef up the status of the people who we have negotiating agricultural issues. We are going to do so on a permanent basis.

I think, to date, a lot of times other countries have doubted our resolve on some issues, maybe questioned our willingness to hang in there. And here is the signal to send: No. This is important. We are going to stay in there. We are going to stick with this particular issue.

This is another way we can send that signal. This amendment makes this a clear priority for the United States; that we establish this on a permanent basis.

Agriculture is a lead export industry for the United States. Some have different figures, but either the top or the second leading export of the United States is agriculture and food products. One would think you would have somebody of an ambassadorial status who would be our lead negotiator and could speak with some authority and have not only the title but the status to be able to do so. This amendment is straightforward. This person will exist at the U.S. Trade Representative's Office and have a permanent ambassadorial rank.

It sends an important signal, not only to our trade opponents agriculturally around the world; it sends an important signal to our agricultural producers in this country. My parents, my brother who farms full time, we say to them, it is important we have somebody of status dealing with agricultural trade upon which you are so dependent for your livelihood.

I think many times farmers in this country, particularly after the passage of the Freedom to Farm Act, said Freedom to Farm won't work unless you have freedom to aggressively market. Freedom to market means we have to pound open doors around the world to let our farmers and producers have a fair shot. This helps send a signal to our farmers that we meant it.

We meant it when we said freedom to farm also means we are also going to push freedom to market. Freedom to market means you have to be able to get your foot in the door. Right now they can't get their foot in the door in a lot of places. We have sanctions on a number of countries around the world. We also have high tariffs on a number of places around the world. This sends a signal to our farmers, the agricultural industry, to our agricultural processors, and our agricultural exporters that we deem this to be an important topic as well. I think it is altogether appropriate for us to want that.

We do have people at the U.S. Trade Representative's Office who are very supportive of agriculture, but there are thousands of different issues to deal with of an export nature. They go across many different industries. It is impossible for the U.S. Trade Representative to constantly keep a strong focus on the lead export industry in the country. They have a lot of other matters with which to deal. This will help keep that focus there within the U.S. Trade Representative's Office as well and do so on a permanent basis.

I rise to speak on behalf of this particular industry, on behalf of this particular position. I think it sends the right signal to our opponents who are against us in agricultural trade. I think it sends the right signal to our allies who want to open up agricultural trade opportunities that we think it is important. I think it sends a good signal to our agricultural producers that we deem this as important and that freedom to farm, to work, has to have freedom to market on top of that. I think that works well.

Clearly, a majority of the body wants to pass this bill. A supermajority of this body wants to pass this bill. This is an important trade initiative the chairman and ranking member have put forward. This amendment could help us move forward because it is an amendment which is probably unanimously supported. So as a facilitating effort, to try to move the total package forward, I think this one is a good start. I submit to my colleagues and to the leadership it is a good possibility.

I commend the chairman of the Finance Committee for the excellent

work he has done on agricultural trade issues, which is important to his State as well, supporting this particular amendment and putting together a very important trade bill. I hope to be a part of the process to make sure it moves forward. I hope those who seek to stop it can be heard, but let us have a clear vote on this particular issue so we can have the will of the body be done.

I congratulate the chairman and thank him for his efforts and work.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished leader came to the floor to withdraw his amendment and substitute the amendment of the Senator from Missouri. He remarked, in the first instance, that we have to hasten it along. We would like to have had the bill up. We would like to have had fast track.

Then he insists on fast track on this particular bill. He filled the tree right back up again; namely, we cannot offer amendments. So in one breath he says he would like to have fast track and he is instituting fast track on this particular trade measure. He is an outstandingly talented individual, a fine looking gentleman, and so he stands there with that smile, so reasonable and says: I would like to be sure to check these amendments; we have to make sure they are relevant; I will go along with the Ashcroft agricultural amendment, but I haven't gone along with the Wellstone agricultural amendment.

We heard earlier this morning, of course, that the Wellstone agricultural amendment is not relevant. You can look at this bill. You can go right on down the list. You can find out that it is trade benefits for the Caribbean Basin Initiative. They have cover over of tax on distilled spirits, Generalized System of Preferences, trade adjustment assistance affecting the welfare of America's workforce. Nothing in here on agriculture for the CBI and the sub-Sahara.

Senator WELLSTONE, who has been trying since January to get up an agricultural amendment, has been put down. He tried all day yesterday and was put down this morning.

But if you want to take one of my friend's agricultural amendments—namely, the distinguished Senator from Missouri, who is running for reelection—well, wait a minute now, let's withdraw that last amendment I had and let's put up the irrelevant agricultural amendment of the Senator from Missouri. Irrelevant absolutely.

Anybody knows a measure of this kind would go before government ops about an agriculture negotiator in the trade office.

And then the argument: We have the President and the leaders and otherwise and so many cosponsors. Well, I have the minimum wage amendment the President has been trying to get up all year long. I have the minimum wage amendment the minority leader would like to have a vote upon. I have a minimum wage amendment that doesn't have 31 but has 27 cosponsors.

It sort of fits the pattern, is my point, of the reasoned argument of the distinguished majority leader. But no, not that Wellstone agricultural amendment. That is irrelevant, and we don't want to waste the time because we would be here 2 weeks. We would be here 2 months. We are not going to stand for that, but let us have the agricultural amendment of the Senator from Missouri.

Well, that is why I was smiling at my distinguished leader. I was smiling at his duplicity. There it is. You can see it for yourself. I hate to use the word ''arrogant,'' but there is an element of that in this particular procedure. What it insists upon is: I want my way. I am going to control it. You can't put up your amendment.

And then they act dismayed when we don't vote cloture. Well, we just won't vote on the agricultural amendment now. We can keep on debating, if that is the procedure they want to continue and insist upon.

There isn't any question in my mind about agriculture. I will never forget, some years back we had $21—it got up to $23 billion—the best plus balance we have ever had of any commodity is America's agriculture. We have soybeans. I put in a grain elevator when I was Governor so I know about farmers. I know about soybeans. I know about cotton.

I know about exports, and everyone is for America's agriculture, except we oppose that Freedom to Farm thing that wrecked American agriculture—free market forces, free market forces. So they grabbed it up, and all the farmers took the money and ran 3 years ago. Now, the price has gone down and they are broke and they need assistance. That is why the Senator from Minnesota has been on the floor, to try to get some help for America's agriculture, not that bureaucracy over in the office of the Trade Representative for the purpose of adding another payroll over there. That is the typical Washington political solution: Give another title, add another payroll; just move another little bit on the special trade representative.

And everybody knows that when we come to agriculture, we go to the Secretary of Agriculture, and he is there at every table every time we debate because he is steeped in the agricultural needs of the United States of America, and that is why we made good agricultural agreements. I want them to point out a bad agricultural agreement, other than, of course, NAFTA, the North American Free Trade Agreement, which has the Senators from North Dakota on durum wheat all over the floor here. They are trying to keep them from dumping on the North Dakota wheat farmers. We all know that. It hasn't worked, and everything else like that, but that is exactly what they want—like they are dumping my textiles, killing 420,000 textile jobs since NAFTA. And there it goes.

Then they come around, and let me say that I am glad they removed that sandwich bowl. I will yield in a second. I know there are important statements to be made, and I need help in trying to stop this freight train, stop this steamroller. I have been up here 33 years, and I am still the junior Senator, and I have been trying to get a point of importance with respect to the budget, and nobody listens to me on that. I keep calling it a deficit. The Congressional Budget Office keeps reporting it as a deficit.

The law—section 13.301 of the Budget Act—says that the President and the Congress cannot report a budget with the Social Security moneys in it that would cause it to be a surplus. They violate that, and nobody pays attention to us. Of course, they come up and say the interest payments, which exceed the defense budget and the Social Security budget, and all other budgets—a billion dollars a day. When President Johnson balanced the budget, it was only $16 billion for the entire year. In 200 years of history, the cost of all the wars, from the Revolution right up to World War I, World War II, Korea, Vietnam, we still had less than a trillion-dollar debt, and the interest cost was only $16 billion.

Now, without the cost of a war since that time—the gulf war incidently was taken care of by the Saudis and others—what has it soared to? To almost $5 trillion or $6 trillion, or something—a trillion-dollar debt and an interest cost the CBO reports as $356 billion. But with interest rates and Mr. Greenspan, it is bound to go up. We are seeing all the signs about consumer confidence. We know it is going to be over a billion a day.

So we have fiscal cancer. So we go down this morning at 8 o'clock and borrow a billion and add it to the debt. Tomorrow morning, Friday morning, Saturday morning, Sunday morning, every day for this fiscal year 1999, I will make a bet with anybody, and let them pick out the odds, that they will see a billion dollars a day. Why? Because we are not willing to pay for the Government we are getting. We were willing to, again, add another $100 billion to the deficit just as the year ended, not even a month ago, September 30 of this year—$103 billion more. They won't call that bill the Balanced Budget Act or the Social Security lockbox. I will put it in a lockbox. I got together with the Administrator of Social Security and I said: Write me a bill that will be a true lockbox. I

have it. It is hidden in the Budget Committee. They know how to hide it. They don't even want to talk about it. I can't get a hearing on it. I have asked for a hearing. They totally ignore you.

But this one says you take that money and immediately redeem it to the credit of Social Security. And don't put in an IOU the first of the month every month. Put the money back into the Social Security trust fund, just as corporate America is required.

Now I am back to my friend, Denny McLain. We passed the 1994 Pension Reform Act and we said: Look, these fast takeover artists come in and pay off the company debt with the pension fund and then take the rest of the money and run. People who have been working 30, 40, even 50 years, are left high and dry with no pensions. So we put in the Pension Reform Act of 1994 making it a felony to pay off the company debt with the pension moneys.

Unfortunately, one of the all-time great pitchers—which is significant during this World Series fever—Denny McLain of the Detroit Tigers, became head of a corporation and paid off the debt with the company fund. He was sentenced to a prison term for a felony. If you can find little Denny in whatever cell he is in, tell him next time to run for the Senate. You get the good government award when you take the pension money of the people's Social Security fund and pay off your debt, so that you can talk about surplus, surplus, surplus, surplus when you are spending $100 billion more than you are taking in and you have got deficits, deficits, deficits as far as the eye can see.

That is why I told the distinguished chairman of the Budget Committee I would jump off the Capitol dome when he put up that plan called the Balanced Budget Act. They use that jargon and those titles, and the silly press picks up the language and headlines it.

So what do we do? We find out, Heavens above, that we are like Tennessee Ernie Ford, ''another day older and deeper in debt.'' And now, instead of 356, if we only paid out $16 billion on a pay-as-you-go basis, since President Lyndon Johnson's day, we would have $340 billion to spend. For what? For agriculture. For what? For the research at the National Institutes of Health. For what? For Kosovo expenses. For what? For all the housing the Secretary of Housing has promulgated, and everything else like that.

We could go down and provide for all the programs you could possibly think of. You can double WIC, Head Start, any education programs, just double the education budget. And we can still have what? A tax cut. And still have what? Pay down the debt. With $340 billion—we are spending $340 billion. We are forced to spend it. It is a tax—a tax. What you are doing is raising taxes. You don't want to say it, but you have to pay it, you have to borrow it every day, a billion dollars a day. It is a tax on the American people. With a sales tax, I can get a school; with a gas tax, I can get a highway; with this tax, I get nothing. I served on the Grace Commission on waste, fraud, and abuse. This is the biggest waste ever created in the history of any government. They don't want to talk about that. They want to talk about the sub-Sahara.

We are building libraries down in Little Rock now. We are headed for the last roundup. So if we can show that we did something in Africa, and we did something in the CBI, oh isn't it wonderful? The President wants the minimum wage. Leaders want the minimum wage. I have 27 cosponsors who want the minimum wage. It is relevant. Trade adjustment assistance is relevant to the workforce of America and minimum wage is just as relevant to the workforce of America.

If the majority leader would come out here and say, all right, I will let you have the agricultural amendment, or rather we should say we will have this agricultural amendment, and the distinguished Senator from Missouri, if he just calls up our minimum wage, and we will agree to 5 minutes to a side, and 10 minutes, and vote. They don't want to vote. They want the political cover of parliamentary maneuver, acting as if it is serious here, and we could work this out, and this is a big responsibility on my leader, but we have to listen to both sides, and we have to be able to move legislation.

We are not going to move any minimum wage. We are not going to move any campaign finance reform. Even though they are relevant?

Time magazine came out day before yesterday and said it is relevant. They wrote a whole article. I refer again to pages 50 and 51. Everybody can read it.

Campaign finance reform is relevant. There isn't any question on this particular bill. The magazines are writing it, but the Senators can't see it. The Parliamentarians can't understand it. They couldn't call that relevant because why? Because the majority leader says you don't call that relevant. You don't call that agricultural amendment of the Senator from Minnesota relevant, but call mine: Look I have come all the way back to the floor and withdrawn my part of the tree, and put up immediately my friend's amendment on agriculture, and yes, it's relevant. We are going to be represented in agriculture. I can tell you now, but they are going to have some bureaucracy. And that could be a good speaking point when I run for reelection myself. I hate to have to explain why I have to oppose this to my farmer friends because that is going to cause the farm problem in America, as if we didn't have a special Trade Representative with the title of ambassador.

I thank the distinguished chairman of our Finance Committee for finally removing that sandwich bowl. I didn't get over there and see it in the debate. But I see they have, these folks who are interested in textile jobs: the Bank of America, Bechtel, City Group, Daimler-Chrysler, Enro, Exxon, Fleur, and Gap that we have on the list of the Time magazine which is going overseas. They have gone over. Sara Lee and Fruit of the Loom. Actually Fruit of the Loom is already organized in the Cayman Islands as a foreign corporation. McDonalds just sells hamburgers. They wouldn't care if you came naked to buy a hamburger. Modern Africa Fund Managers, Philip Morris, Amoco, Bally's Lakeshore Resort—come on—Mobile, Occidental, Texaco. Where is anybody? The African Growth and Opportunity Act is not clear.

I could keep on talking down and down the list.

I don't know who is going to protect the jobs and the manufacturing capacity of the United States of America. I don't believe in obstructionism. I believe in moving forward. I don't believe there is, other than budget, a more important issue than the matter of manufacturing capacity here in the United States of America, on which I have gone down before and will go again. But there is no doubt we will have the opportunity to point out how we are losing out. We don't have anything to export. We have hollowed out the industrial might of the United States.

The reason they don't listen, I take it now, is they have a candidate for the President who is mixing that in with Hitler and World War II and everything else and all kinds of nonsense. So we lose credibility. Anybody can talk free trade, free trade, dignified, credible, respected, and anybody who talks about protection of the industrial strength of America is some kind of kook. I think they said, ''Unite, we nutcakes.'' Michael Kelly in his column this morning: ''Unite, we nutcakes.''

So here comes another nutcake who is trying to protect American jobs, and is looked upon now by the leadership as getting in the way. Why don't I be more reasonable, and everything else of that kind? Why don't they be more reasonable?

Why don't they allow me to put up Shays-Meehan, which passed overwhelmingly, and for which we have a tremendous need? Why don't they let me put up the minimum wage, which is relevant to the trade adjustment assistance and welfare of the workers? They need it in America.

Why don't we agree to a time? We are not delaying—5 minutes to a side. We can vote this evening on both of those bills, and they can go to all of their appropriations bills that they want so we can get away from this so-called fill up the tree and fast track on this trade bill. They have fast track. They know

it. Don't come out and complain and say: We would like to have gotten fast track. Parliamentarily, they have instituted fast tack. That is the position they put the Senator from South Carolina in, and those in international trade.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to be allowed to proceed as if in morning business for up to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Tony Martinez, a legislative assistant in my office, be allowed floor privileges during the pendency of this introduction.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 1806 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

(The remarks of Mr. SMITH of Oregon, Mr. GRAHAM, and Mr. CRAIG pertaining to the introduction of S. 1814 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Delaware.

Mr. ROTH. Mr. President, a few minutes ago I was taking the opportunity to address some of the arguments that have been raised during the debate on this bill these past several days. Some of my colleagues have questioned why we are taking this bill up now. Let me help them by putting this in context.

Section 134 of the Uruguay Round Agreements Act, which passed the Congress in 1994, directed the President to develop a comprehensive trade and development policy for the countries of Africa. That provision originated with Senator DASCHLE, now the distinguished minority leader.

In the Statement of Administrative Action that accompanied the Act, the President made clear that the first measures he intended to consider in complying with that congressional mandate, were measures to:

> Remove impediments to U.S. trade with and investment in Africa, including enhancements in the GSP program for least-developed countries.

Section 134 of the URAA recognized that, as a continent, Africa had been left behind in trade terms. New approaches were needed to integrate Africa fully into the world economy, to allow Africa to take full advantage of the world trading system, and to ensure that Africans themselves had the opportunity to guide their own economic destiny.

Now, 5 years after the Congress originally endorsed the idea, this legislation responds directly to that mandate. The legislation offers a down payment on a new and more constructive relationship with the African continent—one as partners with similar interests in expanding economic opportunity and raising living standards in all our countries.

The President has for the past 2 years indicated in his State of the Union Address his intent to press ahead with this legislation. He identified this legislation as one of his top trade and foreign policy initiatives. In his trip to Africa this past year, he committed to move the bill as part of a new initiative for Africa.

That led to the consideration of this legislation in the 105th Congress. The House passed its counterpart legislation in the spring of this past year, the Finance Committee reported out a bill in all respects the same as that we now have before us, but time ran out before the Senate could act on the bill.

This year the House once again acted, this time in June. By that point, the Finance Committee had already reported out the legislation now on the Senate floor. The Africa bill is timely—indeed, it is past time we acted on this important measure.

The same holds true for the CBI. A proposal for establishing parity between the preferences granted Mexico under the NAFTA and those granted the Caribbean and Central America has been before Congress in one form or another almost since the NAFTA was implemented in late 1993.

In the 105th Congress, there was considerable effort invested by both the Ways and Means and Finance Committees in moving counterpart bills. That work was renewed in the 106th Congress with hearings and markups before both committees.

The CBI title enjoys the same bipartisan support as does the Africa title. Indeed, the President's CBI bill, introduced in this session at his request, is virtually identical to the bill reported from the Finance Committee bill in both the 105th and 106th Congresses.

The Finance Committee bill enjoys the backing of the leadership and members on both sides of the aisle. It is, in fact, a testament to the bipartisan support for this legislation and the considerable push by the White House that we have been given time to debate this bill now.

It is time to reject the isolationist label, the instinct to ignore the broader world around us, and the tendency for focus exclusively inward. It is time to affirm the constructive role that the United States can play in the wider world and fulfill the leadership the world expects from the United States. It is time to act.

It is time to act because it is time we made good on the unfulfilled promises made to both Africa and the Caribbean. An October, 1998, report of the International Trade Commission makes clear, Africa faces daunting economic challenges. The ITC report highlights the economic and structural problems Africa faces in attracting productive investment.

For all that, the ITC report also reflects the positive changes under way in Africa. The region's GDP rose by 4.8 percent from 1995 to 1997. Since 1990, the region has reached a number of agreements eliminating trade and investment barriers and harmonizing economic policies.

Most of the governments of the region have ''introduced economic reforms to control budget deficits, and inflation, and to stabilize currencies.'' They have liberalized ''regulations on trade and investment,'' reduced tariffs and other import charges and abolished most price controls.

In addition, many of the governments have begun significant programs of privatization. In fact, the governments of sub-Saharan Africa raised ''an estimated $5.8 billion from privatization, primarily through divestitures of utilities and telecommunication firms.''

What this legislation tries to do is meet those governments half way. It is an effort to open our markets to their products as a way of reinforcing their own efforts to encourage productive investment and economic growth.

The legislation is designed to reinforce a growing, the growing interest in Africa among U.S. businesses. Direct investment by U.S. firms more than quadrupled in 1997 alone to $3.8 billion, according to the ITC. We want to encourage that positive trend.

Some may argue that, because this is a grant of unilateral preferences, it is one-sided—that there will be no benefits to the United States. What that ignores is the track record of the last several decades.

Where U.S. investment goes, U.S. trade follows. Significantly, while U.S. investment was increasing in 1996 and 1997 in sub-Saharan Africa, our exports to the region experienced a corresponding growth in capital goods, particularly exports of machinery for use in agriculture and infrastructure projects.

Africa represents an important opportunity to our farmers as well. While agricultural exports fell in dollar terms, largely because of the lower prices available on world markets for all commodities, Africa represents an important potential market for U.S. food exports as the continent increasingly looks offshore to meet its needs.

The real issue is whether or not the region will have the wherewithal to buy what it needs to offset the steady decline in per capita caloric intake that has accelerated in the last 2 to 3 years. The legislation before us would help address that problem. By opening our markets to their products, sub-Saharan African countries can earn the

foreign exchange needed to purchase food on world markets, including from U.S. exporters.

Will that be enough? Will this legislation alone be the answer to Africa's problems? Plainly not. As Senator GRASSLEY indicated in his eloquent statement opening the debate on this bill last Thursday, this legislation is no panacea. It is instead a small, but significant step toward a new economic relationship between the United States and sub-Saharan Africa.

Should this legislation be supplemented by other initiatives? It should and it must if it is going to work. But, the fact that it is not the whole answer to Africa's problems or does not reflect all that the United States might do to help Africans secure their own economic destiny is no argument against action. It is time to move ahead and engage constructively with our African partners in the transition they themselves have begun.

The same holds true for the Caribbean and Central America. Through the original CBI program, the United States and U.S. private businesses have played a significant role in the economic progress the region has made over the past 15 years.

This past year, however, natural disasters eliminated much of the progress made in the Caribbean and Central America in recent years. The devastation began with the eruption of a long-dormant volcano that nearly depopulated the island of Montserrat and nearly erased its economy in the summer of 1998.

In September of that year, Hurricane Georges severely damaged both the Dominican Republic and Haiti. An even more devastating hurricane—Hurricane Mitch—struck Central America in late October and early November late in the hurricane season.

Honduras and Nicaragua were particularly hard hit, but the hurricane also did considerable damage to El Salvador, Guatemala, and Belize. Hurricane Mitch left 11,000 dead and an even greater number homeless. Much of the resulting damage was long-term—massive property damage and soil erosion, the devastation of crop lands and manufacturing sites, putting thousands out of work. The region will take years to recover.

Those devastating circumstances have given renewed impetus to an idea that surfaced almost immediately after the implementation of the NAFTA—the expansion of tariff preferences under the CBI to match those offered under the NAFTA to Mexico.

Will it work? I am confident it will because the legislation is modeled on existing production-sharing arrangements in textiles and apparel and other industries that already account for nearly half of all imports from the CBI beneficiary countries.

In other words, the program has a proven track record. Indeed, bilateral trade in textiles and apparel under existing production-sharing partnerships between U.S. and Caribbean or Central American firms already accounts for 36 percent of current two-way trade between the United States and the CBI region.

For all those reasons, the legislation merits our support.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I am aware there are other Senators who wish to speak. I will only take a moment to thank our chairman, our revered chairman, for his comments, with which I wholly agree, with which the Finance Committee entirely agrees. This bill comes to you, as he has said, from a near unanimous committee. Ninety Senators voted, just yesterday, to move forward.

I would just say, sir, I wish we could have all been present this afternoon when the Congressional Gold Medal was presented to President Ford and Mrs. Ford in the Rotunda. The President gave a wonderful speech, describing the Congress he came into, just as the Cold War commenced; the extraordinary efforts that the 80th Congress made to pass the Marshall Plan, for which they were not entirely rewarded by President Truman, who kept talking about the ''do-nothing'' 80th Congress. But there you are. Then came President Eisenhower and the movement to establish NATO and to fund NATO, in which Speaker Rayburn, Majority Leader Johnson, and great Republicans joined in that matter.

Of his life in politics, in government, he said: I came in and I remained a moderate on social issues, a fiscal conservative on fiscal issues, and a convinced internationalist.

That is the America that fought in the dark, that long struggle about which John F. Kennedy talked. And we prevailed.

The totalitarian 20th century is behind us. Freedoms open up. Are we now to close down at just the moment when everything we have stood for as a nation, from the time of Cordell Hull and the Reciprocal Trade Agreements Act of 1934—every measure we are talking about in this bill, no, it is not the final end-all effort; it is a part of a continuing effort that goes back to Trade Adjustment Assistance. It was established in the Trade Expansion Act of 1962. I was involved in writing that legislation. It said, if you have trade, there will be winners, there will be losers. We will look after the people who are temporarily, as it turns out, disrupted, as economic patterns, trade patterns change.

In 48 hours, or 52 hours, the appropriation for the program, supported by every President since President Kennedy, expires. The authorization in fact ended on June 30. Can we let that happen? Can we believe that we would do this? Surely not.

But unless we are urgently attentive to the matters before us, and work out what are technical differences, it will go down; and we will be remembered for ending an era of enormous expansion and example to the rest of the world, which the Western World is just beginning to follow on. It is hard to believe.

But listen to what the chairman said and hope in the next 24 hours we can do this, because we can. And, sir, we must.

Under the rules, President Ford, I believe, has free access to the floor. I wish he would come on here and talk to each of us one on one.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. First of all, let me thank the distinguished ranking member of the Finance Committee, Senator MOYNIHAN, for his eloquent remarks. All I can say is, we must not let that happen. And with the kind of bipartisan spirit we had in the Finance Committee, it will not happen.

MORNING BUSINESS

Mr. ROTH. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I yield the floor.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I would like to be recognized to conduct morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. REED. I ask unanimous consent that privileges of the floor be granted to Rebecca Morley of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. I thank the Chair.

NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK

Mr. REED. Mr. President, I rise today to speak with respect to National Childhood Lead Poisoning Prevention Week. Because of the efforts of my colleagues, Senator COLLINS, Senator TORRICELLI, and myself, this Senate passed a bipartisan resolution a last week to commemorate, during the week of October 24 to 30, National Childhood Lead Poisoning Prevention Week.

I think it is appropriate to recognize this problem that is taking place throughout this country and also recognize what we are trying to do to alleviate this great problem.

As a preliminary point, let me commend my colleague, Senator COLLINS, for her great efforts in this regard. She has been a true leader in this issue. She has been someone who has fought the good fight with respect to this problem. She has participated legislatively. I was very pleased and honored a few weeks ago to have her join me in Providence, RI, for a hearing on this issue. I look forward to joining her in a few weeks in Maine so we can examine the experience in her home State.

I also want to commend my colleague, Senator TORRICELLI, who also is very active as a leader in this effort. Indeed, Senator TORRICELLI and I have introduced legislation, the Children's Lead SAFE Act of 1999, which is critically important to the future of our children in the United States.

This importance has been underscored and highlighted by two recent reports—one earlier this year in January of 1999 by the General Accounting Office, and another report that has been released recently under the auspices of the Alliance To End Childhood Lead Poisoning and the National Center for Lead-Safe Housing.

Both of these reports underscore the need for additional efforts to eliminate childhood exposure to lead and also to provide additional support for screening and treatment of children who are exposed to environmental lead.

Regrettably, there are too many children in this country who are exposed to lead, typically through old lead paint that may be in their home. It is particularly critical and crucial to children who are at a very young age, under the age of 6, because their body is much more likely to absorb this environmental hazard, and also because those are exactly the times in which brain nervous systems are developing, where cognitive skills are being developed. We know lead is the most pernicious enemy of cognitive development in children.

In the United States, too many children are poisoned through this constant exposure to low-levels of lead in their atmosphere. This exposure leads to reduced IQ, problems with attention span, hyperactivity, impaired growth, reading and learning disabilities, hearing loss, and a range of other effects.

Lead poisoning is entirely avoidable, if we have the knowledge and the resources and the effort to prevent young children from being exposed to lead.

In January of this year, as I indicated, the General Accounting Office highlighted the problems in the Federal health care system with respect to lead screening and followup services for children.

We have policies that require all Medicaid children to be screened for lead. Sadly, we have not achieved that level of 100 percent screening. We want to reach that goal. Then after screening all of the children in the United States who may be vulnerable to lead poisoning, we want to ensure these children have access to followup care. Identifying poisoned children is only the first step and is only effective when coupled with proper follow-up care.

Most recently, we received information about that follow-up care from a report, the title of which is: ''Another Link in the Chain: State Policies and Practices for Case Management and Environmental Investigation for Lead-Poisoned Children.'' As I indicated, this report was sponsored by the Alliance To End Childhood Lead Poisoning and the National Center for Lead-Safe Housing.

This report presents a State-by-State analysis of data which suggests, first, there have been some innovative steps taken by the States, but unfortunately there are disappointing gaps in the screening and treatment of children who are exposed to lead throughout the United States.

There is also a great range among the States in their response to this problem of childhood lead poisoning. In my own State of Rhode Island, we have taken some very aggressive steps. Last week, we dedicated a lead center in Providence, RI, which provides comprehensive services for lead-poisoned children, including parent education, medical followup for children who have been exposed, and transitional housing. Many times the source of the pollution is in the home of these children, and because of their low income, there is no place for them to go unless there is this transitional housing. This is an innovative step forward. I am very pleased and proud to say it has taken place in my home State.

If you look across the Nation, you find much less progress. Nearly half of the States have no standards for case management and, thus, the quality of care lead poisoned children receive is often not consistent with public health recommendations. There is no real way to ensure these children are getting the type of care they need because there are no case management policies. Only 35 States have implemented policies that address when an environmental investigation should be performed to determine the source of a child's lead poisoning. There are many States where there is no way to determine where the source of the pollution is coming from that is harming the child.

In addition, the report points out that despite the availability of Medicaid reimbursement for environmental investigation and case management, more than half the States have not taken advantage of this Medicaid reimbursement. In addition, despite the emphasis we have in Medicaid on screening children, only one-third of the States could report on how many of their lead poisoned children were enrolled in Medicaid, suggesting that screening data are not being coordinated, and there really is not comprehensive, coherent screening policy in all too many States.

Senator TORRICELLI and I have proposed legislation that would address these deficiencies. The legislation will improve the management information systems so States know how many children are screened and how many children have been exposed. We also encourage them to integrate all the different agencies and institutions and programs that serve children so we can have a comprehensive approach. This would include involving the WIC program in the screening, early Head Start, maternal and child health care block grant programs, so we have a comprehensive approach to identifying, treating, following up and educating with respect to lead exposure.

We are committed to doing that. We are committed to ensuring that every child in this country, particularly those children who are beneficiaries of the Medicaid system, have this kind of screening and followup.

Unfortunately, we have found too many States that are not following through on their obligations. Of the 38 States that have enrolled Medicaid children to managed care plans, only 24 reported that their State's contract with the managed care organization contained any language about lead screening or treatment services. So, many States are leaving it up to the managed care company or merely leaving it up to chance whether or not there are good protocols to follow up on lead exposure.

In addition to that, more than 40 percent of States reported that no funding is available to help pay for even a portion of the hazard control necessary to make a home lead safe for a lead-poisoned child. There are not the resources to help these families cope with the reality of homes that are literally poisoning and harming their children. That is one reason why I joined my colleague, Senator TORRICELLI, to address this problem with respect to the Children's Lead SAFE Act of 1999. We would like to see clear and consistent standards for screening and treatment to ensure that no child falls through the cracks. We would to help communities, parents and physicians take advantage of every opportunity they have to detect and treat lead poisoning.

This bill is just one element in a comprehensive, coherent approach to eliminate this preventable disease that afflicts too many children in this country today.

I was pleased that during the appropriations process, the Senate supported the President's request for full funding of the lead hazard control grants program—indeed, particularly pleased when the conferees agreed with the Senate and maintained this funding. It is absolutely critical. We will continue

to press forward in terms of screening and treatment, in terms of reducing lead hazards in the homes of children, and in terms of education, so there is no place in this country that fails to recognize the gravity of this situation where children are poisoned by exposure to lead.

Indeed, that is why we are here today. This week is National Childhood Lead Poisoning Prevention Week. We hope by reserving 1 week a year to emphasize the challenges we face, to emphasize the steps which must be taken in the future, we can galvanize additional support so there is no child in this country who is poisoned by lead, whose development—physical, mental, social development—is harmed by such exposure.

At the heart of this effort is the work of many people, but, once again, I thank my colleague and friend, Senator SUSAN COLLINS, who has taken it upon herself to charge forward to make this hope of a lead-safe environment for all our children a reality. I am pleased to be with her sponsoring this resolution, sponsoring this week of commemoration and also, in the days ahead, working to ensure that all the children are as free as we can make them from the harm and the danger of lead exposure.

I ask unanimous consent that the Presidential message recognizing National Childhood Lead Poisoning Prevention Week and the executive summary of ''Another Link in the Chain,'' be printed in the RECORD, following my statement.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, October 20, 1999.

Warm greetings to everyone observing National Childhood Lead Poisoning Prevention Week.

As America's children begin their exciting journey into the 21st century, one of the greatest gifts we can give them is a healthy start. Sadly, however, many children face needless obstacles to healthy development in their own homes. Among the most devastating of these obstacles is lead poisoning. Today nearly 5 percent of children between the ages of 1 and 5 suffer from this condition. While any child can be susceptible to lead poisoning and its effects, low-income children are at a significantly higher risk, since most children are poisoned by lead-based paint and lead-contaminated dust and soil that are found in older, dilapidated housing. For African-American children living in these conditions, the rate of those who suffer from lead poisoning is a staggering 22 percent.

The effects of lead poisoning can be serious and irrevocable. Even low levels of exposure to lead can hinder children's ability to learn and thrive, reducing their IQ and attention span and contributing to learning disabilities, hearing loss, impaired growth, and many other developmental difficulties. My Administration, through the Department of Housing and Urban Development and the Environmental Protection Agency, has taken important steps to eliminate the threat of lead poisoning. We have provided funding for such efforts as removing lead-based paint from housing built prior to 1978, when such paint was outlawed. We have also promoted increased blood testing of young children to determine the levels of lead in their blood.

However, when our children's well-being is at stake, we must do more. I commend the concerned citizens and organizations participating in this year's observance for raising awareness of the dangers of lead poisoning and for teaching families and communities how to prevent it. I urge all Americans to take this occasion to learn more about lead poisoning and to take part in local, state, and national efforts to create a healthier environment for our children.

Best wishes for a successful week.

BILL CLINTON.

CHAPTER 1—EXECUTIVE SUMMARY

The first line of defense in protecting children from lead poisoning is primary prevention, which means controlling lead hazards before children are ever exposed to lead. However, the broad distribution of lead in the U.S. housing stock has made achieving primary prevention for all children an elusive goal. As a result, secondary prevention strategies continue to play a vital role in protecting children from lead poisoning. Secondary prevention entails identifying the lead-poisoned child, providing medical care and case management, identifying the source of the child's lead exposure (environmental investigation), and then ensuring that any lead hazards identified are controlled to prevent the child's further exposure to lead.

Over the past few years, there has been considerable public attention to and controversy surrounding policies for screening young children for lead poisoning. There has also been considerable discussion about primary prevention and housing-based approaches to primary prevention, as a consequence of enactment of Title X and federal funding for the HUD Lead Hazard Control Grants program. In contrast, there has been little discussion of what actually happens once a lead-poisoned child is identified. The Alliance To End Childhood Lead Poisoning and the National Center for Lead-Safe Housing agreed that it was time to reexamine the response to lead-poisoned children nationwide. We decided that characterizing the case management and environmental investigation services now being provided in each state would be a useful first step. We hope this report's documentation of state policies will help sharpen discussion and decision-making at many levels. This report is timely for at least four reasons.

First, this report provides the information needed to ensure that case management and environmental investigation systems are ''in good working order'' to handle the increased caseloads that can be expected from expanded lead screening of high-risk children. Recent reports from the General Accounting Office (GAO) have focused the spotlight on the failure of federal health programs to screen high-risk children for lead poisoning. GAO documented that just 19% of Medicaid-enrolled children aged 1 through 5 are being screened as required by law, and that the majority of children needing case management and environmental investigation are enrolled in Medicaid. As a consequence, considerable attention is being paid now to improving lead screening rates among Medicaid children. In addition, many states are developing CDC-recommended lead screening plans to identify and target the highest-risk children for lead screening.

Second, this report raises a number of policy and program issues that should be considered as states seek to ensure that lead-poisoned children enrolled in Medicaid managed care plans are provided with appropriate follow-up care. Many states are still developing or fine-tuning their mechanisms for overseeing and coordinating care with Medicaid managed care plans, as well as state Children's Health Insurance Programs.

Third, this report can help to inform a number of pending policy decisions. The Health Care financing Administration has been receiving criticism from many quarters for its policy prohibiting Medicaid reimbursement for analysis of the environmental samples needed for an adequate environmental investigation to identify the lead hazards in a poisoned child's home. In addition, the Centers for Disease Control and Prevention's Advisory Committee on Childhood Lead Poisoning Prevention is currently reviewing the evidence base for case management services. Finally, U.S. Senators Robert Torricelli (D–NJ) and Jack Reed (D–RI) and U.S. Representative Robert Menendez (D–NJ) are introducing federal legislation to address these issues in Congress.

Fourth, the sharp decline in the number of children with elevated blood lead levels documented by NHANES III, Phase 2 offers opportunities never before available for using screening and follow-up measures to advance prevention. For the first time, the caseload of lead-poisoned children in jurisdictions historically overwhelmed by the number lead-poisoned children has become ''manageable.'' We have a responsibility to respond promptly and humanely to children with elevated blood lead levels as well as the opportunity to use these interventions to advance prevention. Childhood lead poisoning is entirely preventable. But achieving this goal requires us to sharpen our tools and redouble prevention efforts, rather than being complacent or uncritically flowing ''established procedures'' by rote.

SCOPE OF THE SURVEY

The scope of this survey and report is limited to describing and evaluating the quality of self-reported state policies and practices for environmental investigation and case management. This report therefore could not assess state primary prevention initiatives, lead screening policies and performance, or even medical care provided to lead-poisoned children. The most effective state programs are those that succeed at primary prevention. Once a child is exposed to lead, the overall effectiveness of the response must be judged by performance in all three areas of secondary prevention—and a single weak link in the chain of secondary prevention activities can undermine the effectiveness of the entire response. Having exemplary environmental investigation and case management services is useless if the state fails to screen children at risk for lead poisoning to identify those with elevated blood lead levels. Similarly, providing good environmental investigation and case management services is pointless if these activities do not trigger action to control identified lead hazards.

It is also important to be clear about what is meant by each key term. ''Environmental investigation'' means the examination of a child's living environment, usually the home, to determine the source or sources of lead exposure for a child with an elevated blood lead level. For the purposes of this report, ''case management'' means coordination, provision, and oversight of the services to the family necessary to ensure that lead-poisoned children achieve reductions in

blood lead levels. In addition, case management includes coordination, but not provision and oversight, of the clinical or environmental care.

SURVEY METHODOLOGY AND RESPONSES

To gather the information about current policies and practices for case management and environmental investigation, an initial survey and a supplementary survey were sent to directors of state lead poisoning prevention programs. In states where these programs do not exist, we identified knowledgeable respondents by contacting surveillance grantees of the Centers for Disease Control and Prevention (CDC) or other program staff responsible for lead services (often a division of the state health department). Ultimately, we received responses from all 50 states and the District of Columbia. We also received responses from 15 local lead programs, which allowed us to better characterize several important dimensions of current practice of state programs.

KEY FINDINGS AND RECOMMENDATIONS ON INITIATING SERVICES

State blood lead reporting systems

Central reporting of elevated blood lead levels is critical to ensuring timely follow-up care for lead-poisoned children. Although nearly all (47) states have a reporting system for blood lead levels, the utility of the systems for timely referral of children needing follow-up services varies considerably. In addition, the lack of uniform national recommendations for reporting blood lead levels has created a burden on private laboratories and others that must report this information to many different states in a variety of formats, and has made it difficult to assess and compare blood lead data across states.

CDC should establish national standards for blood lead reporting to ensure standardization of blood lead data and enable timely follow-up for lead-poisoned children.

States with blood lead reporting systems should evaluate the effectiveness of their systems in triggering prompt identification and follow-up of lead-poisoned children and address any identified deficiencies.

States without a central reporting system for blood lead levels should establish one as soon as possible.

Blood lead levels at which services are provided

CDC's 1997 guidance recommends that both case management and environmental investigation be provided at blood lead levels of 20 µg/dL or persistent levels of 15–19 µg/dL. Encouragingly, most states are providing services to children at or even below the blood lead thresholds recommended by CDC. For environmental investigation, 20 states perform environmental investigation only at blood lead levels at or above 20 µg/dL (not persistent levels above 15 µg/dL) and 2 states use a trigger of 25 µg/dL. Since environmental investigation permits the identification and subsequent control of lead hazards, early hazard identification by providing environmental investigation at lower blood lead levels is a positive preventive measure.

Some states are able to vary the scope of case management services provided by blood lead level, providing less intensive services at lower blood lead levels in order to intervene before blood lead levels rise. Thus, it is not surprising that many states report offering case management at lower blood lead levels than recommended by CDC. Six states offer case management at precisely the level recommended by CDC, and 28 states offer the service at lower levels (single levels above 15 µg/dL or 10 µg/dL). Fourteen states provide case management only at blood lead levels of 20 µg/dL, but not persistent levels between 15 and 19 µg/dL as recommended by CDC.

At a minimum, states should provide case management and environmental investigation to children at the levels recommended by CDC, and, resources permitting, preventive services and environmental investigation to as many children as possible with blood lead elevations at or above 10 µg/dL.

KEY FINDINGS AND RECOMMENDATIONS ON SETTING STANDARDS FOR SERVICES

Case management standards

The lack of national standards for case management of lead-poisoned children has created variation in approach across the country, and made achieving reimbursement from Medicaid and other insurers more difficult. At present, only 29 state programs indicated they had written standards for case management. However, a consensus document Case Management for Childhood Lead Poisoning, developed by the National Center for Lead-Safe Housing, describing professional standards for case management for lead-poisoned children already serves as a guide for some state and local programs. Other complementary documents exist or are under development.

Any case management protocol or standard must include certain elements to ensure quality care. Our survey found that states performed well in some areas, but needed improvement in others. For example, although most states (43) provide home visits as part of case management, many programs make only a single home visit, which is unlikely to be sufficient for ensuring that steps are taken to improve the health status of the child. In addition, almost one-third (29%) of programs fail to inquire about a lead-poisoned child's WIC status, an important oversight given the importance of good nutrition for lead-poisoned children. Because they are an essential part of the solution, families should be systematically involved in all aspects of the case management process. Yet, our survey found that more than one-third of state programs (37%) fail to include families in the planning process and only one state program indicated that it routinely refers families to parent support groups in the community. The indefinite continuation of cases is also a sign of a weak case management, yet 14 states reported that they had no criteria for when to close a case.

Case management standards must also describe the specific interventions to improve the health status of the child that should be provided by case managers. Nearly all states provide some type of educational intervention, including education focused on lead and lead exposure risks, lead-specific cleaning practices, and nutritional counseling. Two-thirds of state programs (67%) provide assistance with referrals to other necessary services and 80% provide follow-up of identified problems. Six state programs indicate that they now refer young children routinely to Early Intervention programs for identification and treatment of possible developmental problems. Surprisingly, 10 states provide specialized cleaning services to reduce immediate lead dust hazards in homes as part of their case management interventions. However, due to funding considerations, most of these states are not able to make cleaning available except in homes in designated target areas and under special circumstances.

All states should have in place a protocol that identifies minimum standards for initiation, performance, and tracking of case management services for lead-poisoned children, including standards for data collection and outcome measurements and for professional staffing and oversight.

CDC or its Advisory Committee on Lead Poisoning Prevention should endorse a set of national standards for case management for lead-poisoned children, beginning with a definition of the term case management. The consensus standards developed by the National Center for Lead-Safe Housing (*Case Management for Childhood Lead Poisoning*) offer a thorough, current, and complete set of expert standards for quick review and endorsement.

Once national standards are in place, state protocols should be reviewed for consistency. In the interim, states should utilize written protocols specifying the services to be provided along with performance standards and record-keeping criteria.

Case management standards should include a minimum of two case management visits to the home of a lead-poisoned child.

State case management protocols should include standards for assessment, specifically including assessment of WIC status.

State programs should evaluate the extent to which families are being involved in case management and make necessary program modifications to ensure that families are fully involved in planning, implementation, and evaluation efforts.

States should examine their referral practices to ensure that parents of lead-poisoned children are routinely referred to available resources, including community-based parent support groups, where they exist, in order to connect families with another source of support and assistance.

All states should have case closure criteria that encompass reduction in a child's blood lead level and control of environmental lead hazards and procedures for administrative closure when needed.

States that routinely follow children until 6 years of age should evaluate whether such a lengthy follow-up benefits the child and family.

Case management standards should specify recommended interventions, including: basic educational interventions; referrals to Early Intervention services for developmental assessment, referral services for WIC, housing (emergency and long-term Solutions), health care, and transportation, as needed; follow-up of identified problems as needed; and, follow-up to ensure that families receive needed services.

Environmental investigation standards

State programs vary widely as to what activities constitute an environmental investigation to determine the source of lead exposure. Only 35 states have written protocols for environmental investigation. Where written protocols do exist, the scope of services and the kinds of data collected vary extensively. For example, some programs rely almost exclusively on XRF analysis to test the lead content of paint, and interpret a positive reading for the presence of lead-based paint as source identification. Other programs focus on current pathways of exposure by taking dust wipe and paint chip samples, assessing paint condition, and in some cases evaluating exposures from bare soil and drinking water. And, still other programs operate on a case-by-case basis.

Just 35 states had minimum requirements in place for those who perform environmental investigations for lead-poisoned children; most frequently they required state-certified risk assessors or lead inspectors. Training in the certified disciplines of risk assessor and lead inspector provides a core

foundation of knowledge as well as credentials that may be important in any legal proceedings. At the same time, additional training beyond these certified disciplines is needed, because the scope of the environmental investigation of a lead-poisoned child is much more comprehensive than a standard residential lead inspection, and somewhat broader than a risk assessment.

The responses to our survey do not make it possible to determine the extent to which states are performing (or requiring to be performed) clearance testing after work has done to respond to lead hazards identified in the home of a lead-poisoned child. Follow-up visits are essential to ensure that corrective measures were taken and lead safety precautions followed. Because lead-contaminated dust can be invisible to the naked eye, clearance dust tests are critical to ensure the effectiveness and safety of the corrective measures in the vast majority of situations. Post-activity dust tests should be taken after completion of any paint repair or other projects that could generate lead-dust contamination.

Many program staff expressed frustration that environmental investigations frequently do not result in any corrective action. The ultimate measure of the success of an environmental investigation is the action that results to control lead hazards to reduce the child's continued lead exposure. At the extreme, conducting a full environmental investigation is irrelevant if no measures to reduce lead exposure occur as a consequence.

States should have a written protocol identifying the components of an environmental investigation for a lead-poisoned child. Appropriate flexibility and customization based on specific case factors and local sources are legitimate and important elements.

The protocol for environmental investigation should include routine collection of data on important pathways of exposure (particularly interior dust lead) and documentation of poor paint condition. The XRF analyzer should never be relied upon as the only tool for environmental investigation. Chapter 16 of HUD's Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing provides the most comprehensive and current guidance for environmental investigations.

State programs should begin using the more protective dust lead standards being proposed by EPA and HUD: no higher than 50 µg/square foot for floors and 250 µg/square foot for window sills.

Environmental investigations need to generate ''actionable'' data to ensure that all lead hazards identified are controlled—the ultimate measure of effectiveness. In most states, improved systems are needed to document and track corrective actions to control lead hazards to help ensure that environmental investigations actually result in health benefits to children.

Health department program staff performing an environmental investigation for a lead-poisoned child should be trained and certified as lead professionals. This will serve to increase professionalism in the field as well as give the results of the investigation greater standing if challenged in court.

Individuals conducting environmental investigations need additional training to assess sources of lead exposure beyond the scope of the traditional EPA/HUD risk assessment.

When state or local programs or managed care organizations contract environmental investigations out to certified lead evaluators, it is important that they be charged with conducting a comprehensive evaluation of potential exposure sources as described in Chapter 16 of HUD's Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing.

State programs need to make clearance dust tests a routine check to confirm that lead dust hazards are not left behind after corrective measures are taken in the home of a lead-poisoned child.

Lead hazard control: Legal authority and resources

Although this survey was not able to quantify the extent to which state and local programs succeed in controlling hazards identified in home of a lead-poisoned child, many programs indicated that this is a major problem. Twenty-eight states, more than 54%, do not have legal authority to order remediation of homes with identified lead hazards. More than 40% of all states (22 state programs) indicate that no funding is available in their state to help property owners pay for even a portion of the necessary lead hazard control. No state reported sufficient funds for lead hazard control. The lack of legal authority to order remediation coupled with the lack of resources to fund abatement and lead hazard control is a major stumbling block for lead poisoning prevention and treatment progress nationally.

States should consider the model legislative language reflecting the principles and recommended lead-safety standards of the National Task Force of Lead-Based Paint Hazard Reduction and Financing developed by the National Conference of State Legislatures.

KEY FINDINGS AND RECOMMENDATIONS ON FINANCING SERVICES

For both case management and environmental investigation, adequate funding for services is a central challenge to providing timely and quality services. Most programs have patched together funding from federal, state, and local sources as best they can. For case management, 23 states reported relying primarily on federal funds, 12 states rely primarily on state funds, and 4 states on Medicaid. Six states reported a combination of sources. Even in states with Medicaid reimbursement, Medicaid provides only part of the support for case management. For environmental investigation, CDC grant funds are the most common source of funds for environmental investigation, with 22 states reporting reliance on this funding source; some use CDC funds exclusively. Medicaid reimbursement is the next most common source of funding for environmental investigation, with 20 states receiving at least some reimbursement for services provided for Medicaid-enrolled children. State funds provide support in 17 states and local or county funds in 15 states. Other sources fill in the gaps.

However, it appears that financing is not the strongest area of state case management and environmental investigation programs. Many state program staffs are not aware of how their programs actually receive funds for case management and environmental investigation services, and others seemed to be confused about the concept of ''reimbursement'' for services. At least 6 states provided different answers to the GAO than they provided to us on the question of state Medicaid policy for reimbursement of environmental investigations. GAO surveyed EPSDT agencies while we surveyed program staff responsible for lead-related services, but both should be expected to be able to answer this question accurately.

Twenty states currently seek and receive Medicaid reimbursement for case management, and 22 states report Medicaid reimbursement for environmental investigation, (although apparently slightly fewer are actually collecting Medicaid dollars at this time). States using state (or local) funds for environmental investigation or case management without receiving Medicaid reimbursement are effectively forgoing the federal Medicaid match for state spending. By all rights, Medicaid should pay the costs of these medically necessary treatment services for enrolled children. In addition, by securing Medicaid reimbursement, states may be able to shift the state's share of costs to the Medicaid budget, rather than using the limited funds designated for lead poisoning prevention or other public health functions. Similarly, states that use CDC lead poisoning prevention grant funds for environmental investigation without securing Medicaid reimbursement should consider the opportunity costs. Since CDC grant funds are finite and scarce, the decision not to seek Medicaid reimbursement means forgoing other possible uses, such as initiatives targeted to primary prevention.

The amounts reimbursed by Medicaid for both services vary dramatically from state to state, ranging from $38 to $490 for environmental investigation and from $25 for one educational visit to a maximum of $1,610 for 8 months of follow-up for case management. Although the set of services provided varies to some extent state-by-state, the actual cost of providing the services is unlikely to vary so widely. Ideally, reimbursement should reflect the actual costs of service delivery. State and local programs cannot successfully bill Medicaid or managed care for services provided unless they can document the actual cost of providing those services.

States following HUD Guidance for investigating the home of a lead-poisoned child are likely to need to conduct a number of specific laboratory tests, possibly including interior dust wipes, paint chips, soil, and drinking water. Yet a vital source of funding for environmental investigation has recently been restricted. In September 1998, HCFA erected a barrier to quality care when it ''clarified'' its policy on reimbursement for environmental investigation in its update to the State Medicaid Manual. HCFA's written policy now inappropriately prohibits reimbursement for the environmental sampling and analysis (such as measuring lead in dust, soil, and water) that is needed to investigate the source of lead exposure in a poisoned child's home—and makes it impossible to achieve the essential purpose of environmental investigation. In effect, the new language limits coverage only to XRF analysis to determine the lead content of paint, which usually does not confirm the immediate exposure hazard or reveal what control action is needed to reduce exposure.

Several states reported arbitrary limits on State Medicaid reimbursement for environmental investigation services, such as limiting payment to one investigation per child per lifetime. It appears that such limits on environmental investigation are illegal, since the federal EPSDT statute entitles Medicaid children to all services medically necessary to respond to a condition identified during an EPSDT screen.

Only one-third of states could report how many or what percentage of their cases were even enrolled in Medicaid. States must be able to document the number of Medicaid-enrolled children receiving services in order to receive or make informed decisions about reimbursement.

Thirty-eight states reported the enrollment of at least some Medicaid children into

managed care plans, but only 24 of these reported that their state's contract(s) with managed care organizations (MCOs) contained any language about lead screening or treatment services. Most reported that the language dealt only with lead screening or generic EPSDT screening requirements, missing an opportunity to describe clear duties for health care providers for lead screening and follow-up care.

State Medicaid agencies that have not yet established mechanisms for Medicaid reimbursement for case management and environmental investigation should do so immediately.

Health departments providing case management and environmental investigation should contact the Medicaid agency to ensure that reimbursement is available to public sector service providers, customized for the specific situation.

CDC should require its CLPP grantees to pursue Medicaid reimbursement of case management and environmental investigation as a condition of funding.

HCFA should revise its guidance to permit Medicaid reimbursement for the costs of the laboratory samples necessary to determine the source of lead exposure in the home of a lead-poisoned child.

Medicaid should fund emergency services to reduce lead hazards for children with EBL, including lead dust removal and interim measures to immediately reduce hazards in the child's home. If the child's home can not be made safe, Medicaid should reimburse the cost of emergency relocation.

State programs should determine and document the actual costs of providing case management and environmental investigation services.

State lead programs should negotiate adequate reimbursement rates with the State Medicaid agency, based on documentation of the costs of providing services.

Based on current costs of service delivery, state and local programs should ensure that their budgets and funding requests seek the resources necessary to adequately manage their caseloads.

States should consider billing private insurance providers for services provided to children enrolled in such plans.

HCFA should disallow, and states should discontinue the use of, arbitrary limits on State Medicaid reimbursement for environmental investigation services unless they are shown to have a medical basis.

State programs should establish the administrative means necessary to track the insurance status (especially Medicaid enrollment) of lead-poisoned children receiving case management and environmental investigation services.

CDC should require its CLPP and Surveillance grantees to pursue collection of data on the insurance status (especially Medicaid enrollment) of the children receiving case management and environmental investigation services.

State Medicaid contracts with MCOs should contain clear language describing the specific duties of the MCOs, making clear whether they are expected to deliver services, make referrals, or provide reimbursement to other agencies for services provided. States should address lead screening, diagnosis, treatment, and follow-up services explicitly, rather than relying on general language referencing EPSDT. States should familiarize themselves with and utilize the lead purchasing specifications for Medicaid management care contracts that have been developed by the Center for Health Policy and Research at the George Washington University (available at ''www.gwumc.edu/chpr''). Where such language has already been incorporated into contracts, it should be enforced.

Where case management and environmental investigation are provided by public sector providers and Medicaid children are enrolled in capitated managed care plans, states should consider financing case management and environmental investigation through a ''carve-out'' to ensure that providers are reimbursed for their costs of providing services.

KEY FINDINGS AND RECOMMENDATIONS ON TRACKING AND EVALUATING SERVICES

Very few programs are tracking outcomes of children identified as lead poisoned. Most states count the number of home visits or completed environmental investigations, but very few monitor the outcomes for children and the corrective measures taken in those properties found to have poisoned a child. For example, eight states did not know how many lead-poisoned children needing follow-up care had been identified in 1997 and 23 states did not know how many of their lead-poisoned children had actually received services.

Only 15 states reported providing oversight to ensure that all children identified as lead-poisoned receive appropriate follow-up care, including case management and environmental investigation services. Such oversight would be particularly useful in the 24 states that rely on providers outside the health department to provide case management services. Only 13 states indicated that they collected and tabulated data on the identified source(s) of lead exposure from environmental investigations.

Tracking case management and environmental investigation activities is not enough in itself. The ultimate measure of effectiveness is reducing the child's lead exposure and blood lead level. Case management and environmental investigation programs should be thoroughly evaluated to identify programs that are effective, as well as to identify problems that require additional staff training, technical assistance, or other attention. In particular, this survey suggests that staff in many states could benefit from training in key areas, such as program evaluation and Medicaid and insurance reimbursement.

States should establish the administrative capacity at either the state or local level to track delivery of case management and environmental investigation services to lead-poisoned children, to track outcomes of interest for individual children, and to ensure that appropriate services are provided to lead-poisoned children.

CDC should require its CLPP grantee to report on case management service delivery outcome measures in their required reports. Such reporting would help build capacity for tracking and begin to document the effectiveness of program follow-up efforts.

States should establish, collect, and report outcome measures for case management.

All states should collect and aggregate data on lead sources, including the proximate cause(s) of lead exposure identified through environmental investigation, and the lead hazard control actions taken, along with relevant information allowing characterization of the lead hazards (e.g., age and condition of housing, renter or owner-occupied, source and pathway of exposure, etc.)

CDC requires its grantees to provide data through its STELLAR database, but its data fields have proven to be limiting, especially for non-paint sources, and many grantees report their dissatisfaction with STELLAR. CDC should consider moving to an alternative software package with greater flexibility and easily available support. Until CDC revises its requirements, states should use standard office database software to keep these records.

CDC should undertake or fund formal evaluations of state case management and environmental investigation programs. Programs should be given the tools and opportunity to meet goals and improve performance. However, if state or local programs are not able to achieve basic standards of performance in follow-up of lead-poisoned children, federal funding should be terminated.

CDC should sponsor a system of peer evaluation for state and local lead programs. A pear evaluation program would allow state program staff to learn from and share with one another, reinforcing the replication of innovative and effective practices.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Maine.

Ms. COLLINS. Mr. President, I am very pleased to join my friend and colleague, Senator JACK REED of Rhode Island, in discussing the passage of a resolution we introduced designating this week, October 24 through the 30th, as National Childhood Lead Poisoning Prevention Week.

Senator REED has been such a strong advocate and leader on lead poisoning issues. I have enjoyed working with him on this important public health issue.

It is my hope the designation of this week as National Childhood Lead Poisoning Prevention Week will help to increase awareness of the significant dangers and prevalence of childhood lead poisoning across our Nation.

Great strides have been made in the past 20 years to reduce the threat that lead poses to human health. Most notably, lead has been banned from many products, including residential paints, food cans, and gasoline. These commendable steps have significantly reduced the incidence of lead poisoning. But unfortunately, contrary to what many people think, the threat has not been eradicated. In fact, it remains and continues to imperil the health and well-being of our Nation's children. In fact, lead poisoning is the No. 1 environmental health threat to children in the United States.

Even low levels of lead exposure can have serious developmental consequences, including reductions in IQ and attention span, reading and learning disabilities, hyperactivity and behavioral problems. The Centers for Disease Control and Prevention currently estimates that 890,000 children, age 1 through 5, have blood levels of lead that are high enough to affect their ability to learn—nearly a million children.

Today, the major lead poisoning threat to children is posed by paint that has deteriorated. Contrary to popular belief, it is the dust from deteriorating or disturbed paint, rather than paint chips, that is the primary source

of lead poisoning. Unfortunately, it is all too common for older homes to contain lead-based paint, particularly if they were built before 1978. More than half of the entire housing stock and three-quarters of homes built before 1978, contain some lead-based paint. Paint manufactured prior to the residential lead paint ban often remains safely contained and unexposed for decades. But over time, often through remodeling or normal wear and tear, the paint can become exposed, contaminating the home with dangerous lead dust.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

PRESIDENTIAL AND SENATORIAL COMMISSION ON NUCLEAR TESTING TREATY

Mr. WARNER. Mr. President, I address the Senate today with regard to a bill that I am introducing which provides for the establishment of a commission to be known as the Presidential and Senatorial Commission on a Nuclear Testing Treaty.

On October 15, shortly after the historic debate in the Senate and the vote taken on the Comprehensive Test Ban Treaty, I addressed the Senate, suggesting that the President and the Senate explore options by which a commission could be appointed for the purpose of assessing issues relating to testing of nuclear weapons, and the possibility of crafting a treaty that would meet the security interests of our Nation, while enabling America to once again resume the lead in arms control.

Following the historic debate and vote, I voted against that treaty, and I would vote again tomorrow against that treaty, and the day after, and the day after that. I say that not in any defiant way, but simply, after three hearings of the Armed Services Committee and one of the Foreign Relations Committee, after very careful analysis, after hours of discussion with my colleagues, after participating in the debate, it was clear to me that the record did not exist to gain my support nor, indeed, the support of two-thirds majority of the Senate.

It is my view that the Senate and the President will join together to provide bipartisan leadership to determine, in a collaborative way, how to dispel much of the confusion in the world about why this Senate failed to ratify the treaty, to explain what the options are now, and to show that we are analyzing all of the other possibilities relating to a nuclear testing treaty. This, hopefully, will dispel such confusion. Much of that confusion is based on misconceptions and wrong information. But we can overcome that.

We must explain that this Government has coequal branches—the executive, headed by the President; and the legislative, represented by the Congress—and how our Constitution entrusts to this body, the Senate, sole authority to give advice and consent. This body exercised that obligation, I think, in a fair and objective manner. But we are where we are.

My bill is somewhat unique, Mr. President. I call for a commission with a total of 12 members—6 to be appointed by the majority leader of the Senate; 6 to be appointed by the distinguished Democratic leader of the Senate, with coequal responsibility between two members to be designated as cochairmen. I did that purposely to emphasize the need for bipartisanship. We, the Senate, will not ratify the treaty unless there are 67 votes in the affirmative. This last vote was 19 votes short—votes cast by individuals of this body of clear conscience. That significant margin of 19 votes, in my judgment, can only be overcome through a bipartisan effort to devise a nuclear testing treaty seen clearly as in our national interests.

The cochairmen will be appointed—first, one by the distinguished majority leader of the Senate, and the second by the President, in consultation, of course, with the distinguished minority leader. That brings the President well into the equation. He will undoubtedly be in consultation with the distinguished minority leader throughout the series of appointments by the minority leader.

This commission can have no more than two Members of the Senate appointed by the majority leader, and no more than two Members of the Senate, if he so desires, appointed by the minority leader. Therefore, up to four Senators could participate. But the balance of the 12—eight members—will be drawn from individuals who have spent perhaps as much as a lifetime examining the complexity of issues surrounding nuclear weapons, the complexity of the issues surrounding all types of treaties, agreements, and understandings relating to nonproliferation.

We saw them come forward in this debate—individuals such as former Secretaries of Defense, former Secretaries of State, men and women of honest, good intention, with honest differences of opinion, and those differences have to be bridged. By including eight individuals not in the Senate along with four Senators—if it is the will of the leaders—we can lift this issue out of the cauldron of politics. We can show the world that we are making a conscientious effort to act in a bipartisan manner. The experts the majority leader and the ones the minority leader, in consultation with the President, would pick will be known to the world—former Secretaries of Defense of this Nation, former Secretaries of State, former National Laboratory Directors, individuals whose collective experience in this would add up to hundreds of years. In that way, I believe we will bring credibility to this process and will result in this commission being able to render valuable advice and recommendations to the Senate and the President at the end of their work.

Several years ago, I was privileged to be the Ranking Member of the Senate Select Committee on Intelligence. There was a great deal of concern in the Senate toward the Central Intelligence Agency and how it was operating at that time. As a matter of fact, some of our most distinguished Members—one indeed I remember clearly—called for the abolishment of the CIA. This individual was extremely disturbed with the manner in which they were conducting business.

I took it upon myself at that time to introduce in the Senate legislation calling for the establishment of a commission to make an overall study of our intelligence and to make recommendations to the President and the Congress. Congress adopted the legislation I introduced and it was enacted into law.

The first chairman of that commission was Les Aspin, former Secretary of Defense, who, unfortunately, had an untimely death. He was succeeded by Harold Brown, former Secretary of Defense and former Secretary of the Air Force, who I knew well. I served with him. Our former colleague, Senator Rudman, was also closely involved. I was privileged to be on that commission. It did its work. It came up with recommendations. The intelligence community accepted those recommendations. The CIA survived and today flourishes.

I have given the outline of the commission I am proposing today. Let me briefly refer to the basic charge given the commission and the work they should perform.

Duties of the commission: It shall be the duty of the commission, (1) to determine under what circumstances the nuclear testing treaty would be in the national security interests of our Nation; (2) to determine how a nuclear testing treaty would relate to the security interests of other nations. I was motivated to do this because of the misunderstanding about the important and decisive action taken by this body.

(3) To determine provisions essential to a nuclear testing treaty such that that treaty would be in the national security interests of the United States; (4) to determine whether a nuclear testing treaty would achieve the nonproliferation and arms control objectives of our Nation.

The bill includes a number of other recitations and other important provisions.

We deal with the question of verification. We deal with the question of the science-based stockpile stewardship program, now being monitored and

more fully developed by the Department of Energy.

All of this is carefully covered in this legislation I make to this body tonight.

This is one Senator who believed he had an obligation to confer with his colleagues about this important matter. I believe it is important that this legislation be laid down as a starting point. It may well be that other colleagues have better ideas. I take absolutely no pride of authorship in this effort. Perhaps others can contribute ideas as to how this legislative proposal might be amended.

Eventually, collectively, I hope we can work with our leadership in establishing some type of commission so the consideration of a nuclear testing treaty can go foward and people around the globe will have a better understanding of our efforts to achieve a more secure world.

I went back to do a little research which proved quite interesting. We have heard so many times in this Chamber that politics should stop at the water's edge. I was reminded of this as I was privileged, along with many others in this Chamber, to attend the presentation to the former President of the United States, Gerald R. Ford, and his lovely wife, Mrs. Betty Ford, the Congressional Gold Medal.

I took down some notes from President Ford's wonderful speech. I had the privilege of serving under President Ford as Secretary of the Navy and, indeed, Chairman of the Bicentennial. I have great respect for him.

He talked about Senator Vandenberg and how Senator Vandenberg was an absolute, well-known conservative. Yet it was Senator Vandenberg's leadership that got the Marshall Program through the Senate of the United States. The Marshall Program was a landmark piece of legislation initiated by President Truman. Indeed, in some of the accounts of history, some people said it should be called the Truman Plan. But Truman said ''Oh, no, don't name it after me because the Congress won't accept it; name it after George Marshall''—showing the marvelous character of the wonderful President.

President Ford also talked about Everett Dirksen. He said:

> The executive branch and the legislative branch worked with him arm in arm on relationships that were important between this country and the rest of the world.

Those are Ford's words.

Bipartisanship helped get the Marshall Plan through and enabled this country to show strength in the face of the cold war period.

That is history, ladies and gentleman.

I don't suggest in any way that I am making history here tonight. But I think it is very important that other Senators take time to look at this and contribute their own ideas. It will require a significant measure of bipartisanship to achieve the objectives of the commission I am proposing. Let's see what we can do to work with our leadership and go forward.

The events of history are interesting. Senator Vandenberg, chairman of the Foreign Relations Committee, in 1948, thought Tom Dewey was going to win the Presidency. He wrote into the Republican platform the following phrase. I quote him:

> We shall invite the minority party to join us under the next Republican administration in stopping partisan politics at the water's edge.

As it turned out, Truman won that historic election. And what did Vandenberg do but go on and work with President Truman in the spirit of that statement that he put into the Republican platform, and the first landmark that the two achieved was the Marshall Plan.

Mr. President, I yield the floor.

THE LATE CHARLES E. SIMONS, JR., SENIOR UNITED STATES DISTRICT JUDGE

Mr. THURMOND. Mr. President, it gives me no pleasure to rise today and seek recognition, for it is to carry out a very sad task, which is to mark the passing of one of my longest and closest friends, Judge Charles E. Simons, Jr. of Aiken, South Carolina.

Judge Simons has served with distinction as a Federal District Court Judge for the District of South Carolina since his confirmation in 1964. It was my pleasure to recommend this talented and bright man to President Johnson, and everyone who monitors the Federal Bench has been impressed with the skill and insight in which Judge Simons adjudicated cases. His reputation is that of being a tough, but fair, judge whose impartiality is above reproach and whose commitment to the rule of law is well known. The respect and admiration of the legal community for Judge Simons is evidenced by the fact that the Federal Courthouse on Park Avenue in Aiken was dedicated in his honor in 1987. Certainly a fitting tribute to a man who dedicated thirty-five years of his life to the Federal Bench and had served as the Chief Judge of the District Court for six years.

I must confess that Charles Simons was well known to me before I advanced his name to the President, for he and I had been law partners in Aiken, South Carolina for many years. He was such an able and intelligent man, he was a great asset to our practice. In 1954, we had to end our partnership because of my election to the United States Senate, but Charles Simons continued to prosper as an attorney, earning a well deserved reputation as an outstanding general practice lawyer.

While Charles Simons loved his work and the law, it was not an all consuming passion, and he enjoyed many other activities outside the courtroom. South Carolina is a beautiful state, and its citizens eagerly engage in activities that allow them to spend as much time as possible outside enjoying the natural beauty of the Palmetto State. For Charles Simons, these activities included golf, hunting, and fishing, each which he pursued with an unflagging enthusiasm. These pursuits not only allowed him a temporary reprieve from the weighty responsibilities of the duties of a Federal District Court Judge, but they also allowed him to spend time with his friends.

One of the things that bonds friendships is shared interests, and both Charles and I had a shared interest in physical fitness. He remained a fit and active man right up until July of this year when he suffered brain damage as a result of a fall. Sadly, surgery did not return Charles to his previous health and he began a decline that resulted in his death yesterday at the age of eighty-three. Though his passing was not entirely unexpected, it still is a blow to his family and friends and to the South Carolina legal community.

While many mourn the death of Charles Simons, we should take the opportunity to be certain we celebrate his life and accomplishments. He served the nation in a time of war, he was an accomplished attorney, a respected judge, and a devoted family man. He leaves a body of work that stands as case law and he has set a standard for other public servants to follow. All these accomplishments are even more impressive when one considers Charles' humble beginnings and the fact that he accomplished all he did through hard work, determination, and intelligence.

I am deeply saddened to have lost such a good friend and I share the grief of the Simons' family. They have my deepest sympathies and my heartfelt condolences on the death of Charles.

REPORT ON CONFERENCE FOR LABOR-HHS APPROPRIATIONS

Mr. SPECTER. Mr. President, a few moments ago, a conference on the appropriations bill for Labor, Health and Human Services, and Education was completed. It was a rather unusual procedure because the conference report was incorporated into the conference of the District of Columbia appropriations bill. That arose in light of the fact the House of Representatives had not passed a bill on Labor, Health and Human Services, and Education—an appropriations bill for those three departments, but the Senate did.

The procedure was adopted to have an informal conference with Senator HARKIN, ranking member of the subcommittee, and myself representing the Senate, and Congressman JOHN PORTER, chairman of the House subcommittee representing the House. I

had talked to the ranking Democrat, Congressman OBEY, and had invited him to participate. He did come to one of the meetings but said he did not intend to participate because of his objection to the nature of the proceedings, in light of the fact that the House had not passed an appropriations bill.

This is not the ideal, proceeding in the manner I have described, but it is the best that could be done under the circumstances. There is a real effort to complete the 13 appropriations bills and submit them to the President before the close of business tomorrow so it all would be on the President's desk before the current continuing resolution expired. It may be that the President will veto the District of Columbia bill and the inclusion of the appropriations bill on Labor, Health and Human Services. If that is to follow, then we will be proceeding to try to reach an accommodation as to what the bill ought to be.

My suggestion is the bill, which has been submitted, is a good bill, not a perfect bill—I haven't seen one of those in the time I have been in the Senate—but, I submit, a good bill.

It contains a program level of $93.7 billion, which is about $2 billion less than the program level passed by the Senate. This bill was crafted by Senator HARKIN and myself on a bipartisan basis, crafted in a way to obtain the signature of the President of the United States. We have directed very substantial funding to the three departments where the total bill is $6 billion over fiscal year 1999 and an increase of some $600 million over what the President requested.

Education is a priority in America of the highest magnitude. This bill contains a program level of $35 billion for the Department of Education, constituting an increase of $2 billion over fiscal year 1999 and some $300 million over the administration's request.

I ask unanimous consent that a brief summary be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks, and for the purposes of this oral statement, I will summarize the highlights.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. With respect to the very important issue of Head Start, the bill contains $5.2 billion, which is an increase of $608.5 million over the fiscal year 1999 level, and it matches the very substantial request for an increase requested by the President.

Special education, another very important item, contains $6.035 billion, an increase of some $912.5 million over last year.

On the program GEAR UP, which is to support early college preparation for low-income elementary and secondary schoolchildren, there is an increase of some $60 million, a 50-percent increase over last year's funding level of $120 million. I mention GEAR UP specifically because we have not met the President's request, which was a doubling to $240 million from $120 million, but accommodating as far as we could some 50-percent increase, or some $60 million.

There is a contentious issue on class size, and the President has requested some $1.4 billion with the money to be directed to class size reduction. We have appropriated $1.2 billion, which is the same as last year's appropriation, a very substantial sum of money, and we have done it in a way which is somewhat different from the President's request. This class size reduction is the priority specified in our bill. But we do allow the local school districts, if they decide, in their wisdom, they want to use the money for something else, such as professional development or any other need of the school district, to direct the funds in that manner.

The President would like to have it limited only to classroom size reduction. This is a matter I have personally discussed with President Clinton, and it seems to me that, public policy-wise, the provisions of this bill are the preferable ones. I say that because we give priority to what the President wanted—that is, classroom reduction size—but if the local school district makes a determination that their local needs are different, they ought to have the latitude to make that change. That does not provide a straitjacket coming out of Washington, DC, but states the preference and allows the latitude for the local district to make the change.

This bill contains a program for fighting school violence, with some $733.8 million being reallocated from existing programs to focus on the cause of youth violence. I convened three extensive roundtable discussions, or seminars, in effect, with experts from a variety of agencies within the Department of Education, the Department of Health and Human Services, the Department of Labor, and also the Department of Justice, to analyze the problems of school violence. We came up with a variety of programs from existing funds to be directed in this manner.

The bill also contains very substantial increased funding for the National Institutes of Health. Congressman PORTER, Senator HARKIN, and I think the Congress generally has acknowledged that the National Institutes of Health are the crown jewels of the Federal Government. Sometimes I say they are the only jewels of the Federal Government. But enormous increases have been made in medical research to combat Parkinson's disease, with the experts now telling us we may be within 5 years of conquering Parkinson's. There have been enormous advances on Alzheimer's, breast cancer, lung cancer, prostate cancer, heart ailments, and the whole range of medical problems.

Stem cells have become a focal point of medical research. Almost a year ago, they burst upon the scene and provide a real opportunity—a veritable fountain of youth—with these cells being replaced in the human body to conquer these medical maladies. In essence, the bill is a very comprehensive effort to deal with the funding needs of these three major departments.

Another aspect of the conference today was an effort to have offsets in order to obtain the goal that we not touch Social Security, and we have done that with an across-the-board cut of 0.95 percent in budget authority and 0.57 percent in outlays. That is a little less than a 1-percent cut across the board in budget authority and a little more than a half-percent cut in outlays.

Frankly, I do not like an across-the-board cut. But among all of the alternatives we were considering to avoid touching Social Security, this was the least undesirable of the alternatives. And while there will be cuts below what I would like to see, the increases, by and large, are sufficient so that there will be a net increase nonetheless.

For example, in the Head Start program, we increase funding by some $608 million. The 1-percent cut will reduce that figure by $38.7 million, to about a $569 million increase. On special education, for example, we had a $912 million increase. A 1-percent across-the-board cut will reduce that by $23 million, so there still will be a net increase of some $889 million.

We have structured this bill with some advances, but we have made a determination not to come in with advances higher than what the President had proposed. It is my hope that President Clinton will sign this bill. From all of the collateral considerations, it appears unlikely he will sign the bill.

I have personally contacted Mr. Jack Lew, Director of the Office of Management and Budget, in an effort to negotiate with the White House in advance of this conference report. But there have been objections raised by some on the Democratic side in the House to having those discussions move forward because the House, in fact, did not pass a bill on Labor, Health, and Human Services.

If this is another step in the legislative process, so be it, with the bill heading toward the President's desk. If he signs it, great; if he vetoes it, we are prepared to go to work and try to move through what ought to be done. If someone has a better idea on offsets, we are prepared to listen. The objective of not touching Social Security, I think, is a consensus objective. The objective of not raising taxes, again, is a consensus objective. We have provided,

I think appropriately—some would say generously—for important education and health programs, worker safety programs, and we will be prepared to move forward to see to it that these very important functions are carried out and to seek agreement between the legislature—the Congress—and the administration.

One final note: In my discussions with the President when we talked about his interest in having classroom size done to his specifications, I think it is fair to note that the Constitution gives the principal authority on the appropriations process to the Congress. Of course, the President has to sign the bill. But constitutionally, the Congress has the principal line of responsibility. The President would like to have this appropriations bill serve as an authorization vehicle. The authorizers are not happy about that with the process in the Congress for a separate committee to do the authorization and the separate committee to do the appropriations. We have undertaken the authorization but have exercised our congressional preference in setting public policy to establish the President's program for classroom size as the priority, but giving the latitude to the school districts to do it differently. We think that is consistent with the constitutional responsibility we have.

We think some deference ought to be paid to our determination of public policy. But again we are prepared to work with the President to reach a bill which will be acceptable to both the Congress and the President.

I thank the Chair.

EXHIBIT 1

FISCAL YEAR 2000 LABOR-HHS-EDUCATION APPROPRIATIONS CONFERENCE AGREEMENT

Budget Summary and Bill Totals—The bill contains a program level of $93.7 billion, an increase of $6 billion over the FY '99 program level of $87.7 billion, and in increase of $600 million over the President.

BILL HIGHLIGHTS

School Violence Initiative totals $733.8 million. These funds were reallocated from existing programs to focus on the causes of youth violence and to better identify, treat and prevent youth violence.

Department of Health and Human Services—The bill contains a program level of $39.8 billion for the Department of HHS, an increase of $1.6 billion over the FY '99 appropriation and a decrease of $900 million above the budget request.

National Institutes of Health—$17.9 billion, an increase of $2.3 billion over the FY '99 appropriation, and $2 billion over the budget request.

NIH Matching Fund—$20,000,000 is available in the Public Health and Social Services Fund for a matching fund program at NIH that would establish partnerships with the pharmaceutical and biotechnology industry to accelerate new antibiotic development.

Substance Abuse and Mental Health Services—$2.5 billion, up $62 million over FY '99.

Head Start—$5.2 billion, an increase of $608.5 million over FY '99 and the same as the budget request.

Consolidated Health Centers—$1 billion, an increase of $99 million to increase health services for low income individuals.

AIDS—$4.4 billion for prevention and treatment activities, including $2 billion for research at the NIH; $1.6 billion for Ryan White programs and $85 million to address global and minority AIDS.

Ricky Ray—$50 million to compensate hemophilia victims and their families.

Home Delivered Meals—$147 million, an increase of $35 million over FY '99. This increase will provide an additional 27 million meals to elderly individuals in their homes.

Low Income Home Energy Assistance—$1.4 billion for heating and cooling assistance as an advance for FY 2001.

Department of Education—The bill contains a program level of $35.0 billion for the Department of Education, an increase of $2 billion over the FY '99 program level and $300 million over the Administration's request.

Pell Grants—The bill increases the maximum Pell Grant to $3,300, increased $175 over last year.

Campus-based aid—$934 million is included for the Work Study program which provides part-time employment to needy college students, an increase of $64 million over last year. Also increased by $10 million is the Supplemental Educational Opportunity Grant program for a total of $631 million in FY 2000.

Special Education—$6.036 billion is included, an increase of $912.5 million over last year.

Class size/Teacher Assistance Initiative—$1.2 billion, the same as last year for a class size/teacher assistance initiative. Local education agencies would have the choice of using funds first for class size reduction, and if they determine that they do not wish to use funds for reducing class size, funds may be used for professional development or any other need of the school district.

21st Century Learning Centers—$300 million is recommended to help local education agencies with after school programs, an increase of $100 million over last year's initial funding level.

Impact Aid—$910.5 million to assist school districts that are adversely affected by Federal installations. This amount is an increase of $46.5 million over FY '99, and a $174.5 million increase over the Administration's request.

GEAR UP—$180 million to support early college preparation for low-income elementary and secondary children, an increase of $60 million over last year's funding level. The President requested $240 million.

Department of Labor—The bill contains a program level of $11.2 billion for the Department of Labor, an increase of $300 million over the FY'99 program level, and $400 million below the Administration's request.

Dislocated Worker Assistance—$1.6 billion, an increase of $195 million over FY'99.

Job Corps—$1.3 billion, an increase of $49 million.

Related Agencies—The bill contains a program level of $7.7 billion, an increase of $164.2 million over FY'99 and $200 million below the budget request.

Corporation of Public Broadcasting—$350 million, an increase of $10 million over the FY'99 appropriation, and the same amount recommended by the Administration.

National Labor Relations Board—$199.5 million, an increase of $15 million over the FY'99 appropriations, and $11 below the budget request.

With an 1%-across-the-board decrease in spending from the Conference Agreement, many programs will still be increased from last year's level and above the President's request. For example:

Head Start will be increased by $468 million over the FY99 level—to $5,228 billion, allowing over 33,000 additional children to be served.

Home-delivered meals to seniors will be increased $33 million over last year's level, funding 25.5 million more meals than in FY99.

NIH will be increased to $17.7 billion—$2.1 billion over last year's level, and $1.8 billion over the President's budget request.

Ryan White AIDS program will be increased to $1.5 billion—$123.6 million over the FY99 level and $24 million over the President's budget request.

The Community Services Block Grant will be increased to $504.9 million—$4.9 million above the President's request, providing more services to low-income families.

The Maternal and Child Health Block Grant will be increased to $702.9 million—$8.1 million more than the FY99 level and $7.9 million more than the President's budget request.

Job Corps will be funded at $1.35 billion, an increase of $5.1 million over the President's request and $43 million over the FY99 level.

The conference agreement provides $5.735 billion for Special Education State grants, an increase of $679.8 million over the President's request and $628.2 million over the FY 1999 level.

Education technology programs will be funded at $733.2 million, an increase of $35.1 million, or 5%, over the FY 1999 level.

The Impact Act program will be funded at $901.4 million, an increase of $165.4 million over the President's request and $37.4 million over the FY 1999 level.

The maximum award for the Pell Grant program will be increased to a record high of $3,275, an increase of $25 over the President's request and $150 over the FY 1999 appropriation.

HISPANIC HERITAGE MONTH

Mr. BINGAMAN. Mr. President, I want to commemorate the 30-day period from September 15 through October 15 which was designated by the President as Hispanic Heritage Month.

Around the country, and in my home state of New Mexico, Hispanics have been making outstanding contributions to public service, business, education, and to our communities. Hispanic Heritage Month signals a time of recognition and celebration of an enriched legacy, tradition, and culture that has been present in our country for over 400 years.

We in New Mexico are well familiar with the fact that the Hispanic presence in the United States reaches far back to 1528, and in New Mexico to 1539. We also know that Hispanics have influenced greatly our architecture, food, clothing, literature, music, and certainly our family values. Many of our landmark cities have grown from early Spanish settlements; cities such as Los Angeles, San Antonio, San Francisco, and Santa Fe, to name only a few.

Although we know that Hispanics make up the fastest-growing minority group in this country, and by 2025 will be the largest minority group in our national population growth, too many Americans still are not aware of the

historic significance and contributions of Hispanics in American life. That is why Hispanic Heritage Month is important as a recognition of the accomplishments and contributions of Hispanics in our country.

There are countless, New Mexicans who have contributed greatly to our Hispanic community through hard work and the belief that one can accomplish what one sets his or her mind to do. Today I'd like to mention two of these individuals from New Mexico, who have contributed to their communities and have made a difference in my home State.

At the age of 5, Mike Lujan was already contributing to his family's household income to help support his parents and 14 siblings. Mike encountered difficulties in high school and graduated with a 1.7 grade-point-average. However, because of his determination Mike enrolled in college, sought tutoring, and this year, he will be celebrating a quarter century of teaching in the Santa Fe Public Schools. During his time as a teacher and head wrestling coach, Mike Lujan has been honored with USA Weekend's ''Most Caring Coach'' award and the national Jefferson Award given to ''a citizen who cares'' which is presented by a three-star general at the Pentagon.

This past August, Mike's story was told in ''Vista'' a magazine which discusses Hispanic Issues and salutes Hispanics in a variety of areas. The article about Mike closes with a quote from him which says, ''One of the secrets for success is to remember your roots. Once you forget who you are, you can't help others.''

The second individual I would like to recognize is Tony Suazo, a native of Canjilon, located in northern New Mexico. Tony was recognized as 1 of 10 northern New Mexicans, by the Santa Fe New Mexican, for their volunteer and professional achievements in the community. Every Christmas, Tony Suazo walks through the streets of Espanola, NM, in a Santa Suit, with a bag of toys thrown over his shoulder. He plays Santa Claus at the ''Put a smile on a Child's Face'' annual children's Christmas party. This party draws about 3,000 people, and every child who walks through the door receives a gift. Every year leading up to this event, Tony closes his business 6 weeks before the Christmas party. He then runs around town faxing fliers about the event and collects the toys, to be given as gifts, in front of local shopping centers.

You see, Mr. President, Tony Suazo and his wife close their business down 6 weeks prior to this event and live off their savings during that time. He does not miss his lost income because, as his wife puts it, ''His dream is to see every child, whether they are needy or not, have a toy.'' Tony has been awarded the Espanola Valley Chamber of Commerce's Man of the Year.

These two individuals serve as an example of Hispanics who have been making contributions to our communities—believing in themselves, believing in hard work, and believing that they can achieve their goals.

Mr. President, at this time let me just say a couple of sentences in Spanish because that is a very important part of the Spanish tradition in my State.

Sr. Presidente, conozco sólo una manera de rendir tributo a una cultura cuyo idioma es tradicionalmente sinónimo de identidad. El idioma español imparte un sentido de conciencia, historia y tradición que en inglès, mi lengua materna, es a veces imposible expresar.

Sin idioma no habrían anècdotas, y sin las anècdotas del dirigente Lujàn, Tony Suazo y de un sinnùmero de hispanos-americanos, nuestra nación sin duda alguna experimentaría un vacío en la médula misma de su identidad.

Let me just summarize that or translate it:

Mr. President, there is only one way I know to pay full tribute to a culture for which language is often synonymous with identity. The Spanish language imparts a sense of feeling, history, and tradition, which my own native tongue of English often fails to convey.

Without language, there would be no stories, and without the stories of Coach Lujan, Tony Suazo, and countless other Hispanic-Americans, our nation would surely suffer from the great void at the very heart of its identity.

Mr. President, it is with great pride that I call on all my colleagues and on all Americans to join me even though I am a little late with this, in celebrating Hispanic Heritage Month and to come together as individuals, families, and communities to learn more about this extremely important culture in our country.

CBO COST ESTIMATE

Mr. JEFFORDS. Mr. President, on October 19, 1999, I filed Report No. 106–196 to accompany S. 976, a bill to amend title V of the Public Health Service Act to focus the authority of the Substance Abuse and Mental Health Services Administration on community-based services for children and adolescents, to enhance flexibility and accountability, to establish programs for youth treatment, and to respond to crises, especially those related to children and violence. At the time the report was filed, the estimate by the Congressional Budget Office was not available. I ask unanimous consent that a copy of the CBO estimate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 26, 1999.

Hon. JAMES M. JEFFORDS,
Chairman, Committee on Health, Education, Labor, and Pensions, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 976, the Youth Drug and Mental Health Services Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Julia Christensen (for federal costs), who can be reached at 226–9010, and Leo Lex (for the state and local impact), who can be reached at 225–3220.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

S. 976—Youth Drug and Mental Health Services Act

Summary: S. 976 would reauthorize certain programs of the Substance Abuse and Mental Health Services Administration (SAMHSA) through fiscal year 2002. The bill would consolidate programs currently operated under the Knowledge and Development Application (KDA) and Targeted Capacity Expansion (TCE) programs into three programs that target priorities for mental health and prevention and treatment of substance abuse. The bill would explicitly repeal certain programs and would transfer general discretionary grant authority for demonstrations, training, and other purposes to these new programs. In addition, the bill would reauthorize SAMHSA's Mental Health and Substance Abuse Prevention and Treatment Block Grants and would continue the transition of those block grant programs into federal-state performance partnerships. S. 976 also would create several new programs that focus on children and adolescents.

To fund programs administered by SAMHSA, the bill would authorize the appropriation of about $4.1 billion for 2000 and such sums as may be necessary for 2001 and 2002. Assuming the appropriation of the necessary amounts, CBO estimates that implementing S. 976 would cost about $1.5 billion in 2000 and $12.2 billion over the 2000–2004 period. Enacting S. 976 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

S. 976 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). However, the bill would provide significant funding to both public and private entities for programs dealing with substance abuse and mental health.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 976 is shown in the following table. For the purposes of this estimate, CBO assumes that the bill will be enacted this fall and that the necessary appropriations will be provided for each fiscal year. The table summarizes the budgetary impact of the legislation under two different sets of assumptions. The first set of assumptions provides the estimated levels of authorizations with annual adjustments for anticipated inflation, when appropriate, after fiscal year 2000. The second set of assumptions does not include any such inflation adjustments. The costs of this legislation would fall within budget function 550 (health).

	By fiscal years, in millions of dollars—					
	1999	2000	2001	2002	2003	2004
SPENDING SUBJECT TO APPROPRIATION						
With Adjustments for Inflation						
SAMHSA Spending Under Current Law:						
Budget Authority [1]	2,488	([2])	0	0	0	0
Estimated Outlays	2,235	1,427	182	75	0	0
Proposed Changes:						
Estimated Authorization Level	0	4,122	4,266	4,358	0	0
Estimated Outlays	0	1,452	3,317	3,976	2,634	787
SAMHSA Spending Under S. 976:						
Estimated Authorization Level [1]	2,488	4,122	4,266	4,358	0	0
Estimated Outlays	2,235	2,879	3,499	4,050	2,634	787
Without Adjustments for Inflation						
SAMHSA Spending Under Current Law:						
Budget Authority [1]	2,488	([2])	0	0	0	0
Estimated Outlays	2,235	1,427	182	75	0	0
Proposed Changes:						
Estimated Authorization Level	0	4,122	4,122	4,122	0	0
Estimated Outlays	0	1,452	3,267	3,828	2,510	750
SAMHSA Spending Under S. 976:						
Estimated Authorization Level [1]	2,488	4,122	4,122	4,122	0	0
Estimated Outlays	2,235	2,879	3,449	3,903	2,510	750

[1] The 1999 level is the amount appropriated for that year.
[2] Amounts appropriated for SAMHSA in Public Laws 106–62 and 106–75, the fiscal year 2000 continuing resolutions that provide funding through October 29, 1999, are not included in this estimate. Thus far, no full-year appropriations for SAMHSA programs have been provided for 2000.

Basis of Estimate

Provisions relating to services for children and adolescents

Projects for Children and Violence. S. 976 would authorize two discretionary grant programs that focus on issues surrounding children and violence. The bill would authorize the appropriation of $100 million in 2000 and such sums as necessary for 2001 and 2002 for making grants to public entities in support of local community programs. The bill also would allow the Secretary of Health and Human Services (HHS) to use those funds to carry out community assistance programs. Projects supported by grants must adopt a comprehensive approach to helping children deal with violence. S. 976 also would authorize $50 million in 2000 and such sums as necessary for 2001 and 2002 for a grant program to sponsor the development of best practices for treating psychiatric disorders associated with violence-related stress. Grant assistance would also be available to establish technical assistance centers that would directly help communities deal with violence. These programs would cost $18 million in 2000 and $422 million during the 2000–2004 period, assuming appropriation of the necessary amounts.

High-Risk Youth. The bill would reauthorize the High-Risk Youth Program at such sums as necessary for 2000 through 2002. Based on the amount spent on this activity in the past, CBO estimates that continuing the program would require appropriations of about $7 million a year for 2000 through 2002. Subject to the appropriation of the estimated amounts, CBO estimates that implementing this provision would cost $2 million in 2000 and $21 million during the 2000–2004 period.

Substance Abuse Treatment Services for Children and Adolescents. Section 104 of S. 976 would authorize three grant programs that would provide assistance to public and private nonprofit entities for substance abuse services for children and adolescents. Those programs would increase access to substance abuse treatment and early intervention services for children and adolescents and target prevention activities against methamphetamine or inhalant abuse and addiction among youths. The bill would require that SAMHSA conduct an evaluation of methamphetamine and inhalant prevention programs and submit to the Congress an annual report on the effectiveness of those programs. The bill also would authorize a grant program that would fund up to four youth interagency research, training, and technical assistance centers. S. 976 would authorize $74 million in 2000 for these programs and such sums as necessary amounts, CBO estimates that these programs would cost $7 million in 2000 and $205 million during the 2000–2004 period.

Comprehensive Community Services for Children with Serious Emotional Disturbances. S. 976 would reauthorize the Comprehensive Community Mental Health Services for Children and Their Families Program through 2002. The bill would allow the Secretary of HHS to waive certain program requirements for territories, Indian tribes, and tribal organizations. The bill also would increase the grant duration from five years to six years. It would permit current grantees to receive a noncompetitive award in the sixth year equal to the amount awarded in the fifth year. The bill would authorize $100 million for the program in 2000 and such sums as necessary for 2001 and 2002. Subject to appropriation of the necessary amounts, CBO estimates that implementing this provision would cost $16 million in 2000 and $290 million over the 2000–2004 period.

Services for Children of Substance Abusers. S. 976 would reauthorize the Services for Children of Substance Abusers Program and transfer its authority within HHS from the Health Resources and Services Administration (HRSA) to SAMHSA. This program was never directly funded under HRSA. The reauthorized program would provide grants to public and private nonprofit entities to support a range of services for children of substance abusers, including primary health care, counseling, and referral services. It also would provide services to affected families and would allow funds to be used for training certain providers of services covered under the program. For this program, S. 976 would authorize appropriations of $50 million in 2000 and such sums as necessary for 2001 and 2002. Implementing this program would cost $5 million in 2000 and $148 million during the 2000–2004 period.

Services for Youth Offenders. Section 107 of the bill would authorize a program to award competitive grants to state and local juvenile justice agencies. Funds would support services for youth offenders following their discharge from juvenile or criminal justice facilities. Individuals qualifying for those services also must have or be at risk of developing a serious and diagnosable mental, behavioral, or emotional disorder. The bill would limit spending on funds used toward planning and transition costs for youths during their incarceration to 20 percent of the amount of each grant. S. 976 would authorize $40 million in 2000 and such sums as necessary for 2001 and 2002. CBO estimates that implementing this program would cost $4 million in 2000 and $111 million during the 2000–2004 period.

Emergency Response. S. 976 would permit the Secretary of HHS to use up to 3 percent of discretionary funds appropriated to SAMHSA under title V of the Public Health Service Act, excluding amounts appropriated to the Project for Assistance in Transition from Homeless (PATH) Program, to make noncompetitive grants to address emergency situations. The bill would require that the Secretary publish objective criteria that would be used to establish the appropriate uses for the emergency funds.

Other Provisions. The bill also would reauthorize the general authorities of SAMHSA under section 501 of the Public Health Service Act. S. 976 would authorize $25 million in 2000 and such sums as necessary for 2001 and 2002 for the purpose of providing grants, cooperative agreements, and contracts under section 501. According to SAMHSA, authorizations for this program are intended as a safety-net mechanism for the agency; therefore, CBO estimates that no additional amounts would be required for 2001 and 2002. However, assuming the appropriation of the authorized amount in 2000, CBO estimates that minimal spending would arise from this authority—about $1 million in 2000 and $8 million over the 2000–2004 period.

Provisions relating to mental health

Priority Mental Health Needs of Regional and National Significance. S. 976 would consolidate SAMHSA's discretionary authorities for certain mental health activities, including those currently funded through its KDA program, under a new program. The bill would repeal certain programs and would transfer general discretionary grant authority for demonstrations, training, and other purposes to the new program. Under the consolidated program, competitive grants would be disbursed to states, political subdivisions of states, Indian tribes and tribal organizations, other public entities, and private nonprofit organizations. Funds could be used to provide training and technical assistance, develop best practices in the mental health field for prevention, treatment and rehabilitation (and evaluations), establish programs to help states and communities target gaps in prevention services, and develop family

and consumer networks. S. 976 would authorize $300 million in 2000 and such sums as necessary for 2001 through 2002. Subject to appropriation of the necessary amounts, CBO estimates that this program would cost $30 million in 2000 and $862 million during the 2000–2004 period.

Community Mental Health Services Performance Partnership Block Grant. S. 976 would provide for a full transition of SAMHSA's Block Grants for Community Mental Health Services Program to the Community Mental Health Services Performance Partnership model. The bill would authorize the appropriation of $450 million for the program in 2000 and such sums as necessary for 2001 and 2002. Subject to appropriation of the necessary amounts, CBO estimates that this provision would cost $189 million in 2000 and $1.3 billion during 2000 through 2004.

Under the performance partnership grant program, states enter into agreements, or ''performance partnerships,'' with the Secretary of HHS. The federal-state partnership identifies goals and objectives and develops performance indicators, that will be used to help states and grant recipients ultimately reach their programmatic targets. The program is designed to foster the development of networks that promote a comprehensive approach to community-based mental health care. The bill would replace the current requirements for state plan submissions with five broad criteria. In addition, S. 976 would establish the amount each state received in 1998 as the minimum for 2000 and subsequent years.

Grants for the Benefit of Homeless Individuals. The bill would authorize $50 million for this program in 2000 and such sums as necessary for 2001 and 2002. The program received no appropriation in 1999. This program would cost $8 million in 2000 and $146 million over the 2000–2004 period, assuming appropriation of the necessary amounts.

PATH Program. The Projects for Assistance in Transition from Homelessness Program would be reauthorized through 2002. The bill also would provide the Secretary of HHS with new authority to waive requirements for entities to provide certain services under the program. The bill would authorize the appropriation of $75 million a year from 2000 through 2002. Subject to the appropriation of the authorized amounts, this program would cost $29 million in 2000 and $218 million during 2000 through 2004.

Protection and Advocacy. S. 976 would reauthorize the Protection and Advocacy for Mentally Ill Individuals Act of 1986 at such sums as necessary for 2000 through 2002. The provision also would revise the minimum allotment formula under the formula grant. In addition, the bill would change the name of the act to the ''Protection and Advocacy for Individuals with Mental Illnesses Act.'' CBO estimates that carrying out this provision would require appropriations of $23 million a year, adjusted for inflation. Implementing this program would cost $12 million in 2000 and $70 million during the 2000–2004 period, assuming appropriation of the estimated amounts.

Provisions relating to substance abuse

Priority Substance Abuse Treatment Needs of Regional and National Significance. S. 976 would replace SAMHSA's substance abuse treatment projects as currently funded under the KDA and TCE programs with a new program that targets treatment needs. The bill would repeal certain programs and would consolidate general discretionary grant authority for demonstrations, training, and other purposes under the new program. The bill would authorize $300 million in 2000 and such sums as necessary for 2001 and 2002. Assuming appropriation of the necessary amounts, this program would cost $39 million in 2000 and $870 million during 2000 through 2004.

Priority Substance Abuse Prevention Needs of Regional and National Significance. Similarly, S. 976 would replace SAMHSA's substance abuse prevention activities as currently funded under the KDA and TCE programs with a new program that funds projects targeting prevention needs. The new program would consolidate SAMHSA's discretionary grant authority for certain substance abuse prevention programs within a single program. The bill would authorize $300 million in 2000 and such sums as necessary for 2001 and 2002. Subject to the appropriation of necessary funds, this program would cost $36 million in 2000 and $869 million during the 2000–2004 period.

Substance Abuse Prevention and Treatment Performance Partnership Block Grant. S. 976 would provide for a full transition of the Substance Abuse Prevention and Treatment Block Grant to the Substance Abuse Prevention and Treatment Performance Partnership Block Grant model. The bill would authorize $2 billion for 2000 and such sums as necessary for 2001 and 2002. We estimate that this provision would cost $988 million in 2000 and $6.1 billion over the 2000–2004 period, assuming appropriation of the necessary funds.

Under the performance partnership model, the Secretary works with the states and other interested groups to develop programmatic goals, objectives, and performance measures with the intent of reducing the prevalence of substance abuse and improving access to preventive and treatment services.

S. 976 would repeal or amend some of the requirements under current law, while retaining others. For example, the bill would remove the mandate that states use 35 percent of funds for alcohol abuse prevention and treatment activities and 35 percent of funds for other drug abuse prevention and treatment activities. In addition, the bill would allow states to request waivers of certain other spending allocation requirements. S. 976 would provide states with greater flexibility in allocating grant funds and allows an additional year to obligate and spend them. The bill also would permanently revise the minimum allotment determination.

Alcohol and Drug Prevention or Treatment Services for Indians and Native Alaskans. S. 976 would authorize grants to provide substance abuse prevention and treatment services for Indian tribes, tribal organizations, and Native Alaskans. The bill also would establish a commission to study and report on health care issues in these populations. It would authorize $15 million for the prevention and treatment program and $5 million for the commission in 2000 and such sums as necessary in 2001 and 2002. Subject to appropriation of the necessary amounts, these provisions would cost $2 million in 2000 and $55 million during 2000 through 2004.

Other provisions

Data Infrastructure. S. 976 would authorize such sums as necessary for 2000 through 2002 for a new grant program to support data infrastructure development in the states. To facilitate compliance with performance partnership requirements, the bill would provide financial assistance for states to develop and operate mental health and substance abuse data collection, analysis, and reporting systems. CBO estimates that the necessary authorization would be $100 million in each year, adjusted for inflation. Assuming appropriation of the estimated amounts, implementing this provision would cost $10 million in 2000 and $271 million over the 2000–2004 period.

Miscellaneous Provisions. The bill would provide states with additional flexibility in their use of federal grant funds while enhancing accountability through effective performance measurements. The bill also would reduce some of SAMHSA's administrative costs associated with managing its programs. On balance, CBO estimates that the administrative burden associated with the proposed expansion of programs under SAMHSA's management, including the costs of promulgating new regulations and submitting additional reports to the Congress, would exceed any savings that would be generated by the bill. Although S. 976 does not explicitly authorize funding for program management, CBO estimates authorizations of appropriations for SAMHSA program administration under S. 976 at $58 million in 2000 and subsequent years, adjusted for inflation. Assuming appropriation of the necessary amounts, such administrative expenses would cost $57 million in 2000 and $180 million over the 2000–2004 period.

S. 976 also would require the Secretary of HHS to develop and implement new rules concerning use of seclusion and restraints on residents of certain facilities supported by federal funds. The bill also would apply nondiscrimination and institutional safeguards to religious providers of substance abuse services. In cases where a client objects to the religious nature of the organization, the bill would require that appropriate referral services be provided. CBO assumes that, as a condition of grant assistance, states would bear the cost of enforcing compliance with the referral requirement. Finally, the bill would require that the Secretary of HHS submit a report to the Congress within two years of enactment on the issue of prevention and treatment of individuals with co-occurring mental health and substance abuse disorders.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. Enacting S. 976 as amended by the managers' amendment of October 22, 1999, would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

Estimated impact on state, local, and tribal governments: The bill would provide grants to state, local, and tribal governments, as well as other private and nonprofit entities, for substance abuse and mental health programs. The grant programs cover a variety of activities including prevention, intervention, training, counseling, mental health, and community and youth services.

In most cases, the funds authorized by this bill would be available for grants to both public and private (including nonprofit) entities. However, two large block grants would make funds available to states: the Community Mental Health Services Performance Partnership Block Grant ($450 million in fiscal year 2000) and the Substance Abuse Prevention and Treatment Performance Partnership Block Grant ($2 billion in fiscal year 2000). The bill also would authorize $40 million in fiscal year 2000 for grants to state and local juvenile justice agencies that provide services to youth offenders who have or who may be at risk of developing mental, behavioral, or emotional disorders.

In some cases, additional conditions of assistance would be placed on grant programs.

However, these conditions would not be intergovernmental mandates as defined in UMRA, and overall, state, local, and tribal governments would benefit from increased funding, the extension of existing grant programs, and in many cases a greater degree of flexibility in administering substance abuse programs.

Estimated impact on the private sector: The bill contains no private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Julia Christensen. Impact on State, Local, and Tribal Governments: Leo Lex.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, October 26, 1999, the Federal debt stood at $5,678,650,010,507.85 (Five trillion, six hundred seventy-eight billion, six hundred fifty million, ten thousand, five hundred seven dollars and eighty-five cents).

One year ago, October 26, 1998, the Federal debt stood at $5,555,572,000,000 (Five trillion, five hundred fifty-five billion, five hundred seventy-two million).

Five years ago, October 26, 1994, the Federal debt stood at $4,713,110,000,000 (Four trillion, seven hundred thirteen billion, one hundred ten million).

Ten years ago, October 26, 1989, the Federal debt stood at $2,878,967,000,000 (Two trillion, eight hundred seventy-eight billion, nine hundred sixty-seven million).

Fifteen years ago, October 26, 1984, the Federal debt stood at $1,599,295,000,000 (One trillion, five hundred ninety-nine billion, two hundred ninety-five million) which reflects a debt increase of more than $4 trillion—$4,079,355,010,507.85 (Four trillion, seventy-nine billion, three hundred fifty-five million, ten thousand, five hundred seven dollars and eighty-five cents) during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:50 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1652. An act to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building.

S. 437. An act to designate the United States courthouse under construction at 333 Las Vegas Boulevard South in Las Vegas, Nevada, as the ''Lloyd D. George United States Courthouse.''

The message also announced that the House has agreed to the amendments of the Senate to the bill (H.R. 1175) to locate and secure the return of Zachary Baumel, a United States citizen, and other Israeli soldiers missing in action.

The message further announced that pursuant to section 1404 of Public Law 99–661 (20 U.S.C. 4703), the Minority Leader appoints the following Member to the Barry Goldwater Scholarship and Excellence in Education Foundation: Mr. OWEN B. PICKETT of Virginia.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1255. An act to protect consumers and promote electronic commerce by amending certain trademark infringement, dilution, and counterfeiting laws, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 970. An act to authorize the Secretary of the Interior to provide assistance to the Perkins County Rural Water System, Inc. for the construction of water supply facilities in Perkins County, South Dakota.

H.R. 1528. An act to reauthorize and amend the National Geologic Mapping Act of 1992.

H.R. 1753. An act to promote the research, identification, assessment, exploration, and development of gas hydrate resources, and other purposes.

H.R. 2496. An act to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994.

H.R. 2885. An act to provide uniform safeguards for the confidentiality of information acquired for exclusively statistical purposes, and to improve the efficiency and quality of Federal statistics and Federal statistical programs by permitting limited sharing of records among designated agencies for statistical purposes under strong safeguards.

H.R. 2970. An act to prescribe certain terms for the resettlement of the people of Rongelap Atoll due to conditions created of Rongelap during United States administration of the Trust Territory of the Pacific Islands, and other purposes.

H.R. 3061. An act to amend the Immigration and Nationality Act to extend for an additional 2 years the period for admission of an alien as a nonimmigrant under section 101(a)(15)(S) of such Act, and to authorize appropriations for the refugee assistance program under chapter 2 of title IV of the Immigration and Nationality Act.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 20. Concurrent resolution concerning economic, humanitarian, and other assistance to the northern part of Somalia.

H. Con. Res. 46. Concurrent resolution urging an end of the war between Eritrea and Ethiopia and calling on the United Nations Human Rights Commission and other human rights organizations to investigate human rights abuses in connection with the Eritrean and Ethiopian conflict.

H. Con. Res. 102. Concurrent resolution celebrating the 50th anniversary of the Geneva Conventions of 1949 and recognizing the humanitarian safeguards these treaties provide in times of armed conflict.

H. Con. Res. 188. Concurrent resolution commending Greece and Turkey for their mutual and swift response to the recent earthquakes in both countries by providing to each other humanitarian assistance and rescue relief.

H. Con. Res. 190. Concurrent resolution urging the United States to seek a global consensus supporting a moratorium on tariffs on special, multiple, and discriminatory taxation of electronic commerce.

H. Con. Res. 208. Concurrent resolution expressing the sense of Congress that there should be no increase in Federal taxes in order to fund additional Governmental spending.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2496. An act to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994; to the Committee on Environment and Public Works.

H.R. 2885. An act to provide uniform safeguards for the confidentiality of information acquired for exclusively statistical purposes, and to improve the efficiency and quality of Federal statistics and Federal statistical programs by permitting limited sharing of records among designated agencies for statistical purposes under strong safeguards; to the Committee on Governmental Affairs.

H.R. 2970. An act to prescribe certain terms for the resettlement of the people of Rongelap Atoll due to conditions created of Rongelap during United States administration of the Trust Territory of the Pacific Islands, and other purposes; to the Committee on Energy and Natural Resources.

The following bills were referred to the Committee on Banking, Housing, and Urban Affairs by unanimous consent, sequentially, and if the bills are not reported by that Committee by November 2, 1999, the Committee be discharged from further consideration thereof, and the bills be placed on the calendar:

S. 225. A bill to provide housing assistance to Native Hawaiians.

S. 400. A bill to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes.

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 20. Concurrent resolution concerning economic, humanitarian, and other assistance to the northern part of Somalia; to the Committee on Foreign Relations.

H. Con. Res. 46. Concurrent resolution urging an end of the war between Eritrea and Ethiopia and calling on the United Nations

Human Rights Commission and other human rights organizations to investigate human rights abuses in connection with the Eritrean and Ethiopian conflict; to the Committee on Foreign Relations.

H. Con. Res. 102. Concurrent resolution celebrating the 50th anniversary of the Geneva Conventions of 1949 and recognizing the humanitarian safeguards these treaties provide in times of armed conflict; to the Committee on the Judiciary.

H. Con. Res. 188. Concurrent resolution commending Greece and Turkey for their mutual and swift response to the recent earthquakes in both countries by providing to each other humanitarian assistance and rescue relief; to the Committee on Foreign Relations.

H. Con. Res. 208. Concurrent resolution expressing the sense of Congress that there should be no increase in Federal taxes in order to fund additional Governmental spending; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bills were read twice and placed on the calendar:

H.R. 970. An act to authorize the Secretary of the Interior to provide assistance to the Perkins County Rural Water System, Inc. for the construction of water supply facilities in Perkins County, South Dakota.

H.R. 1528. An act to reauthorize and amend the National Geologic Mapping Act of 1992.

H.R. 1753. An act to promote the research, identification, assessment, exploration, and development of gas hydrate resources, and other purposes.

H.R. 3061. An act to amend the Immigration and Nationality Act to extend for an additional 2 years the period for admission of an alien as a nonimmigrant under section 101(a)(15)(S) of such Act, and to authorize appropriations for the refugee assistance program under chapter 2 of title IV of the Immigration and Nationality Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5839. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 99–52), received October 25, 1999; to the Committee on Finance.

EC–5840. A communication from the Mayor of the District of Columbia, transmitting pursuant to law, the report of a violation of the Antideficiency Act, report number 99–86; to the Committee on Appropriations.

EC–5841. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received October 25, 1999; to the Committee on Governmental Affairs.

EC–5842. A communication from the Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–5843. A communication from the Commissioner of Social Security, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–5844. A communication from the Executive Director, Federal Reserve Employee Benefits System, transmitting, pursuant to law, the annual report of the Retirement Plan for Employees of the Federal Reserve System and the Thrift Plan for Employees of the Federal Reserve System for 1998; to the Committee on Governmental Affairs.

EC–5845. A communication from the Office of Independent Counsel, transmitting, pursuant to law, the annual report relative to audit and investigative activities and management control systems for fiscal year 1999; to the Committee on Governmental Affairs.

EC–5846. A communication from the Director Designee, Federal Mediation and Conciliation Service, transmitting, pursuant to law, the annual report relative to audit and investigative activities for fiscal year 1999; to the Committee on Governmental Affairs.

EC–5847. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to notification of a proposed approval for the export of defense articles sold commercially under a contract in the amount of $50,000,000 or more to French Guiana; to the Committee on Foreign Relations.

EC–5848. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–5849. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to the Federation of Bosnia and Herzegovina; to the Committee on Foreign Relations.

EC–5850. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–5851. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–5852. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–5853. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Turkey; to the Committee on Foreign Relations.

EC–5854. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–5855. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Italy; to the Committee on Foreign Relations.

EC–5856. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to the Netherlands; to the Committee on Foreign Relations.

EC–5857. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Luxembourg and French Guiana; to the Committee on Foreign Relations.

EC–5858. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–5859. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Luxembourg; to the Committee on Foreign Relations.

EC–5860. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed Technical Assistance Agreement with Greece; to the Committee on Foreign Relations.

EC–5861. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed Technical Assistance Agreement with Brazil; to the Committee on Foreign Relations.

EC–5862. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed Manufacturing License Agreement with the United Kingdom; to the Committee on Foreign Relations.

EC–5863. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed Manufacturing License Agreement with Greece; to the Committee on Foreign Relations.

EC–5864. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Initial Report of the United States of America to the UN Committee Against Torture''; to the Committee on Foreign Relations.

EC–5865. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to ''countries of particular concern'' relating to religious freedom; to the Committee on Foreign Relations.

EC–5866. A communication from the Architect of the Capitol, transmitting, pursuant to law, a report of expenditures for the period October 1, 1998 through March 31, 1999; to the Committee on Appropriations.

EC–5867. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a Memorandum of Justification relative to Ex-Im Bank financing of the sale of defense articles to Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–5868. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; 64 FR 56174; 10/18/99'', received October 25, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5869. A communication from the Deputy Secretary, Office of Mergers and Acquisitions, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Cross-Border Tender and Exchange Offers, Business Combination and Rights Offerings'', received October 26, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5870. A communication from the Deputy Secretary, Office of Mergers and Acquistions, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Takeovers and Security Holder Communications—('Regulation M–A')'', received October 26, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5871. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Missouri Regulatory Program'', received October 26, 1999; to the Committee on Energy and Natural Resources.

EC–5872. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the denial of safeguards information; to the Committee on Environment and Public Works.

EC–5873. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans Tennessee; Approval of Source Specific Revisions to the Nonregulatory Portion of the Tennessee SIP Regarding Emission Limits for Particulate Matter and Volatile Organic Compounds'' (FRL #6465–1), received October 25, 1999; to the Committee on Environment and Public Works.

EC–5874. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Bull Trout in the Coterminous United States'' (RIN1018–AF01), received October 25, 1999; to the Committee on Environment and Public Works.

EC–5875. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Cooperative Threat Reduction Act, a report relative to the Republic of Moldova, the Russian Federation and Ukraine; to the Committee on Armed Services.

EC–5876. A communication from the Assistant General Counsel for Regulations, Office of Student Financial Assistance, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Student Assistance General Provisions (Cohort Default Rates)'' (RIN1845–AA04), received October 25, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5877. A communication from the Assistant General Counsel for Regulations, Office of Student Financial Assistance, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Federal Family Education Loan (FFEL) Program (Lenders and Guaranty Agencies)'' (RIN1845–AA04), received October 25, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5878. A communication from the Assistant General Counsel for Regulations, Office of Student Financial Assistance, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Regulations—Institutional Eligibility under the Higher Education Act of 1965, as Amended and Student Assistance General Provisions'' (RIN1845–AA08), received October 25, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5879. A communication from the Assistant General Counsel for Regulations, Office of Student Financial Assistance, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Regulations—Student Assistance General Provisions'' (RIN1845–AA03), received October 25, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5880. A communication from the Assistant General Counsel for Regulations, Office of Student Financial Assistance, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Federal Perkins Loan Program'' (RIN1845–AA05), received October 25, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5881. A communication from the Assistant General Counsel for Regulations, Office of Student Financial Assistance, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Federal Family Education Loan Program and William D. Ford Direct Loan Program'' (RIN1845–AA00), received October 25, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5882. A communication from the Secretary of Transportation, transmitting, a report entitled ''Entry and Competition in the U.S. Airline Industry: Issues and Opportunities''; to the Committee on Commerce, Science, and Transportation.

EC–5883. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; Princeton and Elk River, MN'' (MM Docket No. 98-208; RM–9396), received October 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5884. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; Cal-Nev-Ari, Boulder City and Las Vegas, NV'' (MM Docket No. 93–279; DA–99–2115), received October 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5885. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; Mount Olive and Staunton, IL,'' (MM Docket No. 99–167; RM 9391), received October 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5886. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; Fremont and Holton, MI,'' (MM Docket No. 98–180; RM 9365), received October 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5887. A communication from the Acting Assistant Chief Counsel, Office of Motor Carrier Safety, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Motor Carrier Safety Regulations'' (RIN2125–AE70), received October 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5888. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Mile 94.0 to Mile 96.0, Lower Mississippi River, Above Head of Passes (COTP New Orleans-99–027)'' (RIN2115–AA97) (1999–0067), received October 25, 1999; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself and Mr. LEAHY):

S. 1798. A bill to amend title 35, United States Code, to provide enhanced protection for investors and innovators, protect patent terms, reduce patent litigation, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 1799. A bill for the relief of Sergio Lozano; to the Committee on the Judiciary.

By Mr. GRAHAM:

S. 1800. A bill to amend the Food Stamp Act of 1977 to improve onsite inspections of State food stamp programs, to provide grants to develop community partnerships and innovative outreach strategies for food

stamp and related programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MOYNIHAN:

S. 1801. A bill to provide for the identification, collection, and review for declassification of records and materials that are of extraordinary public interest to the people of the United States, and for other purposes; to the Committee on Governmental Affairs.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1802. A bill to suspend temporarily the duty on instant print film; to the Committee on Finance.

By Mr. ROBB (for himself, Mr. BAUCUS, Mr. BINGAMAN, Mrs. BOXER, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Mrs. MURRAY, Mr. REID, Mr. SARBANES, and Mr. LIEBERMAN):

S. 1803. A bill to amend the Internal Revenue Code of 1986 to extend permanently and expand the research tax credit; to the Committee on Finance.

By Mr. MCCAIN:

S. 1804. A bill to direct the Secretary of Commerce, in consultation with the Director of the Office of Science Technology and the Director of the National Science Foundation, to establish a program for increasing the United State's scientific, technology, and mathematical resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. LEAHY, and Mr. JEFFORDS):

S. 1805. A bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BINGAMAN (for himself, Mr. COVERDELL, Mr. DOMENICI, Mr. HOLLINGS, and Mr. CLELAND):

S. 1806. A bill to authorize the payment of a gratuity to certain members of the Armed Forces who served at Bataan and Corregidor during World War II, or the surviving spouses of such members, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 1807. A bill to provide for increased access to airports in the United Kingdom by United States air carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER (for himself and Mr. BIDEN):

S. 1808. A bill to reauthorize and improve the drug court grant program; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. HARKIN, Mr. FRIST, Ms. COLLINS, Mr. WELLSTONE, Mr. REED, Mr. DODD, and Mrs. MURRAY):

S. 1809. A bill to improve service systems for individuals with developmental disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself, Mr. JEFFORDS, Mr. CONRAD, Mr. KERREY, Mr. DORGAN, Mr. BINGAMAN, and Mr. SARBANES):

S. 1810. A bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures; to the Committee on Veterans' Affairs.

By Mr. LEVIN:

S. 1811. A bill for the relief of Sophia Shiklivsky and her husband Vasili Chidlivski; to the Committee on the Judiciary.

By Mr. WARNER:

S. 1812. A bill to establish a commission on a nuclear testing treaty, and for other purposes; to the Committee on Foreign Relations.

By Mr. KENNEDY (for himself, Mr. FRIST, Mr. JEFFORDS, Ms. MIKULSKI, Mrs. MURRAY, Mr. DURBIN, and Mr. COCHRAN):

S. 1813. A bill to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH of Oregon (for himself, Mr. GRAHAM, Mr. CRAIG, Mr. CLELAND, Mr. MCCONNELL, Mr. COVERDELL, Mr. MACK, Mr. COCHRAN, Mr. HELMS, Mr. GRAMS, Mr. CRAPO, Mr. BUNNING, and Mr. VOINOVICH):

S. 1814. A bill to establish a system of registries of temporary agricultural workers to provide for a sufficient supply of such workers and to amend the Immigration and Nationality Act to streamline procedures for the admission and extension of stay of nonimmigrant agricultural workers, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself and Mr. SMITH of Oregon):

S. 1815. A bill to provide for the adjustment of status of certain aliens who previously performed agricultural work in the United States to that of aliens who are lawfully admitted to the United States to perform that work; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. Res. 207. A resolution expressing the sense of the Senate regarding fair access to Japanese telecommunications facilities and services; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mr. MOYNIHAN):

S. Con. Res. 62. A concurrent resolution recognizing and honoring the heroic efforts of the Air National Guard's 109th Airlift Wing and its rescue of Dr. Jerri Nielsen from the South Pole; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mr. LEAHY):

S. 1798. A bill to amend title 35, United States Code, to provide enhanced protection for investors and innovators, protect patent terms, reduce patent litigation, and for other purposes; to the Committee on the Judiciary.

THE AMERICAN INVENTORS PROTECTION ACT OF 1999

Mr. HATCH. Mr. President, I am pleased to rise today, along with the Ranking Member on the Judiciary Committee, Senator LEAHY, to introduce the American Inventors Protection Act of 1999. Simply put, this legislation reflects several years of discussions and consensus-building efforts in the Senate and the House, and represents the most important and most comprehensive reforms to our nation's patent system in nearly half a century. As we prepare to enter a new millennium built on high-tech growth, the Internet, and electronic commerce, in which American competitiveness will depend on the strength of the patent system and the protections it affords, this legislation could not be more timely.

The last time the Patent Act underwent a significant update was in 1952. Since then, our Nation has experienced an unprecedented explosion of technology growth and a tremendous expansion of the global market for the fruits of American ingenuity. Yet our patent laws have remained largely unchanged in the face of the new demands engendered by these developments. This legislation—which many of my colleagues will recognize as a compromise version of the Omnibus Patent Act passed by the Judiciary Committee with near unanimity more than 2 years ago—will effect targeted changes to the patent code to equip the patent system to meet the challenges of new technology and new markets as we approach the new millennium, while at the same time promoting American competitiveness and ensuring adequate protection for American innovators, both at home and abroad.

As many of my colleagues know, this legislation is the product of several years of discussion and extensive efforts to reach agreement on a responsible package of patent reforms. The Senate made significant progress toward consensus during the last Congress when several key compromises were reached in the Judiciary Committee to strengthen the bill's protections for small businesses and independent inventors and to preserve America's competitive edge in the face of increasing global competition. I was pleased this year to see those efforts continued in the House, where the supporters and former opponents of the bill agreed to sit down and work through their differences to produce a constructive patent reform bill. The result is H.r. 1907, which has 59 cosponsors in the House—including the most ardent opponents of prior reform measures—and was passed in the House by a 376–43 vote.

In many ways, the House-passed ''American Inventors Protection Act'' builds upon the compromises reached in the Senate during the last Congress. For example, the widespread agreement on 18-month publication of patent applicants is centered around the

Senate compromise that allowed inventors to avoid disclosure of their applications by not filing their application abroad, where 18-month publication is now the rule. Similarly, estoppel provisions similar to those agreed to in the Senate form a key component on the broad-based agreement on patent reexamination reform. I am pleased to see these compromises preserved and to see that the House has built upon them to reach the sort of broad consensus on patent reform that I have long advocated.

The bill Senator LEAHY and I are introducing today in the Senate preserves these important compromises and adds to them a number of important provisions. For example, our bill includes a title not in the House bill to reduce patent fees for only the second time in history (the first time fees were reduced was last year in a bill Senator LEAHY and I ushered through the Senate), to ensure that trademark fees are spent only for trademark-related operations, and to require a study of alternative fee structures to encourage maximum participation by the American inventor community. Our bill also adds important provisions to enhance protections for our national security by preventing disclosure of sensitive and strategic patent-related information and by helping to identify national security positions at the Patent and Trademark Office (PTO) and obtain appropriate security clearances for PTO employees. The bill also prohibits the Commissioner of Patents and Trademarks from entering into an agreement to exchange U.S. patent data with certain foreign countries without explicit authorization from the Secretary of Commerce. Also in our bill is a requirement that GAO conduct a study on patents issued for methods of doing or conducting business, which have been the subject of a 75 percent increase in applications at the PTO/

Like the House bill, our legislation will achieve a number of important substantive patent reforms, consistent with the principles of protecting American inventors, our national competitiveness, and the integrity of our patent system.

First, the bill provides inventors with enhanced protections against invention promotion scams by creating a private right of action for inventors harmed by deceptive and fraudulent practices and by requiring invention promoters to disclose certain information in writing prior to entering into a contract for invention promotion services. An inventor who is harmed by any material false or fraudulent statement or representation, or any omission of material fact, by an invention promoter, or by the invention promoter's failure to make the required disclosures, may recover actual damages or, at the plaintiff's election, statutory damages in an amount up to $5,000, as the court considers just, plus reasonable costs and attorneys' fees. A court may award increased damages, up to treble damages, where it finds such conduct to have been intentional and done with the intent to deceive the inventor. And, in an effort to provide better access to information for inventors, the Patent and Trademark Office is required to make publicly available all complaints received involving invention promoters, along with any response of the invention promoter.

Second, as noted above, the bill will reduce patent fees, protect trademark fees from being diverted to non-trademark uses, and require the PTO to study alternative fee structures to encourage maximum participation by American inventors.

Third, the bill provides a ''first inventor defense'' to an action for patent infringement for someone who has reduced an invention to practice at least one year before the effective filing date of the patent and commercially used the subject matter before the effective filing date of such patent. The bill responds to recent changes in PTO practice and the Federal Circuit's 1998 decision in *State Street Bank & Trust Co.* v. *Signature Financial Group*, 149 F.3d 1360 (Fed Cir. 1998), in which it formally did away with the so-called ''business methods'' exception to statutory patentable subject matter. As a result, patent filings for business methods are up by 75 percent this year, and many who have been using business methods for many years pursuant to trade secret protection—believing such methods were not patentable—are now faced with potential patent infringement suits from others who, while they may have come later to the game, were first to reach the patent office after the bar to patentability for business methods was lifted.

Fourth, the bill will guarantee a minimum 17-year patent term for diligent applicants, addressing concerns that have been expressed since the United States went to a 20-year from filing term of protection with the adoption of the Uruguay Round Agreements Act in 1994.

Fifth, the bill will place American inventors on a level playing field with their foreign competitors by providing for domestic publication in English of those patent applications that are now subject to foreign publication by foreign patent offices, while still retaining the option inventors now enjoy of preserving the secrecy of their application by not filing abroad. It also protects American inventors from broader disclosure of their invention through domestic publication than occurs in foreign publications by allowing the patent applicant to submit a redacted copy of their application for publication. This provision will effectively facilitate access to information that will enable inventors to target their resources more effectively while also providing, for the first time, effective interim protection for inventors during patent pendency.

Sixth, the bill is designed to reduce litigation in district courts and make reexamination a viable, less-costly alternative to patent litigation by giving third-party requesters the option of inter-partes reexamination procedures (in addition to the current ex parte reexamination procedures). Under this optional procedure, the third party is afforded an expanded, although still limited, role in the reexamination process through an opportunity to respond, in writing, to an action by a patent examiner when, but only when, the patent owner does so. These expanded rights for third parties are carefully balanced with incentives to prevent abusive reexamination requests, including broad estoppel provisions and severe restrictions on appeals.

Finally, the bill will make a number of miscellaneous, yet important patent reforms.

In short, the provisions of this bill now enjoy widespread bipartisan and bicameral support. The total package of changes that have been made to this legislation over the past several years are both responsive and comprehensive. The time to act on this package of reforms is now. Intellectual property, and patents in particular, are among our nation's greatest assets in this technology-dominated age. Our patent system must be equipped to handle the challenges of the new millennium and to protect our nation's creators into the next century. The strength of our economy depends upon it. If we do not, we will lose our edge in the ongoing race for technological and economic leadership in the world economy.

In the most simple of terms, we must have a patent system that is state of the art. The bill Senator LEAHY and I are introducing today will help to provide just that. I hope that my colleagues will join with me in giving their overwhelming support for this measure.

Mr. LEAHY. Mr. President, I am very pleased to join with Senator HATCH in introducing the ''American Inventors Protection Act of 1999,'' which I hope can be enacted into law this year.

This patent bill is important to America's future. I have heard from inventors, from businesses large and small, from hi-tech to low-tech firms that this bill will give American inventors and businesses an improved competitive edge now enjoyed by many European countries.

We should be on a level playing field with them.

This bill reduces patent fees for only the second time in history. The first time that was done was also in a Hatch-Leahy bill passed by the Senate in the 105th Congress.

All the concepts in this bill—such as patent term guarantees, domestic publication of patent applications filed abroad, first inventor defense—have been thoroughly examined. Indeed, they have been included in several bills that the Congress has carefully studied.

Chairman HATCH and I have worked closely on this bill. I believe that we can get a good patent bill to the President before we go out of session this year. I look forward to working with the House on these issues and appreciate the hard work and careful crafting that went into their bill—H.R. 1907.

I wish to point out that the Senate Judiciary Committee last year also developed a strong bill—S. 507—which contained many of the same concepts and approaches found in H.R. 1907 and S. 1798.

It is long past time for the Senate to consider and pass this patent reform legislation. Our patent bill will be good for Vermont, good for Utah and every state in the Nation, good for American innovators of all sizes, and good for America.

We will be working with the Administration, the full Senate and with the House to move this bill along quickly. I hope we can keep this bipartisan coalition together because otherwise this bill will die, as past efforts have.

The patent bill will reform the U.S. patent system in important ways.

It will reduce legal fees that are paid by inventors and companies; eliminate duplication of research efforts and accelerate research into new areas; increase the value of patents to inventors and companies; and facilitate U.S. inventors and companies' research, development, and commercialization of inventions.

In Vermont, we have a number of independent inventors and small companies. It is, therefore, especially important to me that this bill will be one that helps them as well as the larger companies in Vermont like IBM.

Over the past several years, Congress has held eight Congressional hearings with more than 80 witnesses testifying about the various proposals incorporated in the bill. Republican and Democratic Administrations alike, reaching back to the Johnson Administration, have supported these similar reforms.

I also thank Secretary Daley and the administration for their unflagging support of effective patent reform. I also know that they worked closely with the House on H.R. 1907. I will submit a more detailed statement on S. 1798 before we proceed to Senate consideration.

By Mrs. FEINSTEIN:

S. 1799. A bill for the relief of Sergio Lozano; to the Committee on the Judiciary.

PRIVATE RELIEF BILL

• Mrs. FEINSTEIN. Mr. President, I rise today to offer legislation that provides permanent resident status to Sergio Lozano who, with his younger sister and brother, were granted immigrant visas to come to the United States with their mother in 1997. Unfortunately, they lost the opportunity to be come immigrants when they tragically lost their mother in that same year.

Sergio Lozano lived with his siblings and their mother, Ana Ruth Lozano, until her death in February of this year due to complications from typhoid fever. Since their mother's death, the three siblings have been living with their closest relative, their U.S. citizen grandmother who lives in Los Angeles and has since adopted the two younger children.

Without his mother, Sergio does not have the legal right to remain in the United States. When he first arrived in the U.S. at 17, he was unable to obtain lawful permanent residence because immigration law prohibits permanent legal residency to minor children without their parents. However, as a child of 17, he was also outside the age limit for adoption by his grandmother. As a result, Sergio, through no fault of his own, has been left in limbo in the United States.

Without legal status, this young man can be deported by the INS despite the fact that he has no immediate family in El Salvador except their estranged father who was alleged to have been abusive to the mother and the children.

Without the legislation, Sergio will most likely be separated from his brother and sister and sent back to El Salvador. Here in the U.S., he can remain with his brother and sister, further his education and continue to thrive in the loving environment provided by his U.S. citizen grandmother and uncles.

I have previously sought administrative relief for all three Lozano children by asking the INS district office in Los Angeles and Commissioner Meissner if any humanitarian exemptions could be made in their case. INS told my staff that there was nothing further they could do administratively and a private relief bill may be then only way to protect the children from deportation. Since then, the two younger Lozano children have been adopted by their grandmother and have received approval of their lawful permanent resident petitions. Like his siblings, Sergio has too suffered a sense of loss and bewilderment after losing a parent. However. unlike his sister and brother, he stands to be deprived of the security of his American family and deported back to a land he no longer knows, if only as a consequence of being born two years too soon.

Last year, the Senate passed by unanimous consent the private bill I introduced on behalf of Sergio Lozano and his siblings. However, the 105th Congress came to a close before the House was able to act.

This year, I hope you will support the bill on behalf of Sergio Lozano so that we can help him begin to rebuild his life with his loving family in the United States.•

By Mr. GRAHAM:

S. 1800. A bill to amend the Food Stamp Act of 1977 to improve onsite inspections of State food stamp programs, to provide grants to develop community partnerships and innovative outreach strategies for food stamp and related programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FOOD STAMP OUTREACH AND RESEARCH FOR KIDS ACT OF 1999 (THE FORK ACT)

• Mr. GRAHAM. Mr. President, today, I am pleased to introduce The Food Stamp Outreach and Research for Kids Act of 1999.

Along with my House colleagues Representatives WILLIAM COYNE and SANDER LEVIN, I created this common sense piece of legislation with the goal of guarding children and their families against hunger.

In 1998, over 14 million children lived in households that could not afford to buy food.

That was an increase of almost 4 million children from 1997.

At the same time, the number of poor children not getting Food Stamps reached its highest level in a decade.

My bill, the Food Stamp Outreach for Kids Act of 1999 (the FORK Act), would help us to give children who are currently going hungry the Food Stamps that they need.

Some time ago, food banks in Florida started telling me that the number of people coming to them for assistance was increasing, and that if demand continued at the current rate, they might run out of food.

This crisis was not specific to Florida, Congressman COYNE and Congressman LEVIN were hearing the same concerns from food banks in Pennsylvania and Michigan.

When we asked them whom the new people coming to the food banks were, we were told that they were mostly low-income working families.

When the food banks screened these families using eligibility guidelines, it looked as if the majority of the new people coming to the food banks for assistance should have been receiving food stamps but were not.

The General Accounting Office (GAO) researched this issue, and in their July, 1999 report found that while a number of people who have left the Food Stamp program because of the improved economy, economic growth alone does not explain the drop in Food Stamp participation.

The GAO found that demand for emergency and supplemental food was

increasing and that some state agencies were not correctly following federal laws regarding Food Stamp benefits.

Perhaps most disturbing of all, the GAO found that almost half of the people who have lost Food Stamps since 1996 are children.

The FORK Act is designed to address GAO's findings and recommendations to make certain that children and families in this country are not going hungry.

The FORK Act would provide grant funding to food banks, schools, health clinics, local governments and other entities that interact with working families. The grants would allow those organizations to develop and expand innovative approaches to Food Stamp outreach, which would help the Food and Nutrition Service enroll many of the eligible families that currently go hungry.

The FORK Act would require the Food and Nutrition Service (FNS) to conduct onsite inspections of state Food Stamp programs to identify barriers to enrollment and work with states to develop corrective action plans.

The FORK Act would authorize FNS to conduct research, which will help it to improve access, formulate nutrition policy and measure program impacts and integrity.

The FORK Act would require the Departments of Agriculture and Health and Human Services to work with state Temporary Assistance for Children and Families (TANF) programs to train caseworkers and make sure that prospective and former TANF recipients are property informed about Food Stamp eligibility.

Finally the FORK Act would authorize private-public partnerships to expand nutrition education programs.

Mr. President, I do not believe that there is a member in this Congress who ever intended for children to go hungry because their parents left welfare to go to work.

Now that we know it is happening, we must act quickly to make certain that the Food Stamp program works for children and families in need.

I hope that my Senate colleagues will join me in supporting this important legislation.

Mr. President, I ask that a list of groups supporting the bill be printed in the RECORD.

The material follows:

ORGANIZATIONS SUPPORTING THE FOOD STAMP OUTREACH AND RESEARCH ACT FOR KIDS 1999 (THE FORK ACT)

NATIONAL ORGANIZATIONS

ACORN
AFSCME
America's Second Harvest
American Federation of Teachers
American Friends Service Committee
Americans for Democratic Action
Brain Injury Association
Bread For The World
Catholic Charities USA
Center for Community Change
Children's Defense Fund
Coalition on Human Needs
Community Nutrition Institute
Food Research and Action Center
Foodchain
Friends Committee on National Legislation
Jewish Council for Public Affairs
Lutheran Office for Governmental Affairs, ELCA
Lutheran Services in America
MAZON: A Jewish Response to Hunger
McAuley Institute
Mennonite Center Committee U.S. Washington Office
Migrant Legal Action Program
National Asian Pacific American Legal Consortium
National Association of Child Advocates
National Association of Social Workers
National Center on Poverty Law
National Commodity Supplemental Food Program Association
National Council of Churches
National Council of La Raza
National Immigration Law Center
National Law Center on Homelessness & Poverty
National Urban League
National Women's Law Center
NETWORK, A National Catholic Social Justice Lobby
Religious Action Center of Reform Judaism
RESULTS
The General Board of Church and Society of the United Methodist Church
Union of Needletrades, Industrial & Textile Employees (UNITE)
Unitarian Universalist Service Committee
United Automobile, Aerospace, and Agricultural Implement Workers of America
United Church of Christ, Office for Church in Society
United Food and Commercial Workers
United States Conference of Mayors
Welfare Law Center
Wider Opportunities for Women
World Hunger Year

ALABAMA

Alabama Coalition Against Hunger

ARIZONA

Chidren's Action Alliance
Lutheran Advocacy Ministry in Arizona
World Hunger Ecumenical Arizona Task-Force (WHEAT)

ARKANSAS

Arkansas Hunger Coalition

CALIFORNIA

Alameda County Community Food Bank
California Food Policy Advocates
California Statewide Lao Hmong Coalition
Chico Hmong Advisory Council
Desert Cities Hunger Action
Food First/The Institute for Food and Development Policy
Food Share, Inc./Ventura County Food Bank
Los Angeles Coalition to End Hunger & Homelessness
Lutheran Office of Public Policy—California
Southland Farmers' Market Association
The San Diego Hunger Coalition

COLORADO

Lutheran Office of Governmental Ministry—Colorado
Weld Food Bank

CONNECTICUT

CY Anti-Hunger Coalition/CT Association for Human Services
End Hunger Connecticut!
Foodshare of Greater Hartford

DELAWARE

Food Bank of Delaware

DISTRICT OF COLUMBIA

Capital Area Community Food Bank

FLORIDA

Daily Bread Food Bank
Florida Association for Community Action
Florida Atlantic University Department of Social Work
Florida Impact
Harry Chapin Food Bank

GEORGIA

Atlanta Community Food Bank
Georgia Citizens Coalition on Hunger

HAWAII

Task Force on Children's Nutrition Rights (of World Alliance on Nutrition and Human Rights)

IDAHO

Idaho Community Action Network
The Idaho Food Bank

ILLINOIS

Chicago Anti-Hunger Federation
Illinois Hunger Coalition

INDIANA

Indiana Food & Nutrition Network
Lafayette Urban Ministries

IOWA

Food Bank of Iowa

KANSAS

Campaign to End Childhood Hunger (Wichita, KS)

KENTUCKY

Kentucky Task Force on Hunger

LOUISIANA

Bread for the World—New Orleans

MAINE

Hospitality House Inc.
Maine Coalition for Food Security

MARYLAND

Community Assistance Network

MASSACHUSETTS

Boston Medical Center Department of Pediatrics
Food Bank of Western Massachusetts
Massachusetts Law Reform
National Priorities Project
Project Bread
Survivors, Inc.

MICHIGAN

Capitol Area Community Services
Center for Civil Justice
Hunger Action Coalition of Michigan

MINNESOTA

Adults & Childrens Alliance
Lutheran Coalition for Public Policy in Minnesota
Minnesota FoodShare
Second Harvest St. Paul Food Bank

MISSISSIPPI

Mississippi Human Services Coalition

MISSOURI

Harvesters—The Community Food Network
Missouri Association for Social Welfare
Reform Organization of Welfare (ROWEL)

MONTANA

Montana Hunger Coalition

NEBRASKA

Nebraska Appleseed Center for Law in the Public Interest

NEVADA

Progressive Leadership Alliance of Nevada

NEW HAMPSHIRE

New Hampshire Food Bank

NEW JERSEY

Community Food Bank of New Jersey
Food Bank of South Jersey
Statewide Emergency Food and Anti-Hunger Network (SEFAN)

NEW MEXICO

New Mexico Advocates for Children and Families

NEW YORK

Community Food Resource Center
Federation of Protestant Welfare Agencies Inc.
Food Bank of Western New York
Health and Welfare Council of Long Island
Make the Road by Walking
NYC Coalition Against Hunger
New York Immigration Coalition
Task Force on Welfare Reform, NYC Chapter of National Association of Social Workers
The Nutrition Consortium of NYS
The Westchester Progressive Forum

NORTH CAROLINA

Food Bank of North Carolina
Manna Food Bank, Inc.
North Carolina Hunger Network

OHIO

Ohio Hunger Task Force

OKLAHOMA

Tulsa Community Food Bank

OREGON

Oregon Center for Public Policy
Oregon Food Bank
Oregon Hunger Relief Task Force

PENNSYLVANIA

Greater Philadelphia Coalition Against Hunger
Greater Pittsburgh Community Food Bank
Just Harvest
PA Hunger Action Center
Women's Association for Women's Alternatives

RHODE ISLAND

George Wiley Center and Campaign to Eliminate Childhood Poverty

SOUTH CAROLINA

SC Appleseed Legal Justice Center

SOUTH DAKOTA

Children's Agenda for South Dakota

TENNESSEE

MANNA
Tennessee Hunger Coalition

TEXAS

Center for Public Policy Priorities
Greater Dallas Community of Churches
North Texas Food Bank
Texas Alliance for Human Needs

UTAH

Crossroads Urban Center
Coalition of Religious Communities
Utahns Against Hunger

VERMONT

Vermont Campaign to End Childhood Hunger

VIRGINIA

Grassroots Innovative Policy Program
Virginia Poverty Law Center

WASHINGTON

Children's Alliance Food Policy Center
Washington State Anti-Hunger and Nutrition Coalition
Welfare Rights Organizing Coalition

WEST VIRGINIA

West Virginia Coalition on Food and Nutrition

WISCONSIN

Hunger Task Force of Milwaukee
Lutheran Coalition for Public Policy in Wisconsin
Women and Poverty Public Education Initiative.●

By Mr. MOYNIHAN:

S. 1801. A bill to provide for the identification, collection, and review for declassification of records and materials that are of extraordinary public interest to the people of the United States, and for other purposes; to the Committee on Governmental Affairs.

PUBLIC INTEREST DECLASSIFICATION ACT OF 1999

● Mr. MOYNIHAN. Mr. President, today I rise to introduce the Public Information Disclosure Act, a bill that seeks to add to our citizens' knowledge of how and why our country made many of its key national security decisions since the end of World War II. This bill creates a mechanism for comprehensively reviewing and declassifying, whenever possible, records of extraordinary public interest that demonstrate and record this country's most significant and important national security policies, actions, and decisions.

As James Madison once wrote, ''A people who mean to be their own governors must arm themselves with the power which knowledge gives.'' Acquiring this knowledge has become increasingly difficult since World War II's end, when we witnessed the rise of a vast national security apparatus that encompasses thousands of employees and over 1.5 billion classified documents that are 25 years or older. Secrecy, in the end, is a form of regulation. And I concede that regulation of state secrets is often necessary to protect national security. But how much needs to be regulated after having aged 25 years or more?

The warehousing and withholding of these documents and materials not only impoverish our country's historical record but retard our collective understanding of how and why the United States acted as it did. This means that we have less chance to learn from what has gone before; both mistakes and triumphs fall through the cracks of our collective history, making it much harder to resolve key questions about our past and to chart our future actions.

On the other hand, greater openness makes it more possible for the government to explain itself and to defend its actions, a not so unimportant thing when one recalls Richard Hofstader's warning in his classic 1964 essay The Paranoid Style in American Politics: ''The distinguishing thing about the paranoid style is not that its exponents see conspiracies here and there in history, but they regard a 'vast' or 'gigantic' conspiracy, set in motion by demonic forces of almost transcendent power as the motive force in historical events.'' A poll taken in 1993 found that three-quarters of those surveyed believed that President Kennedy was assassinated by a conspiracy involving the CIA, renegade elements of our military, and organized crime. The Grassy Knoll continues to cut a wide path across our national consciousness. The classified materials withheld from the Warren Commission, several of our actions in Vietnam, and Watergate have only added to the American people's distrust of the Federal government.

Occasionally, though, the government has drawn back its cloak of secrecy and made substantial contributions to our national understanding. In 1995, the CIA and the NSA agreed to declassify the Venona intercepts, our highly secretive effort that ranged over four decades to decode the Soviet Union's diplomatic traffic. Much of this traffic centered on identifying Soviet spies, one of the cardinal preoccupations of that hateful era we call ''McCarthyism.'' These releases made at least one thing crystal clear: Their timely release decades ago would have dimmed the klieg lights on many who were innocent and shown them more brightly on those who truly were guilty. It would have been an important contribution during a time when the innocent and the guilty were ensnared in the same net.

Today, Congress plays a pivotal role in declassification through so-called ''special searches.'' Generally, these involve a member of Congress or the White House asking the intelligence community to search its records on specific subjects. These have ranged from Pinochet to murdered American church women to President Kennedy's assassination. However, these good intentions often produce neither good results nor good history. Sadly, most of these searches have been done poorly, costing millions of dollars and consuming untold hours of labor. Several have been performed repeatedly. Special searches on murdered American church women, for example, have been done nine separate times. Yet there are still several important questions that have yet to be answered. The CIA alone has been asked to do 33 ''special searches'' since 1998.

Part of the problem is that Congress lacks a centralized, rational way of addressing these requests. This bill establishes a nine-member board composed of outside experts who can filter and steer these searches, all the while seeking maximum efficiency and disclosure.

The other part of the problem lies in how the intelligence community has conducted these searches. It is imperative that searches are carried out in a comprehensive manner. This is not only cheaper in the long run but produces a much more accurate record of our history. One cannot do Pinochet, for example, and not do Chile under his rule at the same time. To do otherwise

skews history too much and creates too many blind spots, all leading to more questions and more searches. This does a disservice not only to those asking for these searches but to the American people who have to pay for ad hoc, poorly done declassification. If we do it right the first time, then we can forgo much inefficiency.

Many of these special searches ask vital questions about this nation's role in many disturbing events. We must see, therefore, that they are done correctly and responsibly. This legislation, if passed, would improve Congress' role in declassification, making it an instrumental arm in the de-cloaking and re-democratization of our national history. Indeed, anything less would cheat our citizens, undermine their trust in our institutions, and erode our democratic values.●

By Mr. ROBB (for himself, Mr. BAUCUS, Mr. BINGAMAN, Mrs. BOXER, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Mrs. MURRAY, Mr. REID, Mr. SARBANES and Mr. LIEBERMAN.

S. 1803. A bill to amend the Internal Revenue Code of 1986 to extend permanently and expand the research tax credit; to the Committee on Finance.

PERMANENT EXTENSION OF THE R&E TAX CREDIT

Mr. ROBB. Mr. President, I send to the desk legislation that will permanently extend the research credit and increase the alternative incremental credit 1% per step. It will also expand the credit to companies operating in Puerto Rico. Mr. President, research and experimentation are the foundation of a vibrant economy. While there is some initial cost involved, studies have shown that a permanent extension of the R&E tax credit pays for itself over time due to increased federal revenues generated by a rise in productivity and economic growth. Without a permanent extension of the R&E credit, businesses are less likely to make long term investments in research that is necessary for scientific and technological advancements. Instead, decisions must be made on an annual basis which, over time, have the effect of slowing progress. In order to guarantee that our country remains the leader in cutting edge technology we need to permanently extend the R&E credit. The advantages of increased research and experimentation are simply too overwhelming to ignore.

I intended on offering this bill as an amendment in the Finance Committee to the Tax Relief Extension Act of 1999, (S. 1792), but I was persuaded by members on both sides of the aisle that amendments in Committee threatened the whole deal. I decided, instead, to address this issue on the Senate floor. I still strongly support the tax extenders bill that was reported out of Committee, but I believe, as I have for some time, that we need to address this one deficiency. Without certainty, our nation's investments in research will suffer. Permanent extension of the R&E tax credit is the only way to provide that certainty. Despite recent setbacks, I will continue to work with all of my colleagues to extend this credit permanently.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1803

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

SECTION 1. PERMANENT EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

(a) PERMANENT EXTENSION.—

(1) IN GENERAL.—Section 41 of the Internal Revenue Code of 1986 (relating to credit for increasing research activities) is amended by striking subsection (h).

(2) CONFORMING AMENDMENT.—Paragraph (1) of section 45C(b) of such Code is amended by striking subparagraph (D).

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after June 30, 1999.

(b) INCREASE IN PERCENTAGES UNDER ALTERNATIVE INCREMENTAL CREDIT.—

(1) IN GENERAL.—Subparagraph (A) of section 41(c)(4) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''1.65 percent'' and inserting ''2.65 percent'',

(B) by striking ''2.2 percent'' and inserting ''3.2 percent'', and

(C) by striking ''2.75 percent'' and inserting ''3.75 percent''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after June 30, 1999.

(c) EXTENSION OF RESEARCH CREDIT TO RESEARCH IN PUERTO RICO AND THE POSSESSIONS OF THE UNITED STATES.—

(1) IN GENERAL.—Section 41(d)(4)(F) of the Internal Revenue Code of 1986 (relating to foreign research) is amended by inserting '', the Commonwealth of Puerto Rico, or any possession of the United States'' after ''United States''.

(2) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1999.

By Mr. MCCAIN:

S. 1804. A bill to direct the Secretary of Commerce, in consultation with the Director of the Office of Science Technology and the Director of the National Science Foundation, to establish a program for increasing the United State's scientific, technology, and mathematical resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE 21ST CENTURY TECHNOLOGY RESOURCES AND COMMERCIAL LEADERSHIP ACT

● Mr. MCCAIN. Mr. President I am please to introduce a bill intended to preserve the United States' world leadership position in technology into the coming century. This legislation is intended to assure that our scientific, mathematics, engineering and technology resources are surpassed by no one. It is intended to ensure that our most precious national resources, our people, receive the best education and training through our best national product, innovation. We must allow our most creative forces to interact to achieve improved math and science education in our schools. We must assure more highly trained college graduates in science, math, engineering and technology. And we must encourage the retooling of our country's experienced minds to address the problems and the solutions of tomorrow.

Specifically, this legislation uses a portion of each H–1B visa fee to provide grants for innovative programs which will improve the math, science, engineering and technology skills of Americans so that they can fill the estimated average of 137,800 new positions expected to be created in these fields each year from now through 2006. During the interim, while the American pipeline of talent is filling, the bill lifts the caps on H–1B visas to allow our American companies to continue to grow and prosper.

This legislation is necessary and beneficial to our nation. Let me explain in some detail why.

First, although this country can be proud of having some of the most highly regarded colleges and universities in the world, our elementary and secondary education system is not sufficiently emphasizing science and math in the curriculum. Our students are falling behind in these areas. The results of the 1998 Third International Math and Science Study (TIMSS) are instructive. In math, our 4th graders ranked 12th out of 26 countries. Not a stellar performance. But even more discouraging, by 12th grade, the U.S. math rank was 19th out of 21 countries. As a result, not enough American college students are majoring in the sciences, including computer science, mathematics and engineering to fill the escalating need for highly trained professionals.

According to information compiled by the American Electronics Association, at the same time that the number of jobs in these fields has increased by 20%, the number of college graduates with degrees in engineering, engineering technology, computer science, mathematics, business information systems, and physics has declined by 5%.

To fill the jobs available, American companies are finding it increasingly necessary to hire foreign professionals. When they recruit on university campuses in the United States, 32% of the Masters degree and 45% of the doctoral degree candidates are foreign, not American, students. Even though they have been educated here, these foreign students cannot remain here to work without a visa.

Even with these graduates available, there are more jobs to be filled than

qualified candidates. When our companies cannot hire qualified people to work for them, they cannot function—they cannot compete. Most of these companies have concluded long ago that they need to retain the qualified people that they do hire. They understand that one way to retain them is to provide training to continually update and upgrade their skills. There are many examples of these kinds of programs.

In addition, there are older American workers with advanced technical skills that are outdated, or whose experience is in industries which are not in a growth mode. Companies are finding ways to assist some of these professional to retool for the current and future needs of business. An example of retraining experienced workers is a program at San Diego State University. That institution's Defense Conversion Center has focused on retraining displaced defense industry professional, including military personnel and aerospace engineers.

Let me read from their project proposal description dated 9/21/99.

> The expansion of the H–1B visa program is a limited and temporary fix to a critical national problem. Unless we find creative ways to meet our workforce needs internally, our ability to produce cutting-edge products will erode. Indeed, some experts predict that our position as the world's leader in innovation will slip from first place to sixth early in the next century. The risk goes beyond losing our competitive edge in the global marketplace; without a strong technology base, our national defense system will be jeopardized.

The proposal goes on to describe the university's program:

> In the early 1990's, the defense industry in San Diego virtually disintegrated, resulting in the loss of over 42,000 jobs. Established with a grant from the Department of Defense, the SDSU Defense Conversion Center developed several certificate programs designed to fast-track displaced defense industry workers back into the marketplace. To date, over 1100 individuals have enrolled in the Center, and 80% of those who participated in the program found or retained employment in such high-tech fields as radio-frequency design, software engineering, concurrent design and manufacturing, and multi-media design.

Many companies are also finding that it is not enough to focus on only their short term hiring needs. There are numerous examples of companies partnering with their local schools to provide innovative changes in curriculum and skill sets.

For example, Hewlett-Packard has joined forces with Colorado State University to assist minority students beginning their studies at CSU. The assistance includes 10-week internships at H–P, during which CSU provides instructors to H–P to teach calculus. The internships provide a bridge from the academic to the real world, demonstrating the application of math and science skills. They also provide the freshmen with valuable experience that can lead to permanent jobs at H–P.

Eastman Chemical Company in Tennessee offers another example. Working with its local school system, the company focused on two objectives: to help prepare and motivate all students to develop competency in math and science, and to create a school system of such excellence that college graduates would be drawn there as a great place to raise children. The result was several programs, including an ''Educator on Loan'' program where on a rotating basis, teachers could work at the company's manufacturing plant to under the skills required.

These private/public partnerships are an excellent start. But these efforts are not sufficient to solve the problems we have with maintaining our country's ability to compete and lead the world in the 21st century. We must encourage more innovation, more achievement to fill the pipeline so that our children will be able to prosper in the technological revolution underway.

This legislation encourages innovation. It provides financial assistance for ideas which will work. The proposed legislation is broad enough to cover any idea which can be demonstrated to produce results. Some of the programs I think should be considered would be to provide scholarships to students who possess the requisite talent and are willing to become certified as math and science teachers, and who will agree to teach for a number of years. Scholarships for students who will major in math, science, engineering or technology fields makes sense. But we should not limit our selves to these stock type approaches. There will be many other new and creative ideas and we should welcome them and reward them, as long as they produce the outcome we want. We want to improve and increase the American talent pool.

In the meantime, I think it is important not to force our companies to develop off-shore bases in order to hire the foreign professional they need. The history of numeric caps on H–1B visas is one of best guess, rather than of calculated need. It is difficult to anticipate the total need, but simply inserting a number because it is politically agreeable isn't the right answer. During the last session we adopted legislation produced through the fine efforts of Senator ABRAHAM and others who worked tirelessly in addressing a broad array of problems and issues.

The result is that our law now requires those who are dependent on H–1B worker to attest, to give their oath, that they have tried to hire an American to fill the position unsuccessfully before applying for a foreign worker visa. These requirements are stringent. They protect American workers against companies which might otherwise ignore qualified applicants in order to bring in a foreign worker. The law protects against layoffs followed by foreign hiring.

With this law in place and with diligent enforcement of its requirements, there is no reason to also pick an arbitrary number as a cap for H–1B visas. We can let the marketplace prevail. We can focus on improving our own resources and our own children's education so that in the future we will have more highly skilled professionals to fill these positions. When our supply meets the demand we will have achieved the goals of improving our education curriculum and our ability to remain leaders in the 21st century.●

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. LEAHY, and Mr. JEFFORDS):

S. 1805. A bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE HUNGER RELIEF ACT OF 1999

Mr. KENNEDY. Mr. President, today Senators SPECTER, LEAHY, JEFFORDS, and I are introducing the Hunger Relief Act of 1999. Our goals in this legislation are to promote self-sufficiency and the transition from welfare to work, and to eradicate childhood hunger by increasing the availability of food stamps to low-income working families. Republicans and Democrats share these goals, and it deserves broad bipartisan support.

Improving Food Stamp accessibility is a central part of helping low-income working families feed their children and achieve self-sufficiency. A strong Food Stamp Program, along with a higher minimum wage and an adequate Earned Income Tax Credit, gives low-income families the stability they need to build a brighter future. With the unemployment rate at a 30-year low and record, economic growth, this is a time of broad economic prosperity for most Americans. But that is not true for the poorest Americans. In 1998 the poverty rate declined from 13.3% to 12.7%, but this still surpasses rates in the 11% range recorded throughout the 1970's. The safety net provided by food stamps has weakened since the 1970's, and hunger among working families in America has grown.

In July 1999, the Department of Agriculture reported that 6.6 million adults and 3.4 million children live in households that suffered from hunger in 1998, and that 36 million people comprising 10% of the nation's households lack secure access to enough food for an active healthy life.

In the same month, the Congressional General Accounting Office reported that of the 14 million U.S. children who live in poverty, the proportion who receive food stamps dropped from 94% in 1995 to 84% in 1997. During 1997 alone, the number of children living in poverty decreased by 350,000—but the number receiving food stamps decreased by 1.3 million. GAO's report concludes, ''children's participation in the Food Stamp Program has dropped more sharply than the number of children living in poverty, indicating a growing gap between need and assistance.''

In January 1999, the Urban Institute released the results of a study of former welfare recipients and reported that 33% have to skip or reduce meals due to lack of food. This result is corroborated by independent studies in Wisconsin and South Carolina, and by NETWORK's National Welfare Reform Project.

In 1998, surveys of emergency food providers conducted by the U.S. Conference of Mayors and America's Second Harvest independently documented that the need for emergency food services increased 15 to 20% over the previous year, and that almost 40% of emergency food clients live in households in which an adult is employed.

The Community Childhood Hunger Identification Project conducted surveys of over 5,000 low-income families between 1992 and 1994—the most comprehensive study of childhood hunger ever undertaken in the U.S.—and found that approximately 4 million children under age 12 were hungry, and 9.6 million were at risk of hunger.

Far too many working parents still struggle to feed their families. If our national values cannot persuade us to fight hunger now, while the economy is strong, when will we ever do so? If we need economic reasons to fight hunger in America, we need only consider the effects of hunger on children.

Hunger and undernutrition are serious problems for people of all ages, but their effects are particularly damaging to children. Over 14 million children live in households that suffer hunger. Hungry and undernourished children are more likely to become anemic, and to suffer from allergies, asthma, diarrhea, and infections. They are also more likely to have behavioral problems and difficulty in learning. When children arrive at school hungry, they cannot learn. If we do not address this problem, our considerable investments in education and early learning activities will not have the full positive impact that they should. Hunger and under-nutrition injure our greatest national resource—our children.

In the past three decades, food stamps have grown into the nation's most comprehensive and trusted way to end hunger. The news that participation in the Food Stamp Program has declined 27% over the past three and a half years would be welcome—if poverty had declined by a comparable amount. But the poverty rate declined by only 7% over this time. Six million more poor people are without food stamps today than in 1995. GAO reported that in 1997 alone, while the number of children living in poverty decreased by just 350,000, the number of children receiving food stamps decreased by 1.3 million. We need to be concerned that the nutritional needs of the other 950,000 children are not being met.

Just as the decline in the welfare rolls does not by itself show that people are no longer poor, the decline in Food Stamp rolls in no way means that children and families are no longer hungry. Increasingly, low-income working families are relying on emergency food services. Across the country, demand for emergency food services has increased by as much as 50% in some places. Many food banks find themselves unable to meet the increased requests for help.

Only two days ago, the Chicago Sun-Times published an article entitled ''Hunger—a growing concern in suburbs,'' describing increasing demand for emergency food in some of Chicago's most affluent neighborhoods.

A November 1998 study by Project Bread and Tufts University found that 49% of emergency food providers in Massachusetts reported increased need among families with children over the previous year. Of those requesting assistance, 33% of food bank clients were children, and 27% of Massachusetts adults requesting emergency food assistance were employed. Although our strong economy and historically low unemployment rate have helped many families get back on their feet, there is no question that many families are working hard and still cannot make ends meet.

By simplifying Food Stamp eligibility rules and improving access to the program, we can reduce hunger and malnutrition, and help working families live healthier, more fulfilling lives. No one in this country should go hungry. This is a problem we can solve. We must not become indifferent to the message that hunger indeed has a cure.

The Hunger Relief Act repeals many of the 1996 welfare reform law's restrictions on access to food stamps for legal immigrants. For 30 years prior to the welfare reform law, Food Stamps were available to legal immigrants. The 1996 welfare reform law made them no longer eligible. That law also created substantial uncertainty among eligible groups as to whether they qualify.

Last year, Congress restored food stamp eligibility to some legal immigrants—children, seniors, and disabled persons—who were in the United States before August 1996. This was an important step, but it helped fewer than a third of those who were adversely affected by the 1996 law. Hunger among legal immigrants predictably increased after 1996, although many legal immigrants held low-income jobs and paid taxes. Children continue to be denied benefits because they arrived in the U.S. after 1996 or because exclusion of their parents directly results in decreased access to food stamps. Our laws recognize that legal immigrants need access to employment, education, and health care programs. Yet all of these efforts are compromised when legal immigrants are denied access to adequate nutrition. The Hunger Relief Act ensures that all those who need food stamps can obtain them.

In addition, the Hunger Relief Act helps low-income families by relaxing federal limits on the value of a vehicle that a family can own and still be eligible for food stamps. The current federal limit is $4,650, which has risen only $150 since 1977.

Because low-income parents commonly need a vehicle to get to work and to safely transport their children, many states have adopted vehicle allowance standards for their state assistance programs that are more generous than the federal standard. The conflicting and complex rules that govern state programs and the Food Stamp Program complicate access to food stamps for working families, as confirmed by GAO's July 1999 report.

By giving states the option of using their state vehicle standards instead of the federal standard, the Hunger Relief Act gives states the flexibility to ensure that their nutritional needs are met. It also promotes work and child safety.

The case of a single parent of three young children in Northeastern Massachusetts illustrates the need for this provision. The mother's income recently dropped to $928 per month, but she is denied food stamps because the value of her car exceeds $4650. Massachusetts would be unlikely to reject her application under state law, but the federal law requires her pleas for help to be rejected. Our Hunger Relief Act will change that.

The Hunger Relief Act also enables families to qualify for food stamps when they have to spend more than 50% of their income on housing costs. Low-income families must often pay high rent for substandard housing in many cities today. According to a recent report by the Department of Housing and Urban Development, demand for public housing is rising, while the supply of affordable apartments and houses is declining. Between 1996 and 1998, the number of affordable apartments fell by more than 1 million. Nearly 1 million low-income families are now waiting for public housing units across the country. They may wait as long as 8 years in New York City to be placed.

HUD compares finding affordable housing to an ominous game of musical chairs in which only the lucky find seats. In Boston, the average rent for a two bedroom apartment rose by 58% between 1990 and 1998 to $1,350 after adjusting for inflation. The Women's Educational and Technical Union has documented that single parents with one infant pay an average rent of $839 in Boston, $709 in Worcester, and $578 in Pittsfield. All of these figures far exceed half of a minimum wage worker's income.

Present law permits some shelter costs to be deducted when determining Food Stamp eligibility, but the deduction is capped too low. In 1996, 950,000 people received reduced food stamp benefits due to the shelter cap. Over 880,000 of those affected were families with children. The Hunger Relief Act raises the cap from $275 to $340, and then indexes it to inflation, increasing access to food stamps for approximately 1.25 million people.

For example, a family from Centerville, Massachusetts consisting of a working mother and three children, survives on $1,433 in income each month. Yet their shelter costs exceed $1,200. This family cannot possibly meet these children's nutritional needs on $233 each month, even if the family spends money on nothing besides shelter and food. The Hunger Relief Act is intended to keep families like this from having to choose between heating and eating.

Finally, the Hunger Relief Act increases federal support for emergency food programs. Sharp increases in requests for help from food pantries and soup kitchens have occurred over the past year, despite steep declines in food stamp participation. The U.S. Conference of Mayors, and America's Second Harvest has independently documented a 15 to 20% increase in need over 1998. A recent survey of 30 cities by the National Governors Association found that a growing number of low-income working parents rely on food banks to feed their children. 79% of Massachusetts food pantries funded through Projected Bread reported serving more working poor in 1998, and 72% reported helping more families with children. To ensure that emergency food needs are met, the Hunger Relief Act increases federal funding for The Emergency Food Assistance Program by 10%.

The Congressional Budget Office estimates that the total cost of the Hunger Relief Act will be $2.5 billion over the first 5 years. This amount will increase our support for the Food Stamp Program by just over 2% each year, a relatively small price to repair the most serious problems in the nation's core nutrition program.

Americans overwhelmingly recognize that hunger is also closely linked to problems in health, education, and the workplace. Adequate nutrition should be available to all. Over three hundred national, regional, and local organizations support the Hunger Relief Act. Even before welfare reform was enacted, a January 1996 poll found that 55% of Americans believe hunger is worsening in our country, and 74% felt that more should be done to combat hunger in America. I request unanimous consent that a letter signed by over 300 organizations in support of the Hunger Relief Act may be printed in the CONGRESSIONAL RECORD following my statement.

Millions of low-income working families, like the Jenkins family of Royalston, Massachusetts will be helped by this bill. Although Terry Jenkins' husband works in two jobs, after their mortgage payments, car payments, utilities and clothing expenses for four children are paid, they often cannot afford enough food for their family. As a result, Terry worries that her children cannot concentrate during their classes.

Her concern is legitimate. Students who are hungry or at-risk of hunger are twice as likely to have academic, social and psychological problems as children from similar low-income families who are not hungry. By improving the Food Stamp Program, the Hunger Relief Act will reduce the suffering for millions of families like the Jenkins.

Now, while the economy is strong, we must actively fight hunger and ensure that the most basic needs of children and families are met. I welcome the support of Senators SPECTER, LEAHY and JEFFORDS in this bipartisan effort and I look forward to early action in the Senate to pass this needed legislation.

Mr. LEAHY. Mr. President, as we approach the beginning of the next century, we have much to be proud of as a nation. The stock market has reached an historic 10,000 mark. We are in the midst of one of the greatest economic expansions in our nation's history. More Americans own their own homes than at any time, and we have the lowest unemployment and welfare caseloads in a generation.

Yet, there are millions of Americans who go hungry every day. Just this past July, the Department of Agriculture published a report entitled ''Household Food Security in the United States 1995–1998'' which reported that last year, 36 million persons—of which approximately 40% were children—lived in households that experienced hunger.

While it is true that food stamp and welfare program caseloads have dropped over the past few years, hunger has not. As families try to make the transition from welfare to work, too many are falling out and being left behind. And too often, it is our youth who is feeling the brunt of this, as one out of every five people lining up at soup kitchens is a child.

Second Harvest, the nation's largest hunger relief charity, distributed more than one billion pounds of food to an estimated 26 million low-income Americans last year through their network of regional food banks. These food banks provide food and grocery products to nearly fifty thousand local charitable feeding programs—food shelves, pantries, soup kitchens and emergency shelters.

Yet as the demand has risen at local hunger relief agencies, too many pantries and soup kitchens have been forced to turn needy people away because the request for their services exceeds available food.

Last year, the U.S. Conference of Mayors released its Annual Survey of Hunger and Homelessness, which reported that the demand for hunger relief services grew 14 percent last year. Additionally, 21 percent of requests for emergency food were estimated to have gone unmet. This is the highest rate of unmet need by emergency food providers since the recession of the early 1990s. And this is not just a problem of the inner cities. According to the Census Bureau, hunger and poverty are growing faster in the suburbs than anywhere else in America. In my own state of Vermont, one in ten people is ''food insecure,'' according to government statistics. That is, of course, just a clinical way to say they are hunger or at risk of hunger.

Under the leadership of Deborah Flateman, the Vermont Food Bank distributes food to approximately 240 private social service agencies throughout the state to help hungry and needy Vermonters. The local food shelves and emergency kitchens which receive food from the Vermont Food Bank clearly are on the front-line against hunger. And what they are seeing is very disturbing—one in four seeking hunger relief is a child under the age of 17. Elderly people make up more than a third of all emergency food recipients. We cannot continue to allow so many of our youngest and oldest citizens face the prospect of hunger on a daily basis. Another extremely troubling statistic about hunger in Vermont is that in 45 percent of the households that receive charitable food assistance, one or more adults are working. Nationwide, working poor households represent more than one-third of all emergency food recipients. These are people in Vermont and across the U.S. who are working, paying taxes and contributing to the economic growth of our nation, but are reaping few of the rewards.

Our government has taken numerous steps to alleviate hunger in America, but clearly more still needs to be done.

The Emergency Food Assistance Program has been essential in the fight against hunger by providing USDA commodities to the nation's food banks and local emergency feeding charities. As the demands continue to grow, however, TEFAP resources are running on

empty. The Hunger Relief Act would increase funding for TEFAP, thus helping community charities cope with increased local demand for hunger relief.

Perhaps more than any other program, the Food Stamp Program has been critical to the prevention and alleviation of hunger and poverty, and is essential to helping families on welfare transition to work. Nationally, one in ten people—half of which are children—participates in the Food Stamp Program.

In this time of economic booms, one in five U.S. children—approximately 15 million children—lives in a household receiving food stamps.

And far too many families with full-time or part-time minimum wage jobs need food stamps just to approach the poverty line.

For many families, the choice between paying the rent and buying food is becoming more and more common. While the Food Stamp Program does adjust benefits for families with high shelter costs, this adjustment has been artificially capped. In 1993, Congress passed a phased-out elimination of the cap on the food stamp shelter deduction. With the passage of the Welfare Reform bill, however, Congress repealed the phase-out and the cap remained in place.

The cap on the shelter deduction has had a significant impact on working families, who tend to have higher shelter costs than families receiving public housing assistance. The Hunger Relief Act raises the shelter cap from $275 to $340, and then indexes it to inflation, increasing access to Food Stamps for approximately 1.25 million people.

Many working poor families, particularly in rural areas, own a modestly valued car, necessary to get to work, but of a value greater than the antiquated food stamp vehicle limit. In the last 22 years, the limit on car values has increased a total of $150, and in many states the Food Stamp vehicle allowance is much lower than the TANF vehicle allowance. The Hunger Relief Act would give states more freedom, allowing states the option of using the same limits for vehicles under both TANF and Food Stamps. The Hunger Relief Act would also complete the restoration of food stamp benefits to thousands of immigrants who were pushed out of the program by the Welfare Reform Act.

Last Congress I worked hard to include $818 million in the Agricultural Research, Extension, and Education Reauthorization Act to restore food stamp benefits for thousands of legal immigrants. This legislation restored food stamps to legal immigrants who are disabled or elderly, or who later become disabled, and who resided in the United States prior to August 22, 1996. That law also increased food stamp eligibility time limits—from five years to seven years—for refugees and asylees who came to this country to avoid persecution. Hmong refugees who aided U.S. military efforts in Southeast Asia were also covered, as were children residing in the United States prior to August 22, 1996.

Though the Agriculture Research Act restored food stamp eligibility to children of legal immigrants, many of these children are not receiving food stamps and are experiencing alarming instances of hunger. In its recent report entitled ''Who is Leaving the Food Stamp Program? An Analysis of Caseload Changes from 1994 to 1997,'' the United States Department of Agriculture reported that participation among children living with parents who are legal immigrants fell significantly faster than children living with native-born parents. It appears that restrictions on adult legal immigrants deterred the participation of their children. That is a disturbing development that must be rectified, and the Hunger Relief Act would go along way toward making the situation right by restoring food stamp eligibility to all legal immigrants.

Of the many problems that we face as a nation, hunger is one that is entirely solvable. Hunger is not a Democrat or Republican issue. Hunger is a problem that all Americans should agree must be ended in our nation. I am proud to join with Senators KENNEDY, SPECTER, and JEFFORDS in introducing the Hunger Relief Act, and I look forward to working with members of the Senate to see the passage of this legislation.

By Mr. BINGAMAN (for himself, Mr. COVERDELL, Mr. DOMENICI, Mr. HOLLINGS, and Mr. CLELAND):

S. 1806. A bill to authorize the payment of a gratuity to certain members of the Armed Forces who served at Bataan and Corregidor during World War II, or the surviving spouses of such members, and for other purposes; to the Committee on Veterans Affairs.

BATAAN AND CORREGIDOR VETERANS LEGISLATION

Mr. BINGAMAN. Mr. President, I rise today to introduce important legislation, of which Senator HOLLINGS and Senator CLELAND are also sponsors, recognizing the heroic contributions of American soldiers who served in Bataan and Corregidor during World War II. This legislation will provide a one time honorarium to those veterans who survived the notorious Death March and were made to work as slave labor in support of the Japanese war effort. Compensation awarded these heroes for their imprisonment has never approached the value of their sacrifices on behalf of our nation's liberty. As these legendary heroes approach the final chapters of their lives, if is fitting that the nation pay them special homage for their heroic deeds heretofore unrewarded. That's why I am introducing this legislation today—to salute these Americans in recognition of the great sacrifices they made for this nation.

From December 1941 to April 1942, American military forces stationed in the Philippines fought valiantly against overwhelming Japanese military forces on the Bataan peninsula near Manila. Under severe combined attack of the Japanese forces, General Douglas MacArthur ordered U.S. troops to withdraw to the Bataan peninsula to form a strong defensive perimeter to protect the eventual evacuation of troops from the island. The U.S. forces fought for 3 months, considerably longer than the unfavorable troop balance would have suggested was possible. As a result of extending Japanese military resources during that crucial initial phase of the war in the Pacific, U.S. forces in Bataan and Corregidor prevented Japan from accomplishing critical strategic objectives that would have enabled them to capture Australia. Had the Japanese been able to accomplish their plans, their victory in the Philippines could have doomed Allied efforts in the Pacific from the very outset.

On April 9, 1942, Major General Edward King, Commander of U.S. forces on the Bataan peninsula, ordered the troops to surrender rather than face certain slaughter on the battlefield. What followed was the tragic, infamous ''Death March'' of American prisoners from the Bataan peninsula to Camp O'Donnell of Manila. Some experts estimate that more than 10,000 Americans died on the 85-mile march to the prison camp. Many died of starvation or lack of water; some were executed on the spot by their Japanese captors.

In June 1942, following the surrender of American troops of the Corregidor garrison, prisoners held at the O'Donnell Prisoner of War (POW) camp were joined with those captured at Corregidor and transferred to the Cabanatuan POW camp. In the fall of 1944, the Japanese transferred more than 1,600 prisoners from the Cabanatuan POW camp to ''hell ships'' destined for Japan, where prisoners were used as slave laborers working in mines, shipyards, and factories. In some cases, because the ''hell ships'' weren't marked, they were attacked and sunk by U.S. military aircraft.

Mr. President, the heroic performance of our soldiers at Bataan and during incarceration in POW camps earned them well-deserved citations following the war. The 200th and 515th Coastal Artillery units from New Mexico that served to defend the retreating troops at Bataan received three Presidential Unit Citations and the Philippine Presidential Unit Citation for their heroism. New Mexico is particularly proud of these men whose heroism I seek to salute through this legislation today.

Of the 25,000 American servicemen stationed in the Philippines at the outbreak of World War II, less than 1,000 are living today. These heroes deserve special recognition and gratitude from the American people beyond the symbolic recognition and remuneration they have heretofore received.

In December, 1998, the Canadian Government approved a legislative measure to compensate their military veterans who had been captured by the Japanese during the fall of Hong Kong, and who subsequently provided slave labor in Japanese POW camps. The measure awarded approximately 700 qualified veterans and surviving spouses $15,600 each ''as an extraordinary payment to extraordinary individuals who suffered extraordinary treatment in captivity.'' The payment to Canadian veterans will total $11.7 million from Canadian federal funds, not from the Japanese Government. The Japanese Government considers their liability for treatment of POWs to have been settled by the treaty signed in 1952, compensating each prisoner of war for their time in captivity, but not for any slave labor that was performed. Last fall, Japan's high court rejected a compensation suit seeking redress filed by a coalition of former Allied prisoners on the basis of the 1952 treaty protecting Japan from further liability in post-war settlements.

Mr. President in agreeing to provide their veterans with compensation for slave labor performed while in POW camps, the Canadian Government recognized that lengthy legal proceedings appealing the decision of the Japanese high court would likely be too drawn out to be beneficial to their aging veterans. As a result, the Canadian Government concluded that it was appropriate and honorable to recognize the heroic contributions of veterans who were made to perform slave labor simply out of recognition of the debt of gratitude owed to the veterans by the Canadian people.

Our American veterans who served in Bataan and Corregidor and performed slave labor in Japanese mines, shipyards, and factories are in a similar predicament as their Canadian colleagues. These men have never been fully compensated for their heroism and sacrifices made while serving as slaves to their Japanese captors. The Japanese government has concluded that it is no longer liable for compensating such claims. Appealing the decision of the Japanese high court to further authority would take more time than many of our veterans have. Consequently, Mr. President, I believe that the American Government, just as the Canadian Government has done, should choose to recognize the contributions of the war heroes of Bataan and Corregidor.

The legislation I am introducing today calls on the Congress to authorize payment of $20,000 to each veteran of Bataan or Corregidor who performed slave labor during World War II. The honorarium would also be extended to surviving spouses. This small token of appreciation would mean a great deal to these heroes and their families.

I urge my colleagues to support the bill. I hope we can enact it in the near future.

Mr. HOLLINGS. Mr. President, let me commend our distinguished colleague from New Mexico. I had the privilege of visiting Corregidor about 30 years ago with Senator Montoya. We talked about the New Mexico National Guard. Most were lost who went through that dreadful experience. For those that survived—I lost a good friend, Jack Leonard, and other graduates who served in the New Mexico National Guard—this is a moment of history that should be noted in a more clear and reverent fashion.

I ask, please, to be added as a cosponsor to the Senator's bill.

Mr. BINGAMAN. I thank the Senator from South Carolina very much. This legislation will move more quickly with him as a cosponsor. I also want to indicate that Senator DOMENICI is a cosponsor of this legislation, as well. As I say, I hope we can move ahead with it.

Mr. DOMENICI. Mr. President, I rise today to join my colleague Senator BINGAMAN to introduce legislation that will compensate our veterans who fought at Bataan and Corregidor and were later held prisoner.

I do not think words can fully describe the bravery of these veterans and the horrific conditions they endured, but I think a quote from Lt. Gen. Jonathan M. Wainwright provides an insight into these men:

> They were the first to fire and last to lay down their arms, and only reluctantly doing so after being given a direct order.

The 200th and 515th Coast Artillery better known as the New Mexico Brigade played a prominent and heroic role in the fierce fighting that took place in the Philippines. For four months the men of the 200th and the 515th held off the Japanese only to be finally overwhelmed by disease and starvation.

Today every student in his or her history class learns about the tragic result of the Battle for Bataan. The survivors of the battle were subjected to the horrors and atrocities of the 65 mile ''Death March.'' As if this were not enough, following the infamous march these men were held for over 40 months in Prisoner of War Camps.

Sadly, of the eighteen hundred men in the Regiment, less than nine hundred returned home and a third of those passed away within a year of returning. I simply cannot imagine what it must have been like for these men.

I would now like to briefly discuss the Bill we are introducing. This legislation offers long overdue compensation to a select group of men who served in the Philippines at Bataan and Corregidor during World War II. The bill authorizes the Secretary of Veterans Affairs to pay $20,000 to any veteran, or his surviving spouse, who served at Bataan or Corregidor, was captured and held as a prisoner of war, and was forced to perform slave labor as a prisoner in Japan during World War II.

There is one final point that I want to make as a matter of simple fairness. I believe that in the upcoming months the federal tax implications should be examined. It may be necessary to provide that the $20,000 payment should be excluded from federal income taxes.

Without an exclusion, the interaction between a lump sum payment, the social security income tax earnings limitation could subject some of the survivors of the Bataan death march to one-time exorbitant tax rates in excess of 50 percent. We don't want the federal government to give the compensation with one hand, only to have it taken away by the IRS.

Thank you and I look forward to working with my colleagues on this issue.

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 1807. A bill to provide for increased access to airports in the United Kingdom by United States air carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

OPEN SKIES BETWEEN THE U.S. AND THE U.K. LEGISLATION

Mr. SANTORUM. Mr. President, today, I am introducing legislation in response to the lack of progress in negotiations between the United States and the United Kingdom to open up competition through an open-skies treaty for air travel between our countries. International aviation travel is central to the continued growth of commerce and tourism, and every effort must be made to increase these opportunities.

This bill mandates that the United States and the United Kingdom come to an agreement that would grant all applications U.S. carriers currently have filed with the U.S. Department of Transportation for route access to the United Kingdom. The bill also mandates more access to London's Heathrow International Airport for U.S. carriers that do not currently have access to this airport. Congressman BUD SHUSTER, Chairman of the House Committee on Transportation and Infrastructure, has already introduced an identical bill, H.R. 3072, with the Ranking Minority Member, Congressman JAMES OBERSTAR, in the House of Representatives.

Under the current 22 year old bilateral agreement, known as Bermuda II,

only two U.S. airlines, American and United, and two from Great Britain, British Airways and Virgin Atlantic, can fly between Heathrow and the United States. Under the current agreement, the British hold dominant rights to air travel between our countries in one of the most restrictive existing bilateral agreements for air travel. For example, British Airways is allowed to fly more routes to the U.S. than all U.S. carriers can fly to the United Kingdom combined. This present policy is unfair and is not in the best interests of American or British consumers.

This situation is illustrated by the recent announcement by British Airways that it would be ending its nonstop flights between Pittsburgh and London as of October 31, 1999. This means that a city which has had nonstop for over a decade will no longer have it. Under the current restrictive agreement, only the British can fly to and from Pittsburgh; American carriers willing to pick up this route are unable to do so.

The United States has open-skies agreements with over 36 countries which have been completed or are being phased in. Open-skies agreements allow a free market in air service in which airlines can fly where they want. It is inappropriate for the United States to lack a similar agreement with an historic ally and major trading partner such as the United Kingdom.

If an agreement is not reached within six months of the bill's passage, the Secretary of Transportation is required to revoke all current slots and slot exemptions held by British air carriers at Chicago O'Hare and New York Kennedy airports. In addition, if the United States and the United Kingdom do not reach an open-skies agreement by the end of 2000, the bill mandates renunciation of the current bilateral agreement. My goal is to provide a strong incentive for our two countries to negotiate a fair, long overdue agreement by increasing competition and choices for consumers and all interested carriers in both countries.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1807

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

SECTION 1. ACCESS TO UNITED KINGDOM AIRPORTS.

(a) IN GENERAL.—If the Governments of the United Kingdom and the United States have not signed an agreement, by the date that is 180 days after the date of enactment of this Act, that—

(1) provides for approval of all applications for air routes from the United States to the United Kingdom that have been submitted to the Secretary of Transportation by United States air carriers and are pending on October 14, 1999; and

(2) provides slots at Heathrow International Airport to United States air carriers that do not have any slots at such airport on such date of enactment, without affecting any slots held by other United States air carriers at such airport on such date of enactment,

the Secretary of Transportation shall immediately revoke all slots and exemptions to the slot rule held by British air carriers at O'Hare International Airport and John F. Kennedy International Airport and, after the date of such revocation, shall not grant any slot or exemption to the slot rule to a British air carrier at either of such airports until such an agreement is signed.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) BRITISH AIR CARRIER.—The term ''British air carrier'' means a citizen of Great Britain undertaking by any means, directly or indirectly, to provide foreign air transportation (as defined in section 40102(a) of title 49, United States Code).

(2) SLOT RULE.—The term ''slot rule'' means the requirements contained in subparts K and S of part 93 of title 14, Code of Federal Regulations.

(3) UNITED STATES AIR CARRIER.—The term ''United States air carrier'' has the meaning given to the term ''air carrier'' by section 40102(a) of title 49, United States Code.

SEC. 2. OPEN SKIES AGREEMENT.

If the Governments of the United Kingdom and the United States have not signed an open skies agreement, as defined in Department of Transportation Order 92-8-13, by December 31, 2000, the Secretary of State shall immediately file a notice to terminate the Agreement Between the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Air Services, in accordance with the provisions of the Agreement.

By Mr. SPECTER (for himself and Mr. BIDEN):

S. 1808. A bill to reauthorize and improve the drug court grant program; to the Committee on the Judiciary.

DRUG COURT REAUTHORIZATION AND IMPROVEMENT ACT OF 1999

Mr. SPECTER. Mr. President, I have sought recognition to introduce a bill to provide federal assistance to States and local governments for drug courts to provide treatment rather than expensive imprisonment for drug addicted nonviolent offenders.

This legislation would reauthorize and improve upon a novel program by which States and localities may obtain Federal funds to assist in the implementation of a ''drug court'' within the State and local criminal courts. Drug courts are designed to select from the general criminal population nonviolent offenders who test positive for drugs, and put them through a program of court supervised drug treatment and rehabilitation. In this way, we can both aid first-time drug offenders by preventing them from becoming career criminals and provide localities the funds to enable them to control the serious backlogs in their criminal court caused by the drug crime wave. In the long-term, this solution to the drug plague promises to be less expensive than incarcerating these nonviolent offenders.

In 1991, I introduced similar legislation (S. 648), which was proposed by a 1990 study commissioned by the Philadelphia Bar Association entitled, ''Clearing the Road to Justice.'' This study found that state and local courts are overwhelmed by a large number of drug related crimes committed by first time offenders. The study concluded that a separate drug court division could both speed processing of drug related cases and provide mandatory drug screening programs to target first-time nonviolent drug offenders, and at the same time free up the rest of the court system to focus on violent criminals.

Congress enacted legislation to authorize a federal drug court grant program as part of the Violent Crime Control and Law Enforcement Act of 1994. However, in an action without any debate and that I believe reflected poor judgment, Congress repealed such authority in the Omnibus Consolidation Recessional and Appropriations Act of 1996 (PL 104–134). Although Congress rescinded the authority for this program, it has had been good sense to continue to appropriate some funds to the program by increasing funding from $11.5 million in 1995 to $40 million in 1999.

As a result of this federal funding, there has been a considerable increase in the number of drug courts in the United States. Since 1994, the total number of operating drug court program has grown from 42 to approximately 300. However, there is still not enough funding to adequately support the program despite the increased interest. Last year the Department of Justice received 216 grant applications, but was able to award only 88 grants. Justice reports that there were at least 38 additional programs that would have received grants had there been funding available.

During my travels in Pennsylvania, I have confirmed that there is a great deal of interest in implementing this program. Currently, there are six counties (Allegheny, Chester, Lycoming, Philadelphia, York, Erie) that are in various stages of planning and implementing drug court programs. I had the opportunity to speak to a number of prosecutors, judges and participants of these programs. They are very positive about their initial progress and very optimistic about the results that they will achieve in the future.

As a member of the Judiciary and Appropriations Committees, I have been an advocate of increasing funds for this program. I am committed to a balanced federal budget and realize that we must be careful in how we make federal expenditures. With this in mind, I have chosen this program carefully as one in which we should invest federal funds. I believe that Congress must step up to the plate and

commit to this program by authorizing it and appropriating sufficient funds to meet the growing demand for drug court alternatives. It is necessary that the criminal justice system and Congress face up to the fact that realistic rehabilitation must be a part of the process of drug treatment and crime reduction.

I believe that the drug courts are extremely effective in breaking the cycle of substance abuse and crime and will save large amounts of money that otherwise would have been spent on incarceration. With this program, first-time drug offenders may be prevented from becoming career criminals, and localities will be provided with funds to minimize the serious backlogs in criminal courts caused largely by drug crimes. The most recent Drug Court Survey Report, published by the Office of Justice Programs' Drug Court Clearinghouse and Technical Assistance Project at American University found that the drug court programs reported low recidivism rates between 2% and 20%. The survey also found significantly reduced drug use even among those who did not graduate from the programs, with as many as 93% of participants testing negative for drugs. Further, this alternative promises to be less expensive than incarcerating nonviolent offenders. Drug courts offer significant cost savings as compared to incarceration. According to the Drug Court Survey Report, the average cost for the treatment component of a drug court program ranges between $900 and $1,200 per participant, and savings in jail bed days have been estimated to be at least $5,000 per defendant. Additional reported savings include reductions in police overtime, witness costs and grand jury expenses.

While these statistics are very promising, they are not necessarily representative of all of the drug court programs. In 1997, GAO issued a report entitled ''Drug Courts: Overview of Growth, Characteristics and Results,'' which found that nearly half of the drug court programs do not maintain follow-up data regarding recidivism or relapse to drug abuse. Accordingly, GAO recommended that the Attorney General require drug court programs to collect and maintain follow-up data on recidivism and drug use relapse. This legislation includes a requirement for such follow-up so Congress can better determine the program's efficacy.

This legislation would authorize up to $200 million per year for this innovative program, the original level from the 1994 law. Additionally, in order to create greater flexibility for states and local governments to fund the drug court programs, this legislation would allow federal funds that are received from sources other than the Drug Courts Program Office to be counted as a part of the 25% grantee matching contribution requirement. The current Justice policy requires the grantee to contribute 25% of the total program costs—none of which can come from a federal source.

Additionally, the 1994 law required the Department of Justice to consult with HHS concerning administration of the drug court program, and although the drug court provision was rescinded, Justice has continued to consult with HHS in an informal manner regarding treatment programs. As Chairman of the Labor, Health and Human Services and Education Appropriations Subcommittee, I recognize the important role that HHS can play in improving the treatment aspect of the drug court program. Accordingly, this bill would reinstate the requirement that Justice consult with HHS regarding administration of the drug court program and would authorize $75 million to be appropriated to HHS to be used for drug treatment services associated with drug court programs.

I urge my colleagues to support this important program which provides an effective alternative to imprisonment for drug addicted nonviolent offenders.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. HARKIN, Mr. FRIST, Ms. COLLINS, Mr. WELLSTONE, Mr. REED, Mr. DODD and Mrs. MURRAY):

S. 1809. A bill to improve service systems for individuals with developmental disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE DEVELOPMENT DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 1999

• Mr. JEFFORDS. Mr. President, it is a pleasure to introduce today, for myself, and my colleagues from the Health, Education, Labor, and Pensions Committee, Senators KENNEDY, HARKIN, FRIST, COLLINS, WELLSTONE, REED, DODD, and MURRAY, The Developmental Disabilities Assistance and Bill of Rights Act of 1999. This bill is the reauthorization of a piece of legislation with a rich legacy, and a long history of bipartisan Congressional support. Originally authorized in 1963 and last reauthorized in 1996, it has always focused on the needs of our most vulnerable citizens, an estimated four million individuals with severe disabilities, including individuals with mental retardation and other lifelong, pervasive disabilities.

Initial versions of this legislation focused primarily on the interdisciplinary training of professionals to work with individuals with developmental disabilities. The University Affiliated Facilities (UAFs) were the first federally funded programs charged with expanding the cadre of professionals to address the needs of individuals with developmental disabilities. The name of these programs was changed to University Affiliated Programs (UAPs) in a subsequent reauthorization and their mission was expanded to include community services and information dissemination pertaining to individuals with developmental disabilities. Finally, in 1996, after 33 years of planned expansion by Congress, each State established and received core funding for at least one UAP.

In the 1970 reauthorization of the DD Act, Congress recognized the need for, and value of strengthening State efforts to coordinate and integrate services for individuals with developmental disabilities. As a result, Congress established and authorized funding for State Developmental Disabilities Councils (DD Councils) in each state. The purpose of the Councils was, and continues to be, to advise governors and State agencies on how to use available and potential resources to meet the needs of individuals with developmental disabilities. Every State has a DD Council. The Councils undertake advocacy, capacity building, and systemic change activities directed at improving access to community services and supports for individuals with disabilities and their families.

In 1975, Congress created and authorized funding for Protection and Advocacy Systems (P&As) in each state to ensure the safety and well being of individuals with developmental disabilities. The mission of these systems has evolved over the years, initially addressing the protection of individuals with developmental disabilities who lived in institutions, to the present responsibilities related to the protection of individuals with developmental disabilities from abuse, neglect, and exploitation, and from the violation of their legal and human rights, both in institutions and in the community.

The 1975 reauthorization of the DD Act also established funding for Projects of National Significance. Through this new authority Congress authorized funding for projects that would support national initiatives related to specific areas of need. Over the years, projects related to areas such as people with developmental disabilities and the criminal justice system, home ownership, employment, assistive technology, and self-advocacy for individuals with developmental disabilities have been initiated through these projects.

The 1999 reauthorization of the DD Act builds on the past successes of these programs, reflects today's changing society, and seeks to provide a foundation to provide the services and supports that individuals with developmental disabilities, their families, and communities will need as we enter the next century. Let me take a few moments to highlight the major provisions of this bill.

The Developmental Disabilities Assistance and Bill of Rights Act of 1999 continues a tradition of support for a DD Network in each State that is able

to provide advocacy, capacity building, and systemic change activities in quality assurance, education and early intervention, child care, employment, health, housing, transportation, recreation and other services for individuals with developmental disabilities and their families. This approach reflects current trends in society and in the field of developmental disabilities in that it emphasizes the empowerment of individuals with developmental disabilities and their families and joins it with state flexibility and increased accountability.

The bill continues and further develops the important work of the DD Act programs in each State. It seeks to ensure that more individuals with developmental disabilities are able to fully participate in and contribute to their communities through full integration and inclusion in the economic, political, social, cultural, and educational mainstream of our nation. It also assists DD Act programs to improve the quality of supports and services for individuals with developmental disabilities and their families regardless of where they choose to live.

Unfortunately, in keeping with other realities of our time, the bill also recognizes that individuals with developmental disabilities are at greater risk of abuse, neglect, financial and sexual exploitation, and the violation of their legal and human rights, than the general population. Based upon this recognition, the bill supports the extra effort and attention that is needed, in both individual and systemic situations, to ensure that individuals with developmental disabilities are put at no greater risk of harm than others in the general population.

The bill recognizes that individuals with developmental disabilities often have multiple, evolving, life long needs that require interaction with agencies and organizations that offer specialized assistance as well as interaction with generic services in their communities. The nature of the needs of these individuals and the capacity of States and communities to respond to them have changed. In the past 5 years, new strategies for reaching, engaging, and assisting individuals with developmental disabilities have gained visibility and credibility. These new strategies are reinforced by and reflected in this bill.

In the past, the Councils, Centers, and P&A Systems have been authorized to provide advocacy, capacity building, and systemic change activities to make access to and navigation through various service systems easier for individuals with developmental disabilities. Over time there has been pressure for these three programs to provide assistance beyond the limit of their resources and beyond their authorized missions. The bill clearly and concisely specifies the roles and responsibilities of Councils, Centers, and P&A Systems so that there is a common understanding of what the programs are intended to contribute toward a State's efforts to respond to the needs of individuals with developmental disabilities and their families.

The bill gives States' Councils, Centers, and P&A Systems more flexibility. Each program in a State, working with stakeholders, is to develop goals for how to assure that individuals with developmental disabilities and their families participate in the design of and have access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, integration, and inclusion in all facets of community life. Goals may be set in any of the following areas of emphasis: quality assurance, education and early intervention, child care, health, employment, housing, transportation, recreation, or other community services.

Consistent with Congressional emphasis on strengthening accountability for all federal programs, this legislation requires each program to determine, before undertaking a goal, how it will be measured. Measurement of a goal must reflect the impact of the goal on individuals with developmental disabilities. The Secretary of the Department of Health and Human Services (HHS) is to develop indicators of progress to evaluate how the three programs in each State have engaged in activities to promote and achieve the purpose and policy of the Act in terms of choices available to individuals with developmental disabilities and their families, their satisfaction with services, their ability to participate in community life, and their safety. In addition, the Secretary is to monitor how the three programs funded in each State coordinate their efforts, and how that coordination affects the quality of supports and services for individuals with developmental disabilities and their families in that State.

During the past several years, a clearer picture has emerged of what individuals with developmental disabilities are able to accomplish when they have access to the same choices and opportunities available to others and with the appropriate support. There has also been increasing recognition of and support for self-advocacy organizations established by and for individuals with developmental disabilities. This bill reflects and promotes such efforts by authorizing State Councils in each State to support self-advocacy organizations for individuals with developmental disabilities.

The legislation renames the University Affiliated Programs as University Centers for Excellence for Developmental Disabilities Education, Research, and Service, expands their responsibilities to include the conduct of research, and links them together to create a National Network.

By administering the three programs specifically authorized under the DD Act and by funding projects of national significance to accomplish similar or complementary efforts, the Administration on Developmental Disabilities (ADD) in HHS plays a critical role in supporting and fostering new ways to assist individuals with developmental disabilities and in promoting system integration to expand and improve community services for individuals with disabilities. This bill provides ADD with the ability to foster similar efforts across the Executive Branch. The bill authorizes ADD to pursue and join with other Executive Branch entities in activities that will improve choices, opportunities, and services for individuals with developmental disabilities.

The bill recognizes that forty-nine States have begun to develop family support programs for families with children with disabilities. This supports States by providing grants (one, 3-year grant per State, on a competitive basis) to assist States to provide services to families who choose to keep their children with disabilities at home and not be forced to place their children in institutions due to the lack of support. The bill gives States maximum flexibility to use targeted funds to strengthen or expand existing State family support programs.

Finally, in response to a national need to increase the number and improve the training of direct support workers who assist individuals with developmental disabilities where they live, work, go to school, and play, the bill includes provisions proposed by Senators FRIST and WELLSTONE. One provides funding for the development and dissemination of a technology-based training curriculum to provide state of the art staff development for individuals in direct service roles with people with developmental disabilities and their families. The other is a scholarship program to encourage continuing education for individuals entering the field of direct service

Throughout the country, the DD Act programs have a long history of achievement. In Vermont, the DD Act programs make ongoing contributions to major initiatives affecting individuals with developmental disabilities and their families. They play significant roles in many of Vermont's accomplishments, including: the inclusion of children with severe disabilities into local schools and classrooms; early intervention and family leadership initiatives that are national models; and innovative programs in the areas of employment, and community living options for individuals with developmental disabilities. Based upon the letters our office has received from across the country, it is clear that these small programs make substantial, positive differences in their states.

The bill we present today reflects the foundation of what Congress has supported over the past 36 years, combined with our best efforts to support individuals with the most severe disabilities, their families, and their communities into the next century. It represents the best of what we in Congress have the opportunity to do . . . to ensure that those who are among our most vulnerable citizens, are protected, supported, and encouraged to achieve their potential. My colleagues and I are proud to present it to you today and hope to see it enacted as soon as possible.●

Mr. KENNEDY. Mr. President, today I join with my colleagues, Senator FRIST, Senator JEFFORDS, Senator MIKULSKI, Senator MURRAY, Senator DURBIN, and Senator COCHRAN to introduce the ''Clinical Research Enhancement Act of 1999''.

Our goal is to enhance support for clinical research, which is central to biomedical research. Major advances in basic biological research are opening doors to new insights into all aspects of medicine. As a result, extraordinary opportunities exist for cutting-edge clinical research to bring breakthroughs in the laboratory to the bedside of the patient. Clinical research is essential for the advancement of scientific knowledge and the development of cures and treatments for disease. In addition, the results of clinical research are incorporated by industry and used to develop new drugs, vaccines, and health care products. These advances in turn strengthen the economy and create jobs.

Unfortunately, the number of physicians choosing careers in clinical research is in serious decline. Between 1994 and 1998, the number of physicians applying for first-time NIH grants decreased by 21%. Studies by the Institute of Medicine, the National Research Council, the National Academy of Sciences, and the National Institutes of Health have all highlighted the significant problems faced by clinical researchers, including lack of grant support, lack of training opportunities, and the heavy debt burden from medical school.

The legislation we are introducing today seeks to enhance clinical research by addressing these issues. Our bill will provide research support and training opportunities for clinical researchers at all stages of their careers, as well as the necessary infrastructure to conduct clinical research.

The bill establishes several research grant awards. The Mentored Patient-Oriented Research Career Development Awards will support clinical investigators in the early phases of their independent careers by providing salary and other support for a period of supervised study. The Mid-Career Investigator Awards in Patient-Oriented Research will provide support for mid-career clinicians, to give them time for clinical research and to act as mentors for beginning investigators.

To encourage the training of clinical investigators at various stages in their careers, the bill establishes several programs. The NIH will support intramural and extramural training programs for medical and dental students. For students who want to pursue an advanced degree in clinical research, the bill provides support for both students and institutions to create training programs. For post-graduate education, NIH will support continuing education in such research.

Our legislation also creates a clinical research tuition loan repayment program to encourage recruitment of new investigators. Student debt is a major barrier to clinical research. Young physicians graduate from medical school with an average debt of $86,000. Because of the limited financial opportunities in clinical research to repay their large debts, many young physicians are under great pressure to choose more lucrative fields of medical practice. NIH has acknowledged this problem, and has established an intramural loan repayment program to encourage the recruitment of clinical researchers to NIH. Our legislation expands the current program, so that researchers throughout the country will be eligible.

A solid infrastructure is essential to any research program. In clinical research, that infrastructure is provided, in part, by the general clinical research centers at academic health centers throughout the country. Our bill provides statutory authority for those clinical research centers.

In the past, support for these centers was once provided largely by academic health centers. However, academic health centers today are confronted with heavy competition from non-teaching institutions and are increasingly emphasizing patient care over research to minimize costs. In the face of these changes, clinical researchers have become much more dependent on NIH for infrastructure support.

I look forward to working with my colleagues to move this important legislation through Congress. Our bill is supported by over 70 biomedical associations and organizations. I commend the American Federation for Medical Research for its support of this legislation.

● Mr. FRIST. Mr. President, I rise to offer my support as a cosponsor of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1999, a bill to extend and improve our Nation's developmental disabilities programs which allow individuals with developmental disabilities, such as mental retardation and severe physical disabilities, to live more independent and productive lives.

As the Chairman of the Senate Subcommittee on Disability Policy during the 104th Congress, I introduced the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1996 which successfully extended this vital law. Through this experience, I became aware of the importance of the programs under this Act and how they work to improve the lives of individuals with developmental disabilities.

Before the DD Act was first signed in 1963, Americans who happened to be born with developmental disabilities often lived and died in institutions where many were subjected to unspeakable conditions, far worse than conditions found in any American prison. Over the last several decades, thanks in part to the programs included in the DD Act, we have learned how to help families to bring up their children with developmental disabilities in their family homes; we have learned how to teach children with developmental disabilities; we have learned how to make room for these citizens to live and work in the heart of our communities; and we have learned how to ensure safe living environments and dependable care for those individuals with developmental disabilities who remain in residential facilities.

The bill introduced today will ensure that these activities will continue. This bill will update and increase the accountability and flexibility of these programs under the law. These programs include the university affiliated programs which educate students in developmental disabilities related fields and which conduct research and training on how to meet the needs of the disabled. The law also authorizes funding for State Developmental Disabilities Councils which advise governors and State agencies on how to use available and potential resources to meet the needs of individuals with developmental disabilities. To help protect the rights of the developmentally disabled, the law provides grants for Protection and Advocacy Systems to provide information and referral services and to investigate reported incidents of abuse and neglect of individuals with developmental disabilities.

I am pleased that Senator JEFFORDS has agreed to include a provision in this bill which I drafted to address the training of direct service personnel for individuals with developmental disabilities. The training of direct service personnel is a national challenge in both magnitude and complexity. The size of this workforce is over 400,000 persons with an estimated annual turnover rate of 50 percent. In addition, nearly half of these workers are part time, working nontraditional hours. To address this dilemma, I have drafted a provision to develop a training program to create, evaluate, and disseminate a multimedia curriculum for staff

development of individuals who are direct support workers or who seek to become direct support workers. This program will help develop a training regime that will be both cost and time effective for providers of services for the developmentally disabled.

Mr. President, I am pleased to offer my support to the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1999, which will improve and strengthen an important law which provides support for individuals with developmental disabilities and their families and which will assist individuals with developmental disabilities to live independently and work in the community, out of institutions, with as little bureaucracy and government intrusion as possible.●

● Mr. HARKIN. Mr. President. The Developmental Disabilities Act has been a cornerstone of federal registration for people with disabilities. I am pleased to be here today with Senator JEFFORDS, Senator KENNEDY, and other colleagues from the Health, Education, Labor, and Pensions Committee to introduce legislation that will reauthorize this important law.

The entities funded under the Act—The Developmental Disabilities Councils, University Affiliated Programs, and the Protection and Advocacy agencies—have enabled us to move away from a service system dominated by large public institutions, and to establish services where families and individuals want them—in their own homes, communities, and neighborhoods. In fact, the Supreme Court cited the Developmental Disabilities Act in the recent Olmstead decision as one of several pieces of federal legislation that secure opportunities for people with disabilities to enjoy the benefits of community living.

This year's reauthorization is important for a number of reasons. First, we must continue our progress toward providing better community services for all people with disabilities. The Development Disabilities Act is instrumental in that work.

Second, we must ensure that people with developmental disabilities are free from abuse and neglect in all aspects of the service delivery system. This bill will help protect people with disabilities from abuse and neglect no matter where they live—inside an institution or in the community.

And, finally, we must do more to strengthen and support families as they provide care and support to family members with a disability. Family Support programs are one of the fastest growing services on the State level. State policy-makers are realizing that family caregivers are the true heroes of our long-term care system and they need help if they are going to keep their children at home. In this year's reauthorization of the Developmental Disabilities Act, we have included a Family Support program to help states strengthen and coordinate their support systems for family caregivers.

I commend the disability groups for all of their work to make this reauthorization possible. I thank my colleagues and their staff for their hard work to reauthorize this law into the next millennium. I applaud their commitment to people with developmental disabilities.●

By Mrs. MURRAY (for herself, Mr. JEFFORDS, Mr. CONRAD, Mr. KERREY, Mr. DORGAN, Mr. BINGAMAN, and Mr. SARBANES):

S. 1810. A bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures; to the Committee on Veterans' Affairs.

DUTY TO ASSIST VETERANS LEGISLATION

● Mrs. MURRAY. Mr. President, I am introducing a bill today to make sure we treat America's veterans with the compassion they deserve. They have sacrificed so much of their personal lives for our country. And with this bill, I want to show them we appreciate their service, and we will be there when they need help.

When veterans need medical care, they file a claim for benefits with the Veterans Administration. It requires researching information over many years and from many different government organizations.

Traditionally, the Veterans Administration has helped veterans research and file their claims. That's the way it should be.

But a series of recent court decisions have changed that—and made it harder for veterans to file their claims. I want to set the record straight. The VA has a duty to assist veterans in filing their claims.

So today, I am introducing legislation to amend Title 38 of the United States Code to clarify and improve veterans claims and procedures.

My legislation clarifies that the Department of Veterans Affairs has a duty to assist veterans in preparing all of the facts pertinent to a claim for benefits. The VA has historically aided veterans in gathering information from the federal bureaucracy so they can file a claim.

Let's not forget—the claims process was set up to aid our veterans. It's important to all veterans, especially those with severe mental and physical disabilities.

Homeless veterans need help. Elderly veterans need help. And family members—who sacrifice to care for veterans—need help from the federal government.

Anyone who has ever dealt with a veterans claim for benefits knows this is a very difficult process. It can be frustrating for veterans who—even in the best of circumstances—may be forced to wait several years for a claim to be approved and granted. Veterans already pay a heavy cost for delayed benefits. They often face financial, family, and health problems, as they try to resolve their claims.

Yet, as we speak, the claims process at the VA is becoming even more difficult for America's veterans and their families.

Through a series of court decisions, the VA's historic duty to assist veterans has been set aside. The courts responsible for veterans claims have determined that it is now the individual veteran's responsibility to file a well-rounded claim before they can get assistance from the VA. The effect has been to place the burden on the individual veteran to gather information—service records, medical records, and other documentation—from the federal government in order to file a claim.

Mr. President, the courts have decided our veterans in need of assistance must go it alone. Homeless veterans suffering from Post Traumatic Stress Disorder must now prepare their claims without assistance from the government they sacrificed for. Veterans who are sick, mentally or physically disabled, indigent, or poorly educated now face new barriers to assistance they may be legally entitled to receive. Veterans without the financial resources, time or familiarity with the claims process system must navigate through the bureaucracy without federal assistance. That's not the way we should treat America's veterans.

Clearly, the courts have misinterpreted Congressional intent. The Veterans Judicial Review Act was signed into law during the 100th Congress with the following language,

> It is the obligation of the Veterans Administration to assist a claimant in developing facts pertinent to his claim and to render a decision which grants him every benefit that can be supported in law while protecting the interests of the Government.

Somehow the courts interpreted that language differently. My objective in introducing legislation today is not to quarrel with the courts. I simply want to reassert congressional intent and reestablish the VA's duty to assist veterans. My legislation simply confirms the Congress believes it is important and appropriate for the federal government to assist veterans in preparing claims for benefits.

Mr. President, this legislation is widely supported among those who work on veterans benefits claims every day. Numerous veterans advocacy groups, including the Disabled American Veterans, strongly support my legislation. This bill has original cosponsors from both sides of the aisle. It is a bipartisan response to a real problem confronting America's veterans.

Let's do the right thing for America's veterans and particularly for those veterans who need the government's assistance the most.

I urge prompt Senate consideration and passage of this legislation.●

By Mr. KENNEDY (for himself, Mr. FRIST, Mr. JEFFORDS, Ms. MIKULSKI, Mrs. MURRAY, Mr. DURBIN, and Mr. COCHRAN):

S. 1813. A bill to expand the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE CLINICAL RESEARCH ENHANCEMENT ACT OF 1999

Mr. KENNEDY. Mr. President, today I join with my colleagues, Senator FRIST, Senator JEFFORDS, Senator MIKULSKI, Senator MURRAY, Senator DURBIN, and Senator COCHRAN to introduce the ''Clinical Research Enhancement Act of 1999''.

Our goal is to enhance support for clinical research, which is central to biomedical research. Major advances in basic biological research are opening doors to new insights into all aspects of medicine. As a result, extraordinary opportunities exist for cutting-edge clinical research to bring breakthroughs in the laboratory to the bedside of the patient. Clinical research is essential for the advancement of scientific knowledge and the development of cures and treatments for disease. In addition, the results of clinical research are incorporated by industry and used to develop new drugs, vaccines, and health care products. These advances in turn strengthen the economy and create jobs.

Unfortunately, the number of physicians choosing careers in clinical research is in serious decline. Between 1994 and 1998, the number of physicians applying for first-time NIH grants decreased by 21 percent. Studies by the Institute of Medicine, the National Research Council, the National Academy of Sciences, and the National Institutes of Health have all highlighted the significant problems faced by clinical researchers, including lack of grant support, lack of training opportunities, and the heavy debt burden from medical school.

The legislation we are introducing today seeks to enhance clinical research by addressing these issues. Our bill will provide research support and training opportunities for clinical researchers at all stages of their careers, as well as the necessary infrastructure to conduct clinical research.

The bill establishes several research grant awards. The Mentored Patient-Oriented Research Career Development Awards will support clinical investigators in the early phases of their independent careers by providing salary and other support for a period of supervised study. The Mid-Career Investigator Awards in Patient-Oriented Research will provide support for mid-career clinicians, to give them time for clinical research and to act as mentors for beginning investigators.

To encourage the training of clinical investigators at various stages in their careers, the bill establishes several programs. The NIH will support intramural and extramural training programs for medical and dental students. For students who want to pursue an advanced degree in clinical research, the bill provides support for both students and institutions to create training programs. For post-graduate education, NIH will support continuing education in such research.

Our legislation also creates a clinical research tuition loan repayment program to encourage recruitment of new investigators. Student debt is a major barrier to clinical research. Young physicians graduate from medical school with an average debt of $86,000. Because of the limited financial opportunities in clinical research to repay their large debts, many young physicians are under great pressure to choose more lucrative fields of medical practice. NIH has acknowledged this problem, and has established an intramural loan repayment program to encourage the recruitment of clinical researchers to NIH. Our legislation expands the current program, so that researchers throughout the country will be eligible.

A solid infrastructure is essential to any research program. In clinical research, that infrastructure is provided, in part, by the general clinical research centers at academic health centers throughout the country. Our bill provides statutory authority for those clinical research centers.

In the past, support for these centers was once provided largely by academic health centers. However, academic health centers today are confronted with heavy competition from non-teaching institutions and are increasingly emphasizing patient care over research to minimize costs. In the face of these changes, clinical researchers have become much more dependent on NIH for infrastructure support.

I look forward to working with my colleagues to move this important legislation through Congress. Our bill is supported by over 70 biomedical associations and organizations. I commend the American Federation for Medical Research for its support of this legislation. Mr. President, I ask unanimous consent that a copy of the bill, the American Federation for Medical Research's letter of support, and a list of supporters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1813

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 ''Clinical Research Enhancement Act of 1999''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Clinical research is critical to the advancement of scientific knowledge and to the development of cures and improved treatment for disease.

(2) Tremendous advances in biology are opening doors to new insights into human physiology, pathophysiology and disease, creating extraordinary opportunities for clinical research.

(3) Clinical research includes translational research which is an integral part of the research process leading to general human applications. It is the bridge between the laboratory and new methods of diagnosis, treatment, and prevention and is thus essential to progress against cancer and other diseases.

(4) The United States will spend more than $1,200,000,000,000 on health care in 1999, but the Federal budget for health research at the National Institutes of Health was $15,600,000,000 only 1 percent of that total.

(5) Studies at the Institute of Medicine, the National Research Council, and the National Academy of Sciences have all addressed the current problems in clinical research.

(6) The Director of the National Institutes of Health has recognized the current problems in clinical research and appointed a special panel, which recommended expanded support for existing National Institutes of Health clinical research programs and the creation of new initiatives to recruit and retain clinical investigators.

(7) The current level of training and support for health professionals in clinical research is fragmented, undervalued, and underfunded.

(8) Young investigators are not only apprentices for future positions but a crucial source of energy, enthusiasm, and ideas in the day-to-day research that constitutes the scientific enterprise. Serious questions about the future of life-science research are raised by the following:

(A) The number of young investigators applying for grants dropped by 54 percent between 1985 and 1993.

(B) The number of physicians applying for first-time National Institutes of Health research project grants fell from 1226 in 1994 to 963 in 1998, a 21 percent reduction.

(C) Newly independent life-scientists are expected to raise funds to support their new research programs and a substantial proportion of their own salaries.

(9) The following have been cited as reasons for the decline in the number of active clinical researchers, and those choosing this career path:

(A) A medical school graduate incurs an average debt of $85,619, as reported in the Medical School Graduation Questionnaire by the Association of American Medical Colleges (AAMC).

(B) The prolonged period of clinical training required increases the accumulated debt burden.

(C) The decreasing number of mentors and role models.

(D) The perceived instability of funding from the National Institutes of Health and other Federal agencies.

(E) The almost complete absence of clinical research training in the curriculum of training grant awardees.

(F) Academic Medical Centers are experiencing difficulties in maintaining a proper environment for research in a highly competitive health care marketplace, which are compounded by the decreased willingness of third party payers to cover health care costs

for patients engaged in research studies and research procedures.

(10) In 1960, general clinical research centers were established under the Office of the Director of the National Institutes of Health with an initial appropriation of $3,000,000.

(11) Appropriations for general clinical research centers in fiscal year 1999 equaled $200,500,000.

Since the late 1960s, spending for general clinical research centers has declined from approximately 3 percent to 1 percent of the National Institutes of Health budget.

(12) In fiscal year 1999, there were 77 general clinical research centers in operation, supplying patients in the areas in which such centers operate with access to the most modern clinical research and clinical research facilities and technologies.

(b) PURPOSE.—It is the purpose of this Act to provide additional support for and to expand clinical research programs.

SEC. 3. INCREASING THE INVOLVEMENT OF THE NATIONAL INSTITUTES OF HEALTH IN CLINICAL RESEARCH.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

"SEC. 409C. CLINICAL RESEARCH.

''(a) IN GENERAL.—The Director of National Institutes of Health shall undertake activities to support and expand the involvement of the National Institutes of Health in clinical research.

''(b) REQUIREMENTS.—In carrying out subsection (a), the Director of National Institutes of Health shall—

''(1) consider the recommendations of the Division of Research Grants Clinical Research Study Group and other recommendations for enhancing clinical research; and

''(2) establish intramural and extramural clinical research fellowship programs directed specifically at medical and dental students and a continuing education clinical research training program at the National Institutes of Health.

''(c) SUPPORT FOR THE DIVERSE NEEDS OF CLINICAL RESEARCH.—The Director of National Institutes of Health, in cooperation with the Directors of the Institutes, Centers, and Divisions of the National Institutes of Health, shall support and expand the resources available for the diverse needs of the clinical research community, including inpatient, outpatient, and critical care clinical research.

''(d) PEER REVIEW.—The Director of National Institutes of Health shall establish peer review mechanisms to evaluate applications for the awards and fellowships provided for in subsection (b)(2) and section 409D. Such review mechanisms shall include individuals who are exceptionally qualified to appraise the merits of potential clinical research training and research grant proposals.''.

SEC. 4. GENERAL CLINICAL RESEARCH CENTERS.

(a) GRANTS.—Subpart 1 of part B of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following:

"SEC. 481C. GENERAL CLINICAL RESEARCH CENTERS.

''(a) GRANTS.—The Director of the National Center for Research Resources shall award grants for the establishment of general clinical research centers to provide the infrastructure for clinical research including clinical research training and career enhancement. Such centers shall support clinical studies and career development in all settings of the hospital or academic medical center involved.

''(b) ACTIVITIES.—In carrying out subsection (a), the Director of National Institutes of Health shall expand the activities of the general clinical research centers through the increased use of telecommunications and telemedicine initiatives.

''(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.''.

(b) ENHANCEMENT AWARDS.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 3, is further amended by adding at the end the following:

"SEC. 409D. ENHANCEMENT AWARDS.

''(a) MENTORED PATIENT-ORIENTED RESEARCH CAREER DEVELOPMENT AWARDS.—

''(1) GRANTS.—

''(A) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Mentored Patient-Oriented Research Career Development Awards') to support individual careers in clinical research at general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research.

''(B) USE.—Grants under subparagraph (A) shall be used to support clinical investigators in the early phases of their independent careers by providing salary and such other support for a period of supervised study.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

''(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 fiscal year.

''(b) MID-CAREER INVESTIGATOR AWARDS IN PATIENT-ORIENTED RESEARCH.—

''(1) GRANTS.—

''(A) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Mid-Career Investigator Awards in Patient-Oriented Research') to support individual clinical research projects at general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research.

''(B) USE.—Grants under subparagraph (A) shall be used to provide support for mid-career level clinicians to allow such clinicians to devote time to clinical research and to act as mentors for beginning clinical investigators.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director requires.

''(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 fiscal year.

''(c) GRADUATE TRAINING IN CLINICAL INVESTIGATION AWARD.—

''(1) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Graduate Training in Clinical Investigation Awards') to support individuals pursuing master's or doctoral degrees in clinical investigation.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

''(3) LIMITATIONS.—Grants under this subsection shall be for terms of 2 years or more and shall provide stipend, tuition, and institutional support for individual advanced degree programs in clinical investigation.

''(4) DEFINITION.—As used in this subsection, the term 'advanced degree programs in clinical investigation' means programs that award a master's or Ph.D. degree in clinical investigation after 2 or more years of training in areas such as the following:

''(A) Analytical methods, biostatistics, and study design.

''(B) Principles of clinical pharmacology and pharmacokinetics.

''(C) Clinical epidemiology.

''(D) Computer data management and medical informatics.

''(E) Ethical and regulatory issues.

''(F) Biomedical writing.

''(5) 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 fiscal year.

''(d) CLINICAL RESEARCH CURRICULUM AWARDS.—

''(1) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Clinical Research Curriculum Awards') to institutions for the development and support of programs of core curricula for training clinical investigators, including medical students. Such core curricula may include training in areas such as the following:

''(A) Analytical methods, biostatistics, and study design.

''(B) Principles of clinical pharmacology and pharmacokinetics.

''(C) Clinical epidemiology.

''(D) Computer data management and medical informatics.

''(E) Ethical and regulatory issues.

''(F) Biomedical writing.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual institution or a consortium of institutions at such time as the Director may require. An institution may submit only 1 such application.

''(3) LIMITATIONS.—Grants under this subsection shall be for terms of up to 5 years and may be renewable.

''(4) 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 fiscal year.''.

SEC. 5. LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS.

Part G of title IV of the Public Health Service Act is amended by inserting after section 487E (42 U.S.C. 288–5) the following:

"SEC. 487F. LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS.

''(a) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health, shall establish a program to enter into contracts with qualified health professionals under which such health professionals agree to conduct clinical research, in consideration of the Federal Government agreeing to repay, for each year of service conducting such research, not more than $35,000 of the principal and interest of the educational loans of such health professionals.

''(b) APPLICATION OF PROVISIONS.—The provisions of sections 338B, 338C, and 338E shall, except as inconsistent with subsection (a) of this section, apply to the program established under subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service

Corps Loan Repayment Program established in subpart III of part D of title III.

''(c) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

''(2) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were made available.''.

SEC. 6. DEFINITION.

Section 409 of the Public Health Service Act (42 U.S.C. 284d) is amended—

(1) by striking ''For purposes'' and inserting ''(a) HEALTH SERVICE RESEARCH.—For purposes''; and

(2) by adding at the end the following:

''(b) CLINICAL RESEARCH.—As used in this title, the term 'clinical research' means patient oriented clinical research conducted with human subjects, or research on the causes and consequences of disease in human populations involving material of human origin (such as tissue specimens and cognitive phenomena) for which an investigator or colleague directly interacts with human subjects in an outpatient or inpatient setting to clarify a problem in human physiology, pathophysiology or disease, or epidemiologic or behavioral studies, outcomes research or health services research, or developing new technologies, therapeutic interventions, or clinical trials.''.

SEC. 7. OVERSIGHT BY GENERAL ACCOUNTING OFFICE.

Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Congress a reporting describing the extent to which the National Institutes of Health has complied with the amendments made by this Act.

AMERICAN FEDERATION
FOR MEDICAL RESEARCH,
Washington, DC, October 27, 1999

Hon. EDWARD KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: I write to thank you for your continued support of the need to enhance clinical research programs at the National Institutes of Health by reintroducing the Clinical Research Enhancement Act. The American Federation for Medical Research, a national organization of over 5,000 physician-scientists who are involved in basic, translational, clinical and health services research, is committed to the improvement of human health through the translation of basic scientific discoveries to treatments and cures for disease.

For many years, academic medical centers have been able to provide institutional support to young physician-scientists who are interested in pursuing careers in biomedical research. However, as the health care marketplace has become increasingly competitive, academic centers have all but eliminated internal subsidies for clinical research or the training of clinical investigators. In fact, the Association of American Medical Colleges has estimated that these institutions have lost approximately $800 million in annual ''purchasing power'' for research and research training within their institutions.

Unfortunately, young investigators and medical students have suffered as a result of the loss of these funds from the system. The AMA has reported that the number of medical school graduates indicating an interest in a research career has fallen steadily in the 1990's. In addition, the number of first time physician applicants to the National Institutes of Health for research support has fallen by at least 20 percent between 1994 and 1997. It is important that these downward trends are stopped. These lost physician scientists represent the next generation who will move basic science discoveries to patients. We thank you for introducing the Clinical Research Enhancement Act, an extremely modest investment in a much-needed program to reinvigorate our nation's clinical research capabilities.

There is a strong consensus among the 70 scientific and consumer organizations that have endorsed this legislation that Congress must stop the deterioration of the U.S. clinical research capacity. In addition, we must assure that the American people and the American economy benefit from the translation of basic science breakthroughs to improved clinical care and new medical products. The American Federation for Medical Research is pleased to have the opportunity to express its strong support for this important piece of legislation.

Sincerely,

WILLIAM LOWE, M.D.,
President.

SUPPORTERS OF THE SENATE CLINICAL RESEARCH ENHANCEMENT ACT

Academy of Radiology Research, Alliance for Aging Research, Alzheimer's Association, Ambulatory Pediatric Association, American Academy of Child and Adolescent Psychiatry, American Academy of Neurology, American Academy of Pediatrics, American Academy of Physical Medicine and Rehabilitation, American Academy of Optometry, American Academy of Orthopedic Surgeons, American Academy of Otolaryngology-Head and Neck Surgery, American Academy of Pediatrics, American Association for Cancer Research, American Association for Dental Research, American Association for the Study of Liver Disease, American Association of Dental Schools, American College of Cardiology, American College of Neuropsychopharmacology, American College of Physicians—American Society of Internal Medicine, American College of Preventive Medicine.

American Federation for Medical Research, American Heart Association, American Kidney Fund, American Pediatric Society, American Podiatric Medical Association, American Professors of Dermatology, American Society for Clinical Pharmacology and Therapeutics, American Society for Clinical Nutrition, American Society for Investigative Pathology, American Society for Reproductive Medicine, American Society for Addiction Medicine, American Society for Hematology, American Urological Association, Arthritis Foundation, Association for Research in Vision and Ophthalmology, Association of Academic Health Centers, Association of American Cancer Institutes, Association of Departments of Family Medicine, Association of Medical Schools Pediatric Department Chairs, Association of Pathology Chairs.

Association of University Professors of Ophthalmology, Citizens for Public Action, Coalition for American Trauma Care, Coalition of Patient Advocates for Skin Disease Research, College on Problems of Drug Dependence, Cooley's Anemia Foundation, Cystic Fibrosis Foundation, East Carolina University School of Medicine, Epilepsy Foundation, Federation of Behavioral, Psychological & Cognitive Sciences, Friends of the National Institute of Dental Research, General Clinical Research Centers Program Directors Association, Jeffrey Modell Foundation, Medical Dermatology Society, National Alopecia Areata Foundation.

National Caucus of Basic Biomedical Science Chairs, National Health Council, National Hemophilia Foundation, National Organization for Rare Disorders, National Osteoporosis Foundation, New York University School of Medicine, Research! America, Research Society on Alcoholism, RESOLVE, The National Infertility Association, St. Jude Children's Research Hospital, Scleroderma Foundation—Central New Jersey Chapter, Sjogren's Syndrome Foundation, Society for Investigative Dermatology, Society for Maternal—Fetal Medicine, Society for Pediatric Research, Society for Women's Health Research, University of Washington—Department of Ophthalmology.

By Mr. SMITH of Oregon (for himself, Mr. GRAHAM, Mr. CRAIG, Mr. CLELAND, Mr. MCCONNELL, Mr. COVERDELL, Mr. MACK, Mr. COCHRAN, Mr. HELMS, Mr. GRAMS, Mr. CRAPO, Mr. BUNNING, and Mr. VOINOVICH):

S. 1814. A bill to establish a system of registries of temporary agricultural workers to provide for a sufficient supply of such workers and to amend the Immigration and Nationality Act to streamline procedures for the admission and extension of stay of nonimmigrant agricultural workers, and for other purposes; to the Committee on the Judiciary.

AGRICULTURAL JOB OPPORTUNITY BENEFITS AND SECURITY ACT OF 1999 (AGJOBS)

Mr. SMITH of Oregon. Mr. President, I rise with Senators GRAHAM, CRAIG, CLELAND, MCCONNELL, COVERDELL, MACK, COCHRAN, HELMS, GRAMS, CRAPO, BUNNING, and VOINOVICH to encourage support of S. 1814, the Agricultural Job Opportunity Benefits and Security Act of 1999.

Our bill will reform the agricultural labor market, establish and maintain immigration control, provide a legal workforce for our farmers, and restore the dignity to the lives of thousands of farmworkers who have helped make the U.S. economy the powerhouse that it is today.

I am sure you are aware of the problems that have arisen within American agriculture. For many years, employers in the agricultural industry have struggled to hire enough legal workers to harvest their produce and plants.

As one of the most rapidly growing industries in this country, we can only expect the demand for agricultural labor jobs to continue to rise. When coupled with the lowest unemployment rates in decades, a crackdown on illegal immigration, and increased Social Security audits, the agriculture industry—and ultimately its consumers—face a crisis of devastating proportions.

Contrary to some media accounts, these labor shortages and the need for a revised H–2A temporary foreign worker program exist around the country. Mr. President, my colleagues all

agree with the General Accounting Office's (GAO) statement that while the labor shortage is not caused by one single problem, regional shortages stemming from region-specific problems do exist.

We have a shortage of legal workers in this country and the GAO estimates that there are in excess of 600,000 self-identified illegal aliens currently employed in U.S. agriculture. Another survey done by the Department of Labor also revealed that more than 70 percent, or about 1 million, of those hired to work on U.S. farms are here illegally.

Due to the highly sophisticated fraudulent documents in circulation and strict U.S. laws prohibiting employers from scrutinizing these documents too carefully, thousands of illegal workers have been unknowingly hired as a result. This situation leaves many agricultural employers vulnerable to potential labor shortfalls in the event of concentrated or targeted Immigration and Naturalization Service (INS) enforcement efforts or Social Security Administration audits.

Immigrants are also severely impacted when they must work as undocumented workers. These foreign workers risk their lives paying human ''coyotes'' $1,200 to be smuggled across the desert border in the trunk of a car to work in this country. Because of the risks these foreign workers face in coming here and the difficulty of returning if they leave for a visit home, many go for years without seeing their spouses and children, some never return home. These illegal workers are extremely vulnerable to these ''coyotes'' and other dark elements of society that prey upon them, prohibiting the basic human rights of life, liberty, and the pursuit of happiness.

A recent survey published by the William C. Velasquez Institute demonstrated that a vast majority of registered Latino voters support a new farmworker program. In addition to supporting higher wages and unionization for farmworkers, the overwhelming majority of registered Latino voters—76% in California and 67% in Texas—supported a program where ''illegal immigrant'' farmworkers were allowed to become permanent residents in exchange for several years of mandatory agricultural labor.

This poll clearly demonstrates that the current farm labor system serves no one well. Farmworkers support changing an illegal system that victimizes them and their families.

This issue is not new to Congress. Our government's H–2A agricultural guest worker program was designed in part to help solve the labor problems facing our farmers. Instead of helping, the H–2A program—the only legal temporary agricultural worker program in the United States—it merely adds bureaucratic red tape and burdensome regulations to the growing crisis. And it is failing those who use it.

The H–2A program is not practicable for the agriculture and horticulture industry because it is loaded with burdensome regulations, excessive paperwork, a bureaucratic certification process and untimely, inconsistent, and hostile decision-making by the U.S. Department of Labor. This program is over 50 years old.

To illustrate, Mr. President, this is the application I filled out to run for the United States Senate. It is one page, front and back.

This is the Department of Labor's 325-page handbook, from January 1988, which attempts to guide employers through the H–2A program's confusing application process. The GAO itself found that this handbook is outdated, incomplete, and very confusing to the user.

Even the December 1997 GAO report illustrated the burdensome H–2A process with which employers must comply in order to bring in legal, foreign workers. A grower must apply to multiple agencies to obtain just one H–2A worker. This process is further complicated by the multiple levels of government, redundant levels of oversight and conflicting administrative procedures and regulations. Also, as reported by the recent Department of Labor Inspector General, the H–2A program does not meet the interests of domestic workers because it does a poor job of placing domestic workers in agricultural jobs.

We are looking for solutions to not only make it easier for employers to hire legal workers to harvest their crops, but also to ensure that U.S. workers find jobs and are treated fairly in the process.

Our bill is a win-win-win for farmers, farmworkers, and immigration control. It reforms the agricultural labor market and establishes and maintains immigration control. It gives farmers the stability of a legal workforce and the certainty that the crops will be harvested in a timely manner. It gives farmworkers the ability to earn the right to legal status, avoid the risks of undocumented status and receive U.S. labor law protections. It addresses a status quo that persons on both sides of the issue agree is indefensible, but until now, has been too easy to ignore. It is a balanced bill that seeks both short and long-term solutions to the crisis in farm labor.

Our bill will allow farmworkers who have a proven history of agricultural employment to eventually adjust to legal status in this country. Serious agricultural workers who are willing to commit to work several years in agricultural employment will receive nonimmigrant status and the rights that go with it.

If employment requirements are met, workers can eventually adjust to permanent resident status, allowing them to remain in the U.S. year-round. Utilizing the skills of the existing farmworker workforce, a majority of whom are undocumented status in the United States, would reduce the number of temporary H–2A workers needed. It allows hardworking farmworkers seeking to better themselves and their families the opportunity to earn the right to legal status.

At the same time, the current temporary farmworker program—called H–2A—will be reformed to make it more responsive, affordable and usable by the average family farmer who needs temporary help to produce and harvest agricultural crops and commodities. The need and risks of illegal immigration are removed.

Our bill provides a system or registry where our unemployed U.S. workers can go to find out about job openings on our U.S. farms. Any legal U.S. resident who wants to work in agriculture will get the absolute right of first refusal for any and all jobs that become available. After the Department of Labor determines that a shortage of domestic workers exists, farmers would be able to recruit adjusted workers. If a shortage of adjusted workers is found, farmers could then utilize H–2A workers. This ensures that employers hire workers already in the U.S. before recruiting foreign guest workers.

Our bill also improves the conditions of the farm workers' lives and provide them the dignity they deserve. These needed benefits include providing a premium wage, providing housing and transportation benefits, guaranteeing basic workplace protections, and extending the Migrant and Seasonal Workers Protection Act to all workers.

To add more protections for the health, safety, and security of farmworkers, our bill establishes a commission that would study problems with farmworker housing. Our bill also directs the Department of Labor and Department of Agriculture to study field sanitation, childcare and child labor violations, labor standards enforcement and to ultimately make recommendations for long-term changes and improvements.

I am very concerned that workers are protected, but let's not forget that growers have been victimized by this process too. In order to feed their families—and yours—the growers need to harvest their crops on time, meet their payroll, and ultimately maintain their bottom line. Without achieving those things, farms go out of business and the jobs they create are lost along with them. So it is in all of our best interests—workers, growers, and consumers alike—that growers have the means by which to hire needed legal workers.

While I don't have a crystal ball to predict the future of the indefensible status quo, I can tell you that we will have a major economic and social crisis on our U.S. farmlands if there is not

an improvement over the current process.

Let's not keep making fugitives out of farmworkers and felons out of farmers.

I urge my fellow colleagues to join Senators GRAHAM, CRAIG, CLELAND, MCCONNELL, COVERDELL, MACK, COCHRAN, HELMS, GRAMS, CRAPO, BUNNING, VOINOVICH, and me in support of this important bipartisan legislation.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1814

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Agricultural Job Opportunity Benefits and Security Act of 1999''.

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

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

TITLE I—ADJUSTMENT TO LEGAL STATUS

Sec. 101. Agricultural workers.

TITLE II—AGRICULTURAL WORKER REGISTRIES

Sec. 201. Agricultural worker registries.

TITLE III—H–2A REFORM

Sec. 301. Employer applications and assurances.
Sec. 302. Search of registry.
Sec. 303. Issuance of visas and admission of aliens.
Sec. 304. Employment requirements.
Sec. 305. Program for the admission of temporary H–2A workers.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Enhanced worker protections and labor standards enforcement.
Sec. 402. Bilateral commissions.
Sec. 403. Regulations.
Sec. 404. Determination and use of user fees.
Sec. 405. Funding for startup costs.
Sec. 406. Report to Congress.
Sec. 407. Effective date.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADVERSE EFFECT WAGE RATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''adverse effect wage rate'' means the rate of pay for an agricultural occupation that is 5 percent above the prevailing rate of pay for that agricultural occupation in an area of intended employment, if the prevailing rate of pay for the occupation is less than the prior year's average hourly earnings of field and livestock workers for the State (or region that includes the State), as determined by the Secretary of Agriculture, provided no adverse effect wage rate shall be more than the prior year's average hourly earnings of field and livestock workers for the State (or region that includes the State), as determined by the Secretary of Agriculture.

(B) EXCEPTION.—If the prevailing rate of pay for an activity is a piece rate, task rate or group rate, and the average hourly earnings of an employer's workers employed in that activity, taken as a group, are less than the prior year's average hourly earnings of field and livestock workers in the State (or region that includes the State), as determined by the Secretary of Agriculture, the term ''adverse effect wage rate'' means the prevailing piece rate, task rate or group rate for the activity plus such an amount as is necessary to increase the average hourly earnings of the employer's workers employed in the activity, taken as a group, by 5 percent, or to the prior's years average hourly earnings for field and livestock workers for the State (or region that includes the State) determined by the Secretary of Agriculture, whichever is less.

(2) AGRICULTURAL EMPLOYMENT.—The term ''agricultural employment'' means any service or activity that is considered to be agriculture under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or as agricultural labor under section 3121(g) of the Internal Revenue Code of 1986. For purposes of this paragraph, agricultural employment in the United States includes, but is not limited to, employment under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(3) ELIGIBLE.—The term ''eligible'' as used with respect to workers or individuals, means individuals authorized to be employed in the United States as provided for in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1188).

(4) EMPLOYER.—The term ''employer'' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers.

(5) H–2A EMPLOYER.—The term ''H–2A employer'' means an employer who seeks to hire one or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.

(6) H–2A WORKER.—The term ''H–2A worker'' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.

(7) JOB OPPORTUNITY.—The term ''job opportunity'' means a specific period of employment provided by an employer to a worker in one or more agricultural activities.

(8) PREVAILING WAGE.—The term ''prevailing wage'' means with respect to an agricultural activity in an area of intended employment, the rate of wages that includes the 51st percentile of employees in that agricultural activity in the area of intended employment, expressed in terms of the prevailing method of pay for the agricultural activity in the area of intended employment.

(9) REGISTERED WORKER.—The term ''registered worker'' means an individual whose name appears in a registry.

(10) REGISTRY.—The term ''registry'' means an agricultural worker registry established under section 201(a).

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(12) UNITED STATES WORKER.—The term ''United States worker'' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien who is authorized to work in the job opportunity within the United States other than an alien admitted pursuant to section 101(a)(15)(H)(ii)(a) or section 218 of the Immigration and Nationality Act, as in effect on the effective date of this Act, or a nonimmigrant agricultural worker whose status was adjusted under section 101(a).

(13) WORK DAY.—The term ''work day'' means any day in which the individual is employed one or more hours in agriculture.

TITLE I—ADJUSTMENT TO LEGAL STATUS

SEC. 101. AGRICULTURAL WORKERS.

(a) NONIMMIGRANT STATUS.—

(1) IN GENERAL.—The Attorney General shall adjust the status of an alien agricultural worker who qualifies under this subsection to that of an alien lawfully admitted for nonimmigrant status under section 101(a)(15) of the Immigration and Nationality Act if the Attorney General determines that the following requirements are satisfied with respect to the alien:

(A) PERFORMANCE OF AGRICULTURAL EMPLOYMENT IN THE UNITED STATES.—The alien must establish that the alien has performed agricultural employment in the United States for at least 880 hours or 150 work days, whichever is lesser, during the 12-month period prior to October 27, 1999.

(B) APPLICATION PERIOD.—The alien must apply for such adjustment not later than 12 months after the effective date of this Act.

(C) ADMISSIBILITY.—

(i) IN GENERAL.—The alien must establish that the alien is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act, except as otherwise provided under subsection (d).

(ii) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—An alien who has not previously been admitted to the United States pursuant to this section, and who is otherwise eligible for admission in accordance with clause (i), shall not be deemed inadmissible by virtue of section 212(a)(9)(B) of that Act.

(2) PERIOD OF VALIDITY OF NONIMMIGRANT STATUS.—

(A) IN GENERAL.—The status granted in paragraph (1) shall be valid for a period of not to exceed 7 consecutive calendar years, except that the alien may not be present in the United States for more than an aggregate of 300 days in any calendar year.

(B) EXCEPTION.—The 300-day-per-year limitation in subparagraph (A) shall not apply to any period of validity of the status of any alien who—

(i) has established a permanent residence in the United States and has a minor child who was born in the United States prior to the date of enactment of this Act who resides in the alien's household; and

(ii) performs agricultural employment for not less than 240 days in a calendar year.

(3) AUTHORIZED TRAVEL.—During the period an alien is in lawful nonimmigrant status granted under this subsection, the alien has the right to travel abroad (including commutation from a residence abroad).

(4) AUTHORIZED EMPLOYMENT.—During the period an alien is in lawful nonimmigrant status granted under this subsection, the alien shall be granted authorization to engage in the performance only of agricultural employment in the United States and shall be provided an ''employment authorized'' endorsement or other appropriate work permit, only for the performance of such employment. A nonimmigrant alien under this subsection may perform agricultural employment anywhere in the United States.

(5) TERMINATION OF NONIMMIGRANT STATUS.—Except as otherwise provided in paragraph (2), the Attorney General shall terminate the status, and bring proceedings under section 240 of the Immigration and Nationality Act to remove, any nonimmigrant alien under this subsection who failed during 3 prior calendar years to perform 1,040 hours or 180 work days, whichever is lesser, of agricultural services in any single calendar year.

(6) RECORD OF EMPLOYMENT.—Each employer of a nonimmigrant agricultural worker whose status is adjusted under this subsection shall—

(A) provide a written record of employment to the alien; and

(B) provide a copy of such record to the Immigration and Naturalization Service.

(b) ADJUSTMENT TO PERMANENT RESIDENCE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Attorney General shall adjust the status of any alien provided lawful nonimmigrant status under subsection (a) to that of an alien lawfully admitted for permanent residence if the Attorney General determines that the following requirements are satisfied:

(A) QUALIFYING YEARS.—The alien has performed a minimum period of agricultural employment in the United States in each of 5 calendar years during the period of validity of the alien's adjustment to nonimmigrant status pursuant to subsection (a). Qualifying years under this subparagraph may include nonconsecutive years.

(B) MINIMUM PERIODS OF AGRICULTURAL EMPLOYMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), the minimum period of agricultural employment in any calendar year is 1,040 hours or 180 work days, whichever is lesser.

(ii) EXCEPTION.—An alien described in subsection (a)(2)(B) who remains in the United States for more than 300 days in a calendar year may only be credited with satisfaction of the minimum period of agricultural employment requirement for that year if the alien performed agricultural employment in the United States for at least 240 work days that year.

(C) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 6 months after completing the fifth year of qualifying employment in the United States.

(2) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Attorney General may deny adjustment to nonimmigrant status and provide for termination of the nonimmigrant status granted such alien under subsection (a) if—

(A) the Attorney General finds by a preponderance of the evidence that the adjustment to nonimmigrant status was the result of fraud or willful misrepresentation as set out in section 212(a)(6)(C)(i), or

(B) the alien commits an act that (i) makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act, except as provided under subsection (c)(2), or (ii) is convicted of a felony or 3 or more misdemeanors committed in the United States.

(3) TREATMENT OF ALIENS DEMONSTRATING PRIMA FACIE CASE FOR ADJUSTMENT.—Any alien who demonstrates a prima facie case of eligibility for adjustment under this subsection in accordance with regulations promulgated by the Attorney General, shall be considered a temporary resident alien and, pending adjudication of an application for permanent resident status under this subsection—

(A) may remain in the United States and shall be granted authorization to engage in any employment in the United States; and

(B) shall become eligible for any assistance or benefit to which a person granted lawful permanent resident status would be eligible on the date of enactment of this Act.

(4) GROUNDS FOR REMOVAL.—Any nonimmigrant alien under subsection (a) who does not apply for adjustment of status under this subsection before the expiration of the application period described in paragraph (1)(C) is deportable and may be removed.

(5) NUMERICAL LIMITATION.—In any fiscal year not more than 20 percent of the number of aliens obtaining nonimmigrant status under subsection (a) may be granted adjustment of status under this subsection. In granting such adjustment, aliens having the greater number of work hours shall be accorded priority. Any temporary resident alien under paragraph (3) who does not receive adjustment of status under this subsection in a fiscal year by reason of the limitation in this paragraph may continue to work in any employment, and shall be credited with any additional hours of agricultural employment performed for purposes of being accorded priority for adjustment of status.

(c) APPLICATIONS FOR ADJUSTMENT OF STATUS.—

(1) TO WHOM MAY BE MADE.—

(A) WITHIN THE UNITED STATES.—The Attorney General shall provide that—

(i) applications for adjustment of status under subsection (a) may be filed—

(I) with the Attorney General; or

(II) with a qualified designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Attorney General; and

(ii) applications for adjustment of status under subsection (b) shall be filed directly with the Attorney General.

(B) OUTSIDE THE UNITED STATES.—The Attorney General, in cooperation with the Secretary of State, shall provide a procedure whereby an alien may apply for adjustment of status under subsection (a) at an appropriate consular office outside the United States. The Attorney General shall prescribe regulations setting forth procedures for notification of immigration officials by the alien before departing the United States.

(C) TRAVEL DOCUMENTATION.—The Attorney General shall provide each alien whose status is adjusted under this section with a counterfeit-resistant document of authorization to enter or reenter the United States.

(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—For purposes of receiving applications under subsection (a), the Attorney General—

(A) shall designate qualified voluntary organizations and other qualified State, local, community, farm labor organizations, and associations of agricultural employers; and

(B) may designate such other persons as the Attorney General determines are qualified and have substantial experience, demonstrated competence, and traditional long-term involvement in the preparation and submittal of applications for adjustment of status under section 209 or 245 of the Immigration and Nationality Act, Public Law 89–732, or Public Law 95–145.

(3) PROOF OF ELIGIBILITY.—

(A) IN GENERAL.—An alien may establish that the alien meets the requirement of subsection (a)(1)(A) through government employment records or records supplied by employers or collective bargaining organizations. The Attorney General shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(B) DOCUMENTATION OF WORK HISTORY.—(i) An alien applying for adjustment of status under subsection (a)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours (as required under subsection (a)(1)(A)).

(ii) If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of those records under regulations to be promulgated by the Attorney General.

(4) TREATMENT OF APPLICATIONS BY QUALIFIED DESIGNATED ENTITIES.—Each qualified designated entity must agree to forward to the Attorney General applications filed with it in accordance with paragraph (1)(A)(ii) but not to forward to the Attorney General applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Attorney General. Upon the request of the alien, a qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien.

(5) LIMITATION ON ACCESS TO INFORMATION.—Files and records prepared for purposes of this section by qualified designated entities operating under this section are confidential and the Attorney General and the Service shall not have access to such files or records relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to paragraph (6).

(6) CONFIDENTIALITY OF INFORMATION.—

(A) IN GENERAL.—Except as provided in this paragraph, neither the Attorney General, nor any other official or employee of the Department of Justice, or bureau or agency thereof, may—

(i) use the information furnished by the applicant pursuant to an application filed under this section, or the information provided to the applicant by a person designated under paragraph (2)(B), for any purpose other than to make a determination on the application, including a determination under subsection (b)(3), or for enforcement of paragraph (7);

(ii) make any publication whereby the information furnished by any particular individual can be identified; or

(iii) permit anyone other than the sworn officers and employees of the Department or bureau or agency or, with respect to applications filed with a designated entity, that designated entity, to examine individual applications.

(B) CRIME.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall be fined not more than $10,000.

(7) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(A) CRIMINAL PENALTY.—Whoever—

(i) files an application for adjustment of status under this section and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, or

(ii) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both.

(B) EXCLUSION.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act.

(d) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.—

(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

(2) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's admissibility under subsection (a)(1)(D), the following provisions of section 212(a) of the Immigration and Nationality Act shall not apply:

(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5) and (7)(A) of section 212(a) shall not apply.

(B) WAIVER OF OTHER GROUNDS.—

(i) IN GENERAL.—Except as provided in clause (ii), the Attorney General may waive any other provision of section 212(a) in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

(ii) GROUNDS THAT MAY NOT BE WAIVED.—The following provisions of section 212(a) may not be waived by the Attorney General under clause (i):

(I) Paragraph (2) (A) and (B) (relating to criminals).

(II) Paragraph (4) (relating to aliens likely to become public charges).

(III) Paragraph (2)(C) (relating to drug offenses), except for so much of such paragraph as relates to a single offense of simple possession of 30 grams or less of marijuana.

(IV) Paragraph (3) (relating to security and related grounds), other than subparagraph (E) thereof.

(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for adjustment of status under this section due to being inadmissible under section 212(a)(4) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(e) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

(1) BEFORE APPLICATION PERIOD.—The Attorney General shall provide that in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1) and who can establish a nonfrivolous case of eligibility to have his status adjusted under subsection (a) (but for the fact that he may not apply for such adjustment until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for adjustment, the alien—

(A) may not be removed, and

(B) shall be granted authorization to engage in agricultural employment in the United States and be provided an ''employment authorized'' endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—The Attorney General shall provide that in the case of an alien who presents a nonfrivolous application for adjustment of status under subsection (a) during the application period, including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed, and

(B) shall be granted authorization to engage in agricultural employment in the United States and be provided an ''employment authorized'' endorsement or other appropriate work permit for such purpose.

(3) PROHIBITION.—No application fees collected by the Service pursuant to this subsection may be used by the Service to offset the costs of the agricultural worker adjustment program under this title until the Service implements the program consistent with the statutory mandate as follows:

(A) During the application period described in subsection (a)(1)(A) the Service may grant nonimmigrant admission to the United States, work authorization, and provide an ''employment authorized'' endorsement or other appropriate work permit to any alien who presents a preliminary application for adjustment of status under subsection (a) at a designated port of entry on the southern land border. An alien who does not enter through a port of entry is subject to deportation and removal as otherwise provided in this Act.

(B) During the application period described in subsection (a)(1)(A) any alien who has filed an application for adjustment of status within the United States as provided in subsection (b)(1)(A) is subject to paragraph (2) of this subsection.

(C) A preliminary application is defined as a fully completed and signed application with fee and photographs which contains specific information concerning the performance of qualifying employment in the United States and the documentary evidence which the applicant intends to submit as proof of such employment. The applicant must be otherwise admissible to the United States and must establish to the satisfaction of the examining officer during an interview that his or her claim to eligibility for agriculture worker status is credible.

(f) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(1) ADMINISTRATIVE AND JUDICIAL REVIEW.—There shall be no administrative or judicial review of a determination respecting an application for adjustment of status under this section except in accordance with this subsection.

(2) ADMINISTRATIVE REVIEW.—

(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Attorney General shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(3) JUDICIAL REVIEW.—

(A) LIMITATION TO REVIEW OF EXCLUSION OR DEPORTATION.—There shall be judicial review of such a denial only in the judicial review of an order of removal under section 106.

(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

(g) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—Beginning not later than the date designated by the Attorney General under subsection (a)(1)(A), the Attorney General, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits which aliens may receive under this section and the requirements to obtain such benefits.

TITLE II—AGRICULTURAL WORKER REGISTRIES

SEC. 201. AGRICULTURAL WORKER REGISTRIES.

(a) ESTABLISHMENT OF REGISTRIES.—

(1) IN GENERAL.—The Secretary of Labor shall establish and maintain a system of registries containing a current database of workers described in paragraph (2) who seek agricultural employment and the employment status of such workers—

(A) to ensure that eligible United States workers are informed about available agricultural job opportunities and have the right of first refusal for the agricultural jobs available through the registry; and

(B) to provide timely referral of such workers to agricultural job opportunities in the United States.

(2) COVERED WORKERS.—The workers covered by paragraph (1) are—

(A) eligible United States workers; and

(B) eligible nonimmigrant agricultural workers whose status was adjusted under section 101(a).

(3) GEOGRAPHIC COVERAGE.—

(A) SINGLE STATE.—Each registry established under paragraph (1) shall include the job opportunities in a single State, except that, in the case of New England States, two or more such States may be represented by a single registry in lieu of multiple registries.

(B) REQUESTS FOR INCLUSION.—Each State having any group of agricultural producers seeking to utilize the registry shall be represented by a registry, except that, in the case of a New England State, the State shall be represented by the registry covering the group of States of which the State is a part.

(4) COMPUTER DATABASE.—The Secretary of Labor may establish the registries as part of the computer databases known as ''America's Job Bank'' and ''America's Talent Bank''.

(5) RELATION TO PROCESS FOR IMPORTING H–2A WORKERS.—Notwithstanding section 218 of the Immigration and Nationality Act (8 U.S.C. 1188), no petition to import an alien as an H–2A worker (as defined in section 218(i)(2) of that Act) may be approved by the Attorney General unless the H–2A employer—

(A) has applied to the Secretary to conduct a search of the registry of the State in which the job opportunities for which H–2A workers are sought are located; and

(B) has received a report described in section 303(a)(1).

(b) REGISTRATION.—

(1) IN GENERAL.—An eligible individual who seeks employment in agricultural work may apply to be included in the registry for the State in which the individual resides. Such application shall include—

(A) the name and address of the individual;

(B) the period or periods of time (including beginning and ending dates) during which the individual will be available for agricultural work;

(C) the registry or registries on which the individual desires to be included;

(D) the specific qualifications and work experience possessed by the applicant;

(E) the type or types of agricultural work the applicant is willing to perform;

(F) such other information as the applicant wishes to be taken into account in referring the applicant to agricultural job opportunities; and

(G) such other information as may be required by the Secretary.

(2) VALIDATION OF EMPLOYMENT AUTHORIZATION.—No person may be included on any registry unless the Secretary of Labor has requested and obtained from the Attorney

General a certification that the person is authorized to be employed in the United States.

(3) UNITED STATES WORKERS.—United States workers shall have preference in referral by the registry, and may be referred to any job opportunity nationwide for which they are qualified and make a commitment to be available at the time and place needed.

(4) ADJUSTED NONIMMIGRANTS.—Adjusted nonimmigrant aliens who apply to be included in a registry may only be referred to job opportunities for which they are qualified within the State covered by the registry or within States contiguous to that State.

(5) SANCTIONS FOR NONCOMPLIANCE.—Adjusted nonimmigrant aliens who elect to be listed on the registry and who fail to report to a registry job opportunity for which they had made an affirmative commitment and been referred will be removed from the registry for a period of 6 months for the first such failure and for a period of 1 year for each succeeding failure.

(6) USE OF REGISTRY.—Any United States agricultural employer may use the registry.

(7) DISCRETIONARY USE FOR NEW HIRES.—An agricultural employer may require prospective employees to register with a registry as a means of assuring that its workers are eligible to be employed in the United States.

(8) WORKERS REFERRED TO JOB OPPORTUNITIES.—The name of each registered worker who is referred and accepts employment with an employer shall be classified as inactive on each registry on which the worker is included during the period of employment involved in the job to which the worker was referred, unless the worker reports to the Secretary that the worker is no longer employed and is available for referral to another job opportunity. A registered worker classified as inactive shall not be referred.

(9) REMOVAL OF NAMES FROM A REGISTRY.—The Secretary shall remove from the appropriate registry the name of any registered worker who, on 3 separate occasions within a 3-month period, is referred to a job opportunity pursuant to this section, and who declines such referral or fails to report to work in a timely manner.

(10) VOLUNTARY REMOVAL.—A registered worker may request that the worker's name be removed from a registry.

(11) REMOVAL BY EXPIRATION.—The application of a registered worker shall expire, and the Secretary shall remove the name of such worker from the appropriate registry if the worker has not accepted a job opportunity pursuant to this section within the preceding 12-month period.

(12) REINSTATEMENT.—A worker whose name is removed from a registry pursuant to paragraph (9), (10), or (11) may apply to the Secretary for reinstatement to such registry at any time.

(c) CONFIDENTIALITY OF REGISTRIES.—The Secretary shall maintain the confidentiality of the registries established pursuant to this section, and the information in such registries shall not be used for any purposes other than those authorized in this Act.

(d) ADVERTISING OF REGISTRIES.—The Secretary shall widely disseminate, through advertising and other means, the existence of the registries for the purpose of encouraging eligible United States workers seeking agricultural job opportunities to register. The Secretary of Labor shall ensure that the information about the registry is made available to eligible workers through all appropriate means, including appropriate State agencies, groups representing farm workers, and nongovernmental organizations, and shall ensure that the registry is accessible to growers and farm workers.

TITLE III—H–2A REFORM

SEC. 301. EMPLOYER APPLICATIONS AND ASSURANCES.

(a) APPLICATIONS TO THE SECRETARY.—

(1) IN GENERAL.—Not later than 28 days prior to the date on which an H–2A employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall, before petitioning for the admission of such a worker, apply to the Secretary for the referral of a United States worker or nonimmigrant agricultural worker whose status was adjusted under section 101(a) through a search of the appropriate registry, in accordance with section 302. Such application shall—

(A) describe the nature and location of the work to be performed;

(B) list the anticipated period (expected beginning and ending dates) for which workers will be needed;

(C) indicate the number of job opportunities in which the employer seeks to employ workers from the registry;

(D) describe the bona fide occupational qualifications that must be possessed by a worker to be employed in the job opportunity in question;

(E) describe the wages and other terms and conditions of employment the employer will offer, which shall not be less (and are not required to be more) than those required by this section;

(F) contain the assurances required by subsection (c);

(G) specify the foreign country or region thereof from which alien workers should be admitted in the case of a failure to refer United States workers under this Act; and

(H) be accompanied by the payment of a registry user fee determined under section 404(b)(1)(A) for each job opportunity indicated under subparagraph (C).

(2) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

(A) IN GENERAL.—An agricultural association may file an application under paragraph (1) for registered workers on behalf of its employer members.

(B) EMPLOYERS.—An application under subparagraph (A) shall cover those employer members of the association that the association certifies in its application have agreed in writing to comply with the requirements of this Act.

(b) AMENDMENT OF APPLICATIONS.—Prior to receiving a referral of workers from a registry, an employer may amend an application under this subsection if the employer's need for workers changes. If an employer makes a material amendment to an application on a date which is later than 28 days prior to the date on which the workers on the amended application are sought to be employed, the Secretary may delay issuance of the report described in section 302(b) by the number of days by which the filing of the amended application is later than 28 days before the date on which the employer desires to employ workers.

(c) ASSURANCES.—The assurances referred to in subsection (a)(1)(F) are the following:

(1) ASSURANCE THAT THE JOB OPPORTUNITY IS NOT A RESULT OF A LABOR DISPUTE.—The employer shall assure that the job opportunity for which the employer requests a registered worker is not vacant because a worker is involved in a strike, lockout, or work stoppage in the course of a labor dispute involving the job opportunity at the place of employment.

(2) ASSURANCE THAT THE JOB OPPORTUNITY IS TEMPORARY OR SEASONAL.—

(A) REQUIRED ASSURANCE.—The employer shall assure that the job opportunity for which the employer requests a registered worker is temporary or seasonal.

(B) SEASONAL BASIS.—For purposes of this Act, labor is performed on a seasonal basis where, ordinarily, the employment pertains to or is of the kind exclusively performed at certain seasons or periods of the year and which, from its nature, may not be continuous or carried on throughout the year.

(C) TEMPORARY BASIS.—For purposes of this Act, a worker is employed on a temporary basis where the employment is intended not to exceed 10 months.

(3) ASSURANCE OF PROVISION OF REQUIRED WAGES AND BENEFITS.—The employer shall assure that the employer will provide the wages and benefits required by subsections (a), (b), and (c) of section 304 to all workers employed in job opportunities for which the employer has applied under subsection (a) and to all other workers in the same occupation at the place of employment, and in no case less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)), or the applicable State minimum wage.

(4) ASSURANCE OF EMPLOYMENT.—The employer shall assure that the employer will not refuse to employ qualified individuals referred under section 302, and will terminate qualified individuals employed pursuant to this Act only for lawful job-related reasons, including lack of work.

(5) ASSURANCE OF COMPLIANCE WITH LABOR LAWS.—

(A) IN GENERAL.—An employer who requests registered workers shall assure that, except as otherwise provided in this Act, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer.

(B) LIMITATIONS.—The disclosure required under section 201(a) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1821(a)) may be made at any time prior to the time the alien is issued a visa permitting entry into the United States.

(6) ASSURANCE OF ADVERTISING OF THE REGISTRY.—The employer shall assure that the employer will, from the day an application for workers is submitted under subsection (a), and continuing throughout the period of employment of any job opportunity for which the employer has applied for a worker from the registry, post in a conspicuous place a poster to be provided by the Secretary advertising the availability of the registry.

(7) ASSURANCE OF ADVERTISING OF JOB OPPORTUNITIES.—The employer shall assure that not later than 14 days after submitting an application to a registry for workers under subsection (a) the employer will advertise the availability of the job opportunities for which the employer is seeking workers from the registry in a publication in the local labor market that is likely to be patronized by potential farmworkers, if any, and refer interested workers to register with the registry.

(8) ASSURANCE OF CONTACTING FORMER WORKERS.—The employer shall assure that the employer has made reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any eligible worker the employer

employed during the previous season in the occupation at the place of intended employment for which the employer is applying for registered workers, and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous worker, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

(9) ASSURANCE OF PROVISION OF WORKERS COMPENSATION.—The employer shall assure that if the job opportunity is not covered by the State workers' compensation law, that the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

(10) ASSURANCE OF PAYMENT OF ALIEN EMPLOYMENT USER FEE.—The employer shall assure that if the employer receives a notice of insufficient workers under section 302(c), such employer shall promptly pay the alien employment user fee determined under section 404(b)(1)(B) for each job opportunity to be filled by an eligible alien as required under such section.

(d) WITHDRAWAL OF APPLICATIONS.—

(1) IN GENERAL.—An employer may withdraw an application under subsection (a), except that, if the employer is an agricultural association, the association may withdraw an application under subsection (a) with respect to one or more of its members. To withdraw an application, the employer shall notify the Secretary in writing, and the Secretary shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

(2) LIMITATION.—An application may not be withdrawn while any alien provided status under this Act pursuant to such application is employed by the employer.

(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of recruitment of United States workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

(e) REVIEW OF APPLICATION.—

(1) IN GENERAL.—Promptly upon receipt of an application by an employer under subsection (a), the Secretary shall review the application for compliance with the requirements of such subsection.

(2) APPROVAL OF APPLICATIONS.—If the Secretary determines that an application meets the requirements of subsection (a), and the employer is not ineligible to apply under paragraph (2), (3), or (4) of section 305(b), the Secretary shall, not later than 7 days after the receipt of such application, approve the application and so notify the employer.

(3) REJECTION OF APPLICATIONS.—If the Secretary determines that an application fails to meet 1 or more of the requirements of subsection (a), the Secretary, as expeditiously as possible, but in no case later than 7 days after the receipt of such application, shall—

(A) notify the employer of the rejection of the application and the reasons for such rejection, and provide the opportunity for the prompt resubmission of an amended application; and

(B) offer the applicant an opportunity to request an expedited administrative review or a de novo administrative hearing before an administrative law judge of the rejection of the application.

(4) REJECTION FOR PROGRAM VIOLATIONS.—The Secretary shall reject the application of an employer under this section if—

(A) the employer has been determined to be ineligible to employ workers under section 401(b); or

(B) the employer during the previous two-year period employed H–2A workers or registered workers and the Secretary of Labor has determined, after notice and opportunity for a hearing, that the employer at any time during that period substantially violated a material term or condition of the assurances made with respect to the employment of United States workers or nonimmigrant workers.

No employer may have applications under this section rejected for more than 3 years for any violation described in this paragraph.

SEC. 302. SEARCH OF REGISTRY.

(a) SEARCH PROCESS AND REFERRAL TO THE EMPLOYER.—Upon the approval of an application under section 301(e), the Secretary shall promptly begin a search of the registry of the State (or States) in which the work is to be performed to identify registered United States workers and adjusted aliens with the qualifications requested by the employer. The Secretary shall contact such qualified registered workers and determine, in each instance, whether the worker is ready, willing, and able to accept the employer's job opportunity and will make the affirmative commitment to work for the employer at the time and place needed. The Secretary shall provide to each worker who commits to work for the employer the employer's name, address, telephone number, the location where the employer has requested that employees report for employment, and a statement disclosing the terms and conditions of employment.

(b) DEADLINE FOR COMPLETING SEARCH PROCESS; REFERRAL OF WORKERS.—As expeditiously as possible, but not later than 7 days before the date on which an employer desires work to begin, the Secretary shall complete the search under subsection (a) and shall transmit to the employer a report containing the name, address, and social security account number of each registered worker who has made the affirmative commitment described in subsection (a) to work for the employer on the date needed, together with sufficient information to enable the employer to establish contact with the worker. The identification of such registered workers in a report shall constitute a referral of workers under this section.

(c) ACCEPTANCE OF REFERRALS.—H–2A employers shall accept all qualified United States worker referrals who make a commitment to report to work at the time and place needed and to complete the full period of employment offered, and those adjusted nonimmigrants on the registry of the State in which the intended employment is located, and the immediately contiguous States. An employer shall not be required to accept more referrals than the number of job opportunities for which the employer applied to the registry.

(d) NOTICE OF INSUFFICIENT WORKERS.—If the report provided to the employer under subsection (b) does not include referral of a sufficient number of registered workers to fill all of the employer's job opportunities in the occupation for which the employer applied under section 301(a), the Secretary shall indicate in the report the number of job opportunities for which registered workers could not be referred, and shall promptly transmit a copy of the report to the Attorney General and the Secretary of State, by electronic or other means ensuring next day delivery.

(e) USER FEE FOR CERTIFICATION TO EMPLOY ALIEN WORKERS.—With respect to each job opportunity for which a notice of insufficient workers is made, the Secretary shall require the payment of an alien employment user fee determined under section 404(b)(1)(B).

SEC. 303. ISSUANCE OF VISAS AND ADMISSION OF ALIENS.

(a) IN GENERAL.—

(1) NUMBER OF ADMISSIONS.—Subject to paragraph (3), the Secretary of State shall promptly issue visas to, and the Attorney General shall admit, as nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act a sufficient number of eligible aliens designated by the employer to fill the job opportunities of the employer—

(A) upon receipt of a copy of the report described in section 302(c);

(B) upon approval of an application (or copy of an application under subsection (b));

(C) upon receipt of the report required by subsection (c)(1)(B); or

(D) upon receipt of a report under subsection (d).

(2) PROCEDURES.—The admission of aliens under paragraph (1) shall be subject to the procedures of section 218 of the Immigration and Nationality Act, as amended by this Act.

(b) DIRECT APPLICATION UPON FAILURE TO ACT.—

(1) APPLICATION TO THE SECRETARY OF STATE.—If the employer has not received a referral of sufficient workers pursuant to section 302(b) or a report of insufficient workers pursuant to section 302(c), by the date that is 7 days before the date on which the work is anticipated to begin, the employer may submit an application for alien workers directly to the Secretary of State, with a copy of the application provided to the Attorney General, seeking the issuance of visas to and the admission of aliens for employment in the job opportunities for which the employer has not received referral of registered workers. Such an application shall include a copy of the employer's application under section 301(a), together with evidence of its timely submission. The Secretary of State may consult with the Secretary of Labor in carrying out this paragraph.

(2) EXPEDITED CONSIDERATION BY SECRETARY OF STATE.—The Secretary of State shall, as expeditiously as possible, but not later than 5 days after the employer files an application under paragraph (1), issue visas to, and the Attorney General shall admit, a sufficient number of eligible aliens designated by the employer to fill the job opportunities for which the employer has applied under that paragraph, if the employer has met the requirements of sections 301 and 302. The employer shall be subject to the alien employment user fee determined under section 404(b)(1)(B) with respect to each job opportunity for which the Secretary of State authorizes the issuance of a visa pursuant to paragraph (2).

(c) REDETERMINATION OF NEED.—

(1) REQUESTS FOR REDETERMINATION.—

(A) IN GENERAL.—An employer may file a request for a redetermination by the Secretary of the employer's need for workers if—

(i) a worker referred from the registry is not at the place of employment on the date of need shown on the application, or the date the work for which the worker is needed has begun, whichever is later;

(ii) the worker is not ready, willing, able, or qualified to perform the work required; or

(iii) the worker abandons the employment or is terminated for a lawful job-related reason.

(B) ADDITIONAL AUTHORIZATION OF ADMISSIONS.—The Secretary shall expeditiously, but in no case later than 72 hours after a redetermination is requested under subparagraph (A), submit a report to the Secretary of State and the Attorney General providing notice of a need for workers under this subsection, if the employer has met the requirements of sections 301 and 302 and the conditions described in subparagraph (A).

(2) JOB-RELATED REQUIREMENTS.—An employer shall not be required to initially employ a worker who fails to meet lawful job-related employment criteria, nor to continue the employment of a worker who fails to meet lawful, job-related standards of conduct and performance, including failure to meet minimum production standards after a 3-day break-in period.

(d) EMERGENCY APPLICATIONS.—Notwithstanding subsections (b) and (c), the Secretary may promptly transmit a report to the Attorney General and Secretary of State providing notice of a need for workers under this subsection for an employer—

(1) who has not employed aliens under this Act in the occupation in question in the prior year's agricultural season;

(2) who faces an unforeseen need for workers (as determined by the Secretary); and

(3) with respect to whom the Secretary cannot refer able, willing, and qualified workers from the registry who will commit to be at the employer's place of employment and ready for work within 72 hours or on the date the work for which the worker is needed has begun, whichever is later.

The employer shall be subject to the alien employment user fee determined under section 404(b)(1)(B) with respect to each job opportunity for which a notice of insufficient workers is made pursuant to this subsection.

(e) REGULATIONS.—The Secretary of State shall prescribe regulations to provide for the designation of aliens under this section.

SEC. 304. EMPLOYMENT REQUIREMENTS.

(a) REQUIRED WAGES.—

(1) IN GENERAL.—An employer applying under section 301(a) for workers shall offer to pay, and shall pay, all workers in the occupation or occupations for which the employer has applied for workers from the registry, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)), or the applicable State minimum wage.

(2) PAYMENT OF PREVAILING WAGE DETERMINED BY A STATE EMPLOYMENT SECURITY AGENCY SUFFICIENT.—In complying with paragraph (1), an employer may request and obtain a prevailing wage determination from the State employment security agency. If the employer requests such a determination, and pays the wage required by paragraph (1) based upon such a determination, such payment shall be considered sufficient to meet the requirement of paragraph (1).

(3) RELIANCE ON WAGE SURVEY.—In lieu of the procedure of paragraph (2), an employer may rely on other information, such as an employer-generated prevailing wage survey that the Secretary determines meets criteria specified by the Secretary in regulations.

(4) ALTERNATIVE METHODS OF PAYMENT PERMITTED.—

(A) IN GENERAL.—A prevailing wage may be expressed as an hourly wage, a piece rate, a task rate, or other incentive payment method, including a group rate. The requirement to pay at least the prevailing wage in the occupation and area of intended employment does not require an employer to pay by the method of pay in which the prevailing rate is expressed, except that, if the employer adopts a method of pay other than the prevailing rate, the burden of proof is on the employer to demonstrate that the employer's method of pay is designed to produce earnings equivalent to the earnings that would result from payment of the prevailing rate.

(B) COMPLIANCE WHEN PAYING AN INCENTIVE RATE.—In the case of an employer that pays a piece rate or task rate or uses any other incentive payment method, including a group rate, the employer shall be considered to be in compliance with any applicable hourly wage requirement if the average of the hourly earnings of the workers, taken as a group, in the activity for which a piece rate, task rate, or other incentive payment, including a group rate, is paid, for the pay period, is at least equal to the required hourly wage, except that no worker shall be paid less than the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

(C) TASK RATE.—For purposes of this paragraph, the term ''task rate'' means an incentive payment method based on a unit of work performed such that the incentive rate varies with the level of effort required to perform individual units of work.

(D) GROUP RATE.—For purposes of this paragraph, the term ''group rate'' means an incentive payment method in which the payment is shared among a group of workers working together to perform the task.

(b) REQUIREMENT TO PROVIDE HOUSING.—

(1) IN GENERAL.—

(A) REQUIREMENT.—An employer applying under section 301(a) for registered workers shall offer to provide housing at no cost (except for charges permitted by paragraph (5)) to all workers employed in job opportunities to which the employer has applied under that section, and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

(B) LIABILITY.—An employer not complying with subparagraph (A) shall be liable to a registered worker for the costs of housing equivalent to the type of housing required to be provided under that subparagraph and shall not be liable for any employment-related obligation solely by reason of such noncompliance.

(2) TYPE OF HOUSING.—In complying with paragraph (1), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or, in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation.

(3) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

(4) LIMITATION.—Nothing in this subsection shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

(5) CHARGES FOR HOUSING.—

(A) UTILITIES AND MAINTENANCE.—An employer who provides housing to a worker pursuant to paragraph (1) may charge an amount equal to the fair market value (but not greater than the employer's actual cost) for maintenance and utilities, or such lesser amount as permitted by law.

(B) SECURITY DEPOSIT.—An employer who provides housing to workers pursuant to paragraph (1) may require, as a condition for providing such housing, a deposit not to exceed $50 from workers occupying such housing to protect against gross negligence or willful destruction of property.

(C) DAMAGES.—An employer who provides housing to workers pursuant to paragraph (1) may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

(6) HOUSING ALLOWANCE AS ALTERNATIVE.—

(A) IN GENERAL.—In lieu of offering housing pursuant to paragraph (1), the employer may provide a reasonable housing allowance during the 3-year period beginning on the date of enactment of this Act. After the expiration of that period such allowance may be provided only if the requirement of subparagraph (B) is satisfied or, in the case of a certification under subparagraph (B) that is expired, the requirement of subparagraph (C) is satisfied. Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this subparagraph shall not be deemed to be a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance.

(B) CERTIFICATION.—The requirement of this subparagraph is satisfied if the Governor of the State certifies to the Secretary that there is adequate housing available in an area of intended employment for migrant farm workers, aliens provided status pursuant to this Act, or nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act, who are seeking temporary housing while employed at farm work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

(C) EFFECT OF CERTIFICATION.—Notwithstanding the expiration of a certification under subparagraph (B) with respect to an area of intended employment, a housing allowance described in subparagraph (A) may be offered for up to one year after the date of expiration.

(D) AMOUNT OF ALLOWANCE.—The amount of a housing allowance under this paragraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State in which the employment occurs, as established by

the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

(c) REIMBURSEMENT OF TRANSPORTATION.—

(1) TO PLACE OF EMPLOYMENT.—A worker who is referred to a job opportunity under section 302(a), or an alien employed pursuant to this Act, who completes 50 percent of the period of employment of the job opportunity for which the worker was hired, shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the worker's permanent place of residence (or place of last employment, if the worker traveled from such place) to the place of employment to which the worker was referred under section 302(a).

(2) FROM PLACE OF EMPLOYMENT.—A worker who is referred to a job opportunity under section 302(a), or an alien employed pursuant to this Act, who completes the period of employment for the job opportunity involved, shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the worker's place of residence, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

(3) LIMITATION.—

(A) AMOUNT OF REIMBURSEMENT.—Except as provided in subparagraph (B), the amount of reimbursement provided under paragraph (1) or (2) to a worker or alien shall not exceed the lesser of—

(i) the actual cost to the worker or alien of the transportation and subsistence involved; or

(ii) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

(B) DISTANCE TRAVELED.—No reimbursement under paragraph (1) or (2) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through a voucher as provided in subsection (b)(6).

(C) PLACE OF RECRUITMENT.—For the purpose of the reimbursement required under paragraph (1) or (2) to aliens admitted pursuant to this Act, the alien's place of residence shall be deemed to be the place where the alien was issued the visa authorizing admission to the United States or, if no visa was required, the place from which the alien departed the foreign country to travel to the United States.

(d) CONTINUING OBLIGATION TO EMPLOY UNITED STATES WORKERS.—

(1) IN GENERAL.—An employer that applies for registered workers under section 301(a) shall, as a condition for the approval of such application, continue to offer employment to qualified, eligible United States workers who are referred under section 302(b) after the employer receives the report described in section 302(b).

(2) LIMITATION.—An employer shall not be obligated to comply with paragraph (1)—

(A) after 50 percent of the anticipated period of employment shown on the employer's application under section 301(a) has elapsed; or

(B) during any period in which the employer is employing no H–2A workers in the occupation for which the United States worker was referred; or

(C) during any period when the Secretary is conducting a search of a registry for workers in the occupation and area of intended employment to which the worker has been referred, or in other occupations in the area of intended employment for which the worker that has been referred is qualified and that offer substantially similar terms and conditions of employment.

(3) LIMITATION ON REQUIREMENT TO PROVIDE HOUSING.—Notwithstanding any other provision of this Act, an employer to whom a registered worker is referred pursuant to paragraph (1) may provide a reasonable housing allowance to such referred worker in lieu of providing housing if the employer does not have sufficient housing to accommodate the referred worker and all other workers for whom the employer is providing housing or has committed to provide housing.

(4) REFERRAL OF WORKERS DURING 50-PERCENT PERIOD.—The Secretary shall make all reasonable efforts to place a registered worker in an open job acceptable to the worker, including available jobs not listed on the registry, before referring such worker to an employer for a job opportunity already filled by, or committed to, an alien admitted pursuant to this Act.

SEC. 305. PROGRAM FOR THE ADMISSION OF TEMPORARY H–2A WORKERS.

Section 218 of the Immigration and Nationality Act (8 U.S.C. 1188) is amended to read as follows:

''ADMISSION OF TEMPORARY H–2A WORKERS

''SEC. 218. (a) PROCEDURE FOR ADMISSION OR EXTENSION OF ALIENS.—

''(1) ALIENS WHO ARE OUTSIDE THE UNITED STATES.—

''(A) CRITERIA FOR ADMISSIBILITY.—

''(i) IN GENERAL.—An alien described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act shall be admissible under this section if the alien is designated pursuant to section 302 of the Agricultural Job Opportunity Benefits and Security Act of 1999, otherwise admissible under this Act, and the alien is not ineligible under clause (ii).

''(ii) DISQUALIFICATION.—An alien shall be ineligible for admission to the United States or being provided status under this section if the alien has, at any time during the past 5 years—

''(I) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

''(II) otherwise violated a term or condition of admission to the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

''(iii) INITIAL WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

''(I) IN GENERAL.—An alien who has not previously been admitted to the United States pursuant to this section, and who is otherwise eligible for admission in accordance with clauses (i) and (ii), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). Such an alien shall depart the United States to be eligible for admission under this section.

''(II) TERMINATION.—Subclause (I) shall terminate on the date that is 4 years after the date of the enactment of the Agricultural Job Opportunity Benefits and Security Act of 1999.

''(B) PERIOD OF ADMISSION.—The alien shall be admitted for the period requested by the employer not to exceed 10 months, or the ending date of the anticipated period of employment on the employer's application for registered workers, whichever is less, plus an additional period of 14 days, during which the alien shall seek authorized employment in the United States. During the 14-day period following the expiration of the alien's work authorization, the alien is not authorized to be employed unless an employer who is authorized to employ such worker has filed an extension of stay on behalf of the alien pursuant to paragraph (2).

''(C) ABANDONMENT OF EMPLOYMENT.—

''(i) IN GENERAL.—An alien admitted or provided status under this section who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an alien described in section 101(a)(15)(H)(ii)(a) and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

''(ii) REPORT BY EMPLOYER.—The employer (or association acting as agent for the employer) shall notify the Attorney General within 7 days of an alien admitted or provided status under this Act pursuant to an application to the Secretary of Labor under section 302 of the Agricultural Job Opportunity Benefits and Security Act of 1999 by the employer who prematurely abandons the alien's employment.

''(iii) REMOVAL BY THE ATTORNEY GENERAL.—The Attorney General shall promptly remove from the United States aliens admitted pursuant to section 101(a)(15)(H)(ii)(a) who have failed to maintain nonimmigrant status or who have otherwise violated the terms of a visa issued under this title.

''(iv) VOLUNTARY TERMINATION.—Notwithstanding the provisions of clause (i), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

''(D) IDENTIFICATION DOCUMENT AND IDENTIFICATION SYSTEM.—

''(i) IN GENERAL.—Each alien admitted under this section shall, upon receipt of a visa, be given an identification and employment eligibility document to verify eligibility for employment in the United States and verify such person's proper identity.

''(ii) REQUIREMENTS.—No identification and employment eligibility document may be issued and no identification system may be implemented which does not meet the following requirements:

''(I) The document and system shall be capable of reliably determining whether—

''(aa) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment,

''(bb) the individual whose eligibility is being verified is claiming the identity of another person, and

''(cc) the individual whose eligibility is being verified has been properly admitted under this section.

''(II) The document shall be in the form that is resistant to counterfeiting and to tampering.

''(III) The document and system shall—

''(aa) be compatible with other Immigration and Naturalization Service databases and other Federal government databases for the purpose of excluding aliens from benefits for which they are not eligible and to determine whether the alien is illegally present in the United States, and

''(bb) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

''(2) EXTENSION OF STAY OF ALIENS IN THE UNITED STATES.—

''(A) EXTENSION OF STAY.—If an employer with respect to whom a report or application

described in section 302(a)(1) of the Agricultural Job Opportunity Benefits and Security Act of 1999 has been submitted seeks to employ an alien who has acquired status under this section and who is lawfully present in the United States, the employer shall file with the Attorney General an application for an extension of the alien's stay or a change in the alien's authorized employment. The application shall be accompanied by a copy of the appropriate report or application described in section 302 of the Agricultural Job Opportunity Benefits and Security Act of 1999.

''(B) LIMITATION ON FILING AN APPLICATION FOR EXTENSION OF STAY.—An application may not be filed for an extension of an alien's stay for a period of more than 10 months, or later than a date which is 3 years from the date of the alien's last admission to the United States under this section, whichever occurs first.

''(C) WORK AUTHORIZATION UPON FILING AN APPLICATION FOR EXTENSION OF STAY.—An employer may begin employing an alien who is present in the United States who has acquired status under this Act on the day the employer files an application for extension of stay. For the purpose of this requirement, the term 'filing' means sending the application by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of sending and receipt of the application. The employer shall provide a copy of the employer's application to the alien, who shall keep the application with the alien's identification and employment eligibility document as evidence that the application has been filed and that the alien is authorized to work in the United States. Upon approval of an application for an extension of stay or change in the alien's authorized employment, the Attorney General shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the application.

''(D) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY CARD.—An expired identification and employment eligibility document, together with a copy of an application for extension of stay or change in the alien's authorized employment that complies with the requirements of subparagraph (A), shall constitute a valid work authorization document for a period of not more than 60 days from the date of application for the extension of stay, after which time only a currently valid identification and employment eligibility document shall be acceptable.

''(E) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—An alien having status under this section may not have the status extended for a continuous period longer than 3 years unless the alien remains outside the United States for an uninterrupted period of 6 months. An absence from the United States may break the continuity of the period for which a nonimmigrant visa issued under section 101(a)(15)(H)(ii)(a) is valid. If the alien has resided in the United States 10 months or less, an absence breaks the continuity of the period if it lasts for at least 2 months. If the alien has resided in the United States 10 months or more, an absence breaks the continuity of the period if it lasts for at least one-fifth the duration of the stay.

''(b) STUDY BY THE ATTORNEY GENERAL.—The Attorney General shall conduct a study to determine whether aliens under this section depart the United States in a timely manner upon the expiration of their period of authorized stay. If the Attorney General finds that a significant number of aliens do not so depart and that withholding a portion of the aliens' wages to be refunded upon timely departure is necessary as an inducement to assure such departure, then the Attorney General shall so report to Congress and make recommendations on appropriate courses of action.''.

(b) NO FAMILY MEMBERS PERMITTED.—Section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) is amended by striking ''specified in this paragraph'' and inserting ''specified in this subparagraph (other than in clause (ii)(a))''.

(c) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this title shall preclude the Secretary of Labor and the Attorney General from continuing to apply special procedures to the employment, admission, and extension of aliens in the range production of livestock.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. ENHANCED WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

(a) ENFORCEMENT AUTHORITY.—

(1) INVESTIGATION OF COMPLAINTS.—

(A) AGGRIEVED PERSON OR THIRD PARTY COMPLAINTS.—The Secretary shall establish a process for the receipt, investigation, and disposition of complaints respecting an employer's failure to meet a condition specified in section 301 or an employer's misrepresentation of material facts in an application under that section, or violation of the provisions described in subparagraph (B). Complaints may be filed by any aggrieved person or any organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure or misrepresentation, as the case may be. The Secretary shall conduct an investigation under this paragraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

(B) EXPEDITED INVESTIGATION OF SERIOUS CHILD LABOR, WAGE, AND HOUSING VIOLATIONS.—The Secretary shall complete an investigation and issue a written determination as to whether or not a violation has been committed within 10 days of the receipt of a complaint pursuant to subparagraph (A) if there is reasonable cause to believe that any of the following serious violations have occurred:

(i) A violation of section 12(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 212(c)).

(ii) A failure to make a wage payment, except that complaints alleging that an amount less than the wages due has been paid shall be handled pursuant to subparagraph (A).

(iii) A failure to provide the housing allowance required under section 304(b)(6).

(iv) Providing housing pursuant to section 304(b)(1) that fails to comply with standards under section 304(b)(2) and which poses an immediate threat of serious bodily injury or death to workers.

(C) STATUTORY CONSTRUCTION.—Nothing in this Act limits the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers or, in the absence of a complaint under this paragraph, under this Act.

(2) WRITTEN NOTICE OF FINDING AND OPPORTUNITY FOR APPEAL.—After an investigation has been conducted, the Secretary shall issue a written determination as to whether or not any violation described in subsection (b) has been committed. The Secretary's determination shall be served on the complainant and the employer, and shall provide an opportunity for an appeal of the Secretary's decision to an administrative law judge, who may conduct a de novo hearing.

(3) ABILITY OF ALIEN WORKERS TO CHANGE EMPLOYERS.—

(A) IN GENERAL.—Pending the completion of an investigation pursuant to paragraph (1)(A), the Secretary may permit the transfer of an aggrieved person who has filed a complaint under such paragraph to an employer that—

(i) has been approved to employ workers under this Act; and

(ii) agrees to accept the person for employment.

(B) REPLACEMENT WORKER.—An aggrieved person may not be transferred under subparagraph (A) until such time as the employer from whom the person is to be transferred receives a requested replacement worker referred by a registry pursuant to section 302 of this Act or provided status under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.

(C) LIMITATION.—An employer from whom an aggrieved person has been transferred under this paragraph shall have no obligation to reimburse the person for the cost of transportation prior to the completion of the period of employment referred to in section 304(c).

(D) VOLUNTARY TRANSFER.—Notwithstanding this paragraph, an employer may voluntarily agree to transfer a worker to another employer that—

(i) has been approved to employ workers under this Act; and

(ii) agrees to accept the person for employment.

(b) REMEDIES.—

(1) BACK WAGES.—Upon a final determination that the employer has failed to pay wages as required under this section, the Secretary may assess payment of back wages due to any United States worker or alien described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act employed by the employer in the specific employment in question. The back wages shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

(2) FAILURE TO PAY WAGES.—Upon a final determination that the employer has failed to pay the wages required under this Act, the Secretary may assess a civil money penalty up to $1,000 for each person for whom the employer failed to pay the required wage, and may recommend to the Attorney General the disqualification of the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act for a period of time determined by the Secretary not to exceed 1 year.

(3) OTHER VIOLATIONS.—If the Secretary, as a result of an investigation pursuant to a complaint, determines that an employer covered by an application under section 401(a) has—

(A) filed an application that misrepresents a material fact;

(B) failed to meet a condition specified in section 401; or

(C) committed a serious violation of subsection (a)(1)(B),

the Secretary may seek a cease and desist order and assess a civil money penalty not to exceed $1,000 for each violation and may recommend to the Attorney General the disqualification of the employer if the Secretary finds it to be a substantial misrepresentation or violation of the requirements for the employment of any United States workers or aliens described in section 101(a)(15)(ii)(a) of the Immigration and Nationality Act for a period of time determined by the Secretary not to exceed 1 year. In determining the amount of civil money penalty to be assessed or whether to recommend disqualification of the employer, the Secretary shall consider the seriousness of the violation, the good faith of the employer, the size of the business of the employer being charged, the history of previous violations by the employer, whether the employer obtained a financial gain from the violation, whether the violation was willful, and other relevant factors.

(4) EXPANDED PROGRAM DISQUALIFICATION.—

(A) 3 YEARS FOR SECOND VIOLATION.—Upon a second final determination that an employer has failed to pay the wages required under this Act, or a second final determination that the employer has committed another substantial violation under paragraph (3) in the same category of violations, with respect to the same alien, the Secretary shall report such determination to the Attorney General and the Attorney General shall disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act for a period of 3 years.

(B) PERMANENT FOR THIRD VIOLATION.—Upon a third final determination that an employer has failed to pay the wages required under this section or committed other substantial violations under paragraph (3), the Secretary shall report such determination to the Attorney General, and the Attorney General shall disqualify the employer from any subsequent employment of aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.

(c) ROLE OF ASSOCIATIONS.—

(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of this Act, as though the employer had filed the application itself. If such an employer is determined to have violated a requirement of this section, the penalty for such violation shall be assessed against the employer who committed the violation and not against the association or other members of the association.

(2) VIOLATION BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application on its own behalf as an employer is determined to have committed a violation under this subsection which results in disqualification from the program under subsection (b), no individual member of such association may be the beneficiary of the services of an alien described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act in an occupation in which such alien was employed by the association during the period such disqualification is in effect, unless such member files an application as an individual employer or such application is filed on the employer's behalf by an association with which the employer has an agreement that the employer will comply with the requirements of this Act.

(d) STUDY OF AGRICULTURAL LABOR STANDARDS AND ENFORCEMENT.—

(1) COMMISSION ON HOUSING MIGRANT AGRICULTURAL WORKERS.—

(A) ESTABLISHMENT.—There is established the Commission on Housing Migrant Agricultural Workers (in this paragraph referred to as the ''Commission'').

(B) COMPOSITION.—The Commission shall consist of 12 members, as follows:

(i) Four representatives of agricultural employers and one representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

(ii) Four representatives of agricultural workers and one representative of the Department of Labor, each appointed by the Secretary of Labor.

(iii) One State or local official knowledgeable about farmworker housing and one representative of Housing and Urban Development, each appointed by the Secretary of Housing and Urban Development.

(C) FUNCTIONS.—The Commission shall conduct a study of the problem of in-season housing for migrant agricultural workers.

(D) INTERIM REPORTS.—The Commission may at any time submit interim reports to Congress describing the findings made up to that time with respect to the study conducted under subparagraph (C).

(E) FINAL REPORT.—Not later than 3 years after the date of enactment of this Act, the Commission shall submit a report to Congress setting forth the findings of the study conducted under subparagraph (C).

(F) TERMINATION DATE.—The Commission shall terminate upon filing its final report.

(2) STUDY OF RELATIONSHIP BETWEEN CHILD CARE AND CHILD LABOR.—The Secretaries of Labor, Agriculture, and Health and Human Services shall jointly conduct a study of the issues relating to child care of migrant agricultural workers. Such study shall address issues related to the adequacy of educational and day care services for migrant children and the relationship, if any, of child care needs and child labor violations in agriculture. An evaluation of migrant and seasonal Head Start programs (as defined in section 637(12) of the Head Start Act) as they relate to these issues shall be included as a part of the study.

(3) STUDY OF FIELD SANITATION.—The Secretary of Labor and the Secretary of Agriculture shall jointly conduct a study regarding current field sanitation standards in agriculture and evaluate alternative approaches and innovations that may further compliance with such standards.

(4) STUDY OF COORDINATED AND TARGETED LABOR STANDARDS ENFORCEMENT.—The Secretary, in consultation with the Secretary of Agriculture, shall conduct a study of the most persistent and serious labor standards violations in agriculture and evaluate the most effective means of coordinating enforcement efforts between Federal and State officials. The study shall place primary emphasis on the means by which Federal and State authorities, in consultation with representatives of workers and agricultural employers, may develop more effective methods of targeting resources at repeated and egregious violators of labor standards. The study also shall consider ways of facilitating expanded education among agricultural employers and workers regarding compliance with labor standards and evaluate means of broadening such education on a cooperative basis among employers and workers.

(5) REPORT.—Not later than 3 years after the date of enactment of this Act, with respect to each study required to be conducted under paragraphs (2) through (4), the Secretary or group of Secretaries required to conduct the study shall submit to Congress a report setting forth the findings of the study.

SEC. 402. BILATERAL COMMISSIONS.

The Attorney General is authorized and requested to establish a bilateral commission between the United States and each country not less than 10,000 nationals of which are nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)). Such bilateral commissions shall provide a forum to the governments involved to discuss matters of mutual concern regarding the program for the admission of aliens under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.

SEC. 403. REGULATIONS.

(a) REGULATIONS OF THE ATTORNEY GENERAL.—The Attorney General shall consult with the Secretary and the Secretary of Agriculture on all regulations to implement the duties of the Attorney General under this Act.

(b) REGULATIONS OF THE SECRETARY OF STATE.—The Secretary of State shall consult with the Attorney General, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this Act.

(c) REGULATIONS OF THE SECRETARY OF LABOR.—The Secretary shall consult with the Secretary of Agriculture and shall obtain the approval of the Attorney General on all regulations to implement the duties of the Secretary under this Act.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Attorney General, the Secretary of State, and the Secretary of Labor shall take effect on the effective date of this Act.

SEC. 404. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary of Labor shall establish and periodically adjust a schedule for the registry user fee and the alien employment user fee imposed under this Act, and a collection process for such fees from employers participating in the programs provided under this Act. Such fees shall be the only fees chargeable to employers for services provided under this Act.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in an employer's application under section 301(a)(1)(C) and sufficient to provide for the reimbursement of the direct costs of providing the following services:

(A) REGISTRY USER FEE.—Services provided through the agricultural worker registries established under section 301(a), including registration, referral, and validation, but not including services that would otherwise be provided by the Secretary of Labor under related or similar programs if such registries had not been established.

(B) ALIEN EMPLOYMENT USER FEE.—Services related to an employer's authorization to employ eligible aliens pursuant to this Act, including the establishment and certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such schedule, the Secretary of Labor shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary of Labor shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or

estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment will be sought and a final rule issued.

(c) USE OF PROCEEDS.—

(1) IN GENERAL.—All proceeds resulting from the payment of registry user fees and alien employment user fees shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretaries of Labor, State, and Agriculture, and the Attorney General for the costs of carrying out section 218 of the Immigration and Nationality Act and the provisions of this Act.

(2) LIMITATION ON ENFORCEMENT COSTS.—In making a determination of reimbursable costs under paragraph (1), the Secretary of Labor shall provide that reimbursement of the costs of enforcement under section 401 shall not exceed 10 percent of the direct costs of the Secretary described in subsection (b)(1) (A) and (B).

SEC. 405. FUNDING FOR STARTUP COSTS.

If additional funds are necessary to pay the startup costs of the agricultural worker registries established under section 301(a), such costs may be paid out of amounts available to Federal or State governmental entities under the Wagner—Peyser Act (29 U.S.C. 49 et seq.). Proceeds described in section 404(c) may be used to reimburse the use of such available amounts.

SEC. 406. REPORT TO CONGRESS.

(a) REQUIREMENT.—Not later than 4 years after the effective date under section 408, the Resources, Community and Economic Development Division, and the Health, Education and Human Services Division, of the Office of the Comptroller General of the United States shall jointly prepare and transmit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report describing the results of a review of the implementation of and compliance with this Act. The report shall address—

(1) whether the program has ensured an adequate and timely supply of qualified, eligible workers at the time and place needed by employers;

(2) whether the program has ensured that aliens admitted under this program are employed only in authorized employment, and that they timely depart the United States when their authorized stay ends;

(3) whether the program has ensured that participating employers comply with the requirements of the program with respect to the employment of United States workers and aliens admitted under this program;

(4) whether the program has ensured that aliens admitted under this program are not displacing eligible, qualified United States workers or diminishing the wages and other terms and conditions of employment of eligible United States workers;

(5) to the extent practicable, compare the wages and other terms of employment of eligible United States workers and aliens employed under this program with the wages and other terms of employment of agricultural workers who are not authorized to work in the United States;

(6) whether the housing provisions of this program ensure that adequate housing is available to workers employed under this program who are required to be provided housing or a housing allowance;

(7) recommendations for improving the operation of the program for the benefit of participating employers, eligible United States workers, participating aliens, and governmental agencies involved in administering the program; and

(8) recommendations for the continuation or termination of the program under this Act.

(b) ADVISORY BOARD.—There shall be established an advisory board to be composed of—

(1) four representatives of agricultural employers to be appointed by the Secretary of Agriculture, including individuals who have experience with the H–2A program; and

(2) four representatives of agricultural workers to be appointed by the Secretary of Labor, including individuals who have experience with the H–2A program,

to provide advice to the Comptroller General in the preparation of the reports required under subsection (a).

SEC. 407. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall become effective on the date that is 1 year after the date of enactment of this Act.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report that described the measures being taken and the progress made in implementing this Act.

Mr. GRAHAM. Mr. President, I wish to recognize our Presiding Officer who is also one of the stalwart advocates of this reform in agricultural farm labor, as well as the Senator from Oregon who has given such leadership on this issue.

In my opinion, those voices who you anticipate will decry the proposals we are making have to carry the burden of defending the status quo. In my opinion, that is an impossible defense. What has the status quo led to in this country? It has led to over 600,000 people who pick the fruits and vegetables upon which American families depend, upon which much of our agricultural economy is relying—600,000-plus of those persons ranging between a third and a half of all of the migrant workers in the country are illegal. They are here without documents. They are here without any legal status. Can we call the current system a humane system when it puts 600,000 people in the shadows of our society because they are without legal status or legal protection? I think not.

It is also a system which denies benefits, ironically, to U.S. citizens and U.S. legal permanent residents who work as migrants in American agriculture, which we make available to non-U.S. citizens who come here under a temporary work visa that we call a H–2A visa. For instance, we provide transportation assistance to foreign visa workers that we do not provide to U.S. citizens. We provide housing benefits to foreign workers that we do not provide to U.S. citizens. We provide even a higher wage rate, a higher base salary to foreign visa workers than we do to U.S. citizens who work as migrant workers in American agriculture.

We also have a system which is—to say antiquated is to give it a status that is beyond justification. We are using a system that is bureaucratic, that does not apply contemporary methods of technology, communication, which, while it approves some 90 percent of the petitions that are filed to make it possible for those non-U.S. visa workers to come into the United States, oftentimes the delay in getting that ultimate approval is so extended that by the time the approval arrives the crops have already rotted in the field.

Anyone who wishes to attack our ideas, I think, has the burden of either attempting to defend a clearly—not broken but smashed status quo, and then to come forward with their own ideas. A few days ago, Senator WYDEN and the Presiding Officer and myself offered an amendment to a Department of Labor appropriations bill in which we directed that the administration should come forward with its ideas as to how to correct the broken status quo of migrant farm labor in America. We look forward to receiving that response. We have been asking for that response for the better part of 2 to 3 years.

I hope now that we are on the verge of introducing legislation, we will see an engagement by all the parties who have professed an interest in this issue so we can get their ideas. We do not believe, as thoughtful as we hope this legislation will be seen, that it came down from the mountain on plates of stone. It is the product of our best human effort and we invite others who have their ideas to participate in this process. But I believe we can all start from the fundamental position that the status quo is inhumane, illegal, and unacceptable to the United States of America as a great nation entering the 21st century.

The legislation we are introducing—and we are actually introducing two pieces of legislation—the first is the Agricultural Job Opportunity Benefits and Security Act of 1999, which we intend to acronym into AG–JOBS, which is the comprehensive bill which includes all the elements the Presiding Officer outlined in his introductory remarks. We will then introduce a second bill which will be called the Farm Worker Adjustment Act of 1999, which will include only those provisions that relate to the adjustment of status by the some 600,000 undocumented aliens who are currently in the United States.

We invite our colleagues to consider both of these pieces of legislation. We hope they would be inclined to cosponsor both of these pieces of legislation.

What would be the consequence of passage of the legislation that we introduce this evening? What would be the consequences, first, for farm workers? Farm workers would receive better wages. Instead of having as the base the minimum wage, the base, as the Presiding Officer indicated, would be the greater of the minimum wage or the adverse wage rate plus 5 percent. In my State of Florida, the current calculation of the adverse wage rate plus

5 percent would be approximately $7.45, as compared to the current minimum wage of $5.15.

Second, domestic farm workers, U.S. citizens, and permanent residents, as well as those who would have the temporary work permits under the adjustment of status legislation, would all be entitled to housing, either housing on-site or, if it were determined by the Governor of the State there was adequate housing in the vicinity of the agricultural work site, it could be a housing allowance, a voucher which would allow the farm worker to select their own places to live.

It would also provide for the first time for domestic workers, citizens, permanent residents, and temporary work permit holders, access to a transportation allowance. If they had to go more than 100 miles to get from one job to the next, they would be entitled to compensation for their transportation. They would also receive the benefits of some modern technology. Just as we currently have a worker registry system for much of nonagricultural employment in America, this would provide a computer registry for agricultural workers where they can indicate: I am prepared to work in the following crops. I am prepared to work in the following locations and during the following time periods of the year. They would be permanently registered, so when a farmer was looking for workers who met those criteria, he would find this employee's name and a means by which to access that potential worker.

We would increase worker protection. Farm workers would now be covered by the Migrant and Seasonal Agricultural Worker Protection Act. We would not have this shadow workforce of 600,000 people without legal protection.

There would be stricter penalties for employers who failed to follow the law. Employers could be barred from the H–2A program, including a permanent bar for violations of the rights of workers.

The legal status would be available to all of the persons. They would either be working as a citizen, a permanent resident, a holder of a temporary work permit, or an H–2A visa. But our goal would be to create a situation, both legally and economically, in which all of the persons picking the fruits and vegetables in America's fields would be legal.

How would the farmers benefit? The farmers would have access to this efficient, modern, streamlined register as a means of determining who is available to do the work that I need.

They would have assurance that all of their workers were legal. We have had situations in the last few months in which there were raids on fields—Vidalia onion fields in Georgia, fruit fields in the Pacific Northwest where persons who could not show they had documents—and many could not—were arrested, where the farmer was put into a situation that his livelihood, his crop for the year was about to be lost because he would not have the people necessary to harvest the food.

We would also provide to the farmer the assurance that there would be a streamlined means by which, if necessary, they could access non-U.S. workers to assure they had a full complement of workers to carry out the task.

Mr. President, you have stated with force and eloquence the rationale for this legislation and what we hope to accomplish. I hope in the vein within which you entered this to ask our colleagues to carefully consider this legislation, particularly in the context of the unacceptable status quo. We look forward to engaging with their ideas and the ideas of others who have an interest in this issue so that this session of Congress will have as one of its achievements the closure of a chapter of inhumane abuse of hundreds of thousands of people and a denial to American agriculture of what it wants—a legal, humanely treated agricultural workforce to pick the fruits and vegetables upon which our Nation depends.

I join with you and our colleagues as we start this effort this evening and will shortly be sending to the desk the legislation on the adjustment of status of agricultural workers.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I'm pleased to have joined Senators GORDON SMITH, BOB GRAHAM, MAX CLELAND, and several other colleagues this week in introducing S. 1814. This bill is a new, improved version of the Agricultural Job Opportunity, Benefits, and Security Act—or, as we call it, the ''AgJOBS'' bill.

We are facing a growing crisis—for both farm workers and growers.

We want and need a stable, predictable, legal work force in American agriculture.

Willing American workers deserve a system that puts them first in line for available jobs with fair, market wages. We want all workers to receive decent treatment and equal protection under the law.

Consumers deserve a safe, stable, domestic food supply.

American citizens and taxpayers deserve secure borders and a government that works.

Yet Americans are being threatened on all these counts, because of a growing labor shortage in agriculture, while the only program currently in place to respond, the H–2A Guest Worker Program, is profoundly broken.

Last year, the Senate adopted meaningful H–2A reform, on a bipartisan vote of 68–31. Unfortunately, that bipartisan floor amendment did not survive the last round of negotiations over the omnibus appropriations bill last year.

This year, the problem is only growing worse. Therefore, we are introducing a new, improved bill. The name of the bill says it all—''AgJOBS''.

Mr. President, our farm workers need this reform bill.

There is no debate about whether many—or most—farm wokers are aliens.

They are. And they will be, for the foreseeable future. The question is whether they will be here legally or illegally.

Immigrants not legally authorized to work in this country know they must work in hiding.

They cannot even claim basic legal rights and protections. They are vulnerable to predation and exploitation. They sometimes have been stuffed inhumanly into dangerously enclosed truck trailers and car trunks, in order to be transported, hidden from the view of the law.

In fact, they have been known to pay ''coyotes''—labor smugglers—$1,000 and more to be smuggled into this country.

In contrast, legal workers have legal protections.

They can assert wage, safety, and other legal protections. They can bargain openly and join unions. H–2A workers, in fact, are even guaranteed housing and transportation.

Clearly, the status quo is broken.

Domestic American workers simply are not being found to fill agricultural jobs.

Our own General Accounting Office has estimated that 600,000 farm workers—37 percent of the total 1.6 million agricultural work force—are not legally authorized to work in this country.

That estimate is low; it's based on self-disclosure by illegal workers to government interviewers.

Some actually have suggested that there is no labor shortage, because there are plenty of illegal workers. This is not an acceptable answer.

Congress has shown its commitment over the past few years to improve the security of our borders, both in the 1996 immigration law and in subsequent appropriations.

Between computerized checking by the Social Security Administration and audits and raids by the Immigration and Naturalization Service, more and more employers are discovering they have undocumented employees; and more and more workers here illegally are being discovered and evicted from their jobs.

Outside of H–2A, employers have no reliable assurance that their employees are legal.

It's worse than a Catch-22—the law actually punishes the employer who could be called ''too diligent'' in inquiring into the identification documents of prospective workers.

The H–2A status quo is slow, bureaucratic, and inflexible. It does nothing

to recognize the uncertainties farmers face, from changes in the weather to global market demands.

The H–2A status quo is complicated and legalistic. DOL's compliance manual alone is 325 pages.

The current H–2A process is so hard to use, it will place only 34,000 legal guest workers this year—2 percent of the total agricultural work force.

Finally, the grower can't even count on his or her government to do its job.

The GAO has found that, in more than 40 percent of the cases in which employers filed H–2A applications at least 60 days before the date of need, the DOL missed statutory deadlines in processing them.

The solution we need is the AgJOBS Act of 1999.

Our new, improved AgJOBS bill includes three main parts:

First, it would create a national AgJOBS registry.

This new program would match willing workers anywhere in the U.S. with available farm work. Workers would be free to work where they want and for whom they want.

Domestic American workers would be given first preference in job referrals. Once no domestic worker is available for a job, an ''adjusting'' worker could receive a referral. If no domestic or adjusting worker is available, an employer could then use the H–2A program.

This is essentially the same job registry as in last year's bill, expanded to accommodate the new category of adjusting workers.

Second, it includes much-needed reforms to the H–2A program.

Currently, red tape, regulation, and bureaucracy has rendered the H–2A program almost completely ineffective.

Our reformed H–2A program would expedite the process and more closely reflect market reality. Current red tape, delays, and paperwork would be reduced or eliminated. Growers would be assured of the timely availability of workers.

Employers still would be required to provide transportation in out of the U.S., as under the current H–2A program. Employers must provide either a housing allowance or actual housing to H–2A workers. After 3 years, actual housing would be required, unless the governor of a state certified a housing shortage. This is a more stringent housing requirement than last year's bill.

The premium wage guaranteed to H–2A workers—called the Adverse Economic Wage Rate or ''AEWR''—would be based more accurately on prevailing wage paid to similar workers in that area. This is similar to current law, but other jobs, those not closely related, would be excluded from the calculation of the AEWR. This simply would ensure that the AEWR more closely reflected prevailing wages for that particular type of work. In the case of low-wage jobs, a premium would be added to the wage. This would still mean H–2A wages higher than virtually all non-H–2A farm worker wages. In other words, current H–2A workers would still have significant wage protection, and virtually all new H–2A workers would get a raise.

Third, the bill creates a one-time-only new Category called ''Adjusting'' Workers.

Experienced farm workers who are already in the U.S. would be allowed to stay if:

—They have worked at least 150 days in agriculture in the 12 months before the October 27 introduction of this bill;

—They agree to work at least 180 days a year, only in agriculture, for at least 5 of the next 7 years; during this 5–7 year adjustment period, they would be in a temproary, non-immigrant status;

—They return to their home country at least 2 months a year (during the 5–7 year adjustment period. Those with U.S.-born children—i.e., children who were already U.S. citizens—could stay year-round, but must agree to work in agriculture 240 days/year.

''Adjusting'' workers would be earning the right to keep their jobs or move to other agricultural jobs. Eventually, they could earn the right to a so-called ''green card''—in other words, permanent residency.

For one moment, I want to mention, and then dispose of, the ''A-Word'':

This bill is not about amnesty, for several reasons. I have always been opposed to amnesty for illegal immigrants. If this were an amnesty bill, I'd be against it.

This bill is about workers who are already here, for employers who need them and value their services, earning a right to stay.

Amnesty is a gift; this bill is about earning a right. Amnesty means one is home free; this bill is about stabilizing the agricultural work force and conditions residency on a 5–7 year agreement to continue in farm work.

The level of documentation required to prove a worker already has been working in the U.S. is much stricter than for any past amnesty law.

In closing, Mr. President, this is win-win legislation.

It will elevate and protect the rights, working conditions, and safety of workers. It will help workers—first domestic American workers, then other workers already here, then foreign guest workers—find the jobs they want and need.

It will assure growers of a stable, legal supply of workers, within a program that recognizes market realities. The adjusted-worker provisions also will give growers one-time assistance in adjusting to the new labor market realities of the 21st Century.

It will assure all Americans of a safe, consistent, affordable food supply.

The nation needs the Smith-Graham-Craig-Cleland AgJOBS bill. I invite the rest of my colleagues to join us as cosponsors; and I urge the Senate and the House to act promptly to enact this legislation into law.

ADDITIONAL COSPONSORS

S. 391

At the request of Mr. KERREY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 391, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 758

At the request of Mr. ASHCROFT, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 758, a bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1020, a bill 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.

S. 1029

At the request of Mr. COCHRAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1029, a bill to amend title III of the Elementary and Secondary Education Act of 1965 to provide for digital education partnerships.

S. 1044

At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1044, a bill to require coverage for colorectal cancer screenings.

S. 1288

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1288, a bill to provide incentives for collaborative forest restoration projects on National Forest System and other public lands in New Mexico, and for other purposes.

S. 1488

At the request of Mr. GORTON, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

S. 1666

At the request of Mr. LUGAR, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1666, a bill to provide risk education assistance to agricultural producers, and for other purposes.

S. 1680

At the request of Mr. ASHCROFT, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1680, a bill to provide for the improvement of the processing of claims for veterans compensation and pensions, and for other purposes.

S. 1690

At the request of Mr. MACK, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 1690, a bill to require the United States to take action to provide bilateral debt relief, and improve the provision of multilateral debt relief, in order to give a fresh start to poor countries.

S. 1733

At the request of Mr. FITZGERALD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1733, a bill to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions.

S. 1750

At the request of Mr. DEWINE, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1750, a bill to reduce the incidence of child abuse and neglect, and for other purposes.

SENATE CONCURRENT RESOLUTION 58

At the request of Mr. WYDEN, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of Senate Concurrent Resolution 58, a concurrent resolution urging the United States to seek a global consensus supporting a moratorium on tariffs and on special, multiple and discriminatory taxation of electronic commerce.

SENATE RESOLUTION 108

At the request of Mr. ROBB, his name was added as a cosponsor of Senate Resolution 108, a resolution designating the month of March each year as ''National Colorectal Cancer Awareness Month.''

SENATE CONCURRENT RESOLUTION 62—RECOGNIZING AND HONORING THE HEROIC EFFORTS OF THE AIR NATIONAL GUARD'S 109TH AIRLIFT WING AND ITS RESCUE OF DR. JERRI NIELSEN FROM THE SOUTH POLE

Mr. SCHUMER (for himself and Mr. MOYNIHAN) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 62

Whereas the 109th Airlift Wing of the Air National Guard is based at Stratton Air National Guard Base in Glenville, New York;

Whereas the 109th was called upon by the United States Antarctic Program to undertake a medical evacuation mission to the South Pole to rescue Dr. Jerri Nielsen, a physician who diagnosed herself with breast cancer;

Whereas the 109th is the only unit in the world trained and equipped to attempt such a mission;

Whereas the 10 crew members were pilot Maj. George R. McAllister Jr., senior mission commander Col. Marion G. Pritchard, copilot Maj. David Koltermann, navigator Lt. Col. Bryan M. Fennessy, engineer Ch. M. Sgt. Michael T. Cristiano, loadmasters Sr. M. Sgt. Kurt A. Garrison and T. Sgt. David M. Vesper, flight nurse Maj. Kimberly Terpening, and medical technicians Ch. M. Sgt. Michael Casatelli and M. Sgt. Kelly McDowell;

Whereas the crew departed Stratton Air Base for McMurdo Station in Antarctica via Christchurch, New Zealand, on October 6, 1999;

Whereas on October 15, 1999, Aircraft No. 096 departed McMurdo for the South Pole, where the temperature was approximately −53 degrees Celsius;

Whereas Major McAllister piloted a 130,000 pound LC–130 Hercules cargo plane equipped with Teflon-coated skis to a safe landing on an icy runway with visibility barely above minimums established for safe operations;

Whereas less than 25 minutes later, following an emotional goodbye and brief medical evaluation, Dr. Nielsen and the crew headed back to McMurdo Station;

Whereas the mission lasted 9 days and covered 11,410 nautical miles; and

Whereas Major McAllister became the first person ever to land on a polar ice cap at this time of year: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress recognizes and honors the crew of the Air National Guard's 109th Airlift Wing for its heroic efforts in rescuing Dr. Jerri Nielsen from the South Pole.

SENATE RESOLUTION 207—EXPRESSING THE SENSE OF THE SENATE REGARDING FAIR ACCESS TO JAPANESE TELECOMMUNICATIONS FACILITIES AND SERVICES

Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 207

Whereas the United States has a deep and sustained interest in the promotion of deregulation, competition, and regulatory reform in Japan;

Whereas new and bold measures by the Government of Japan regarding regulatory reform will help remove the regulatory and structural impediments to the effective functioning of market forces in the Japanese economy;

Whereas regulatory reform will increase the efficient allocation of resources of Japan, which is critical to returning Japan to a long-term growth path powered by domestic demand;

Whereas regulatory reform will not only improve market access for United States business and other foreign firms, but will also enhance consumer choice and economic prosperity in Japan;

Whereas a sustained recovery of the Japanese economy is vital to a sustained recovery of Asian economies;

Whereas the Japanese economy must serve as one of the main engines of growth for Asia and for the global economy;

Whereas the Governments of the United States and Japan reconfirmed the critical importance of deregulation, competition, and regulatory reform when the two governments established the Enhanced Initiative on Deregulation and Competition Policy in 1997;

Whereas telecommunications is a critical sector requiring reform in Japan, where the market is hampered by a history of laws, regulations, and monopolistic practices that do not meet the needs of a competitive market;

Whereas as the result of Japan's laws, regulations, and monopolistic practices, Japanese consumers and Japanese industry have been denied the broad benefits of innovative telecommunications services, cutting edge technology, and lower prices that competition would bring to the market;

Whereas Japan's significant lag in developing broadband and Internet services, and Japan's lag in the entire area of electronic commerce, is a direct result of a noncompetitive telecommunications regulatory structure;

Whereas Japan's lag in developing broadband and Internet services is evidenced by the following: (1) Japan has only 17,000,000 Internet users, while the United States has 80,000,000 Internet users; (2) Japan hosts fewer than 2,000,000 web sites, while the United States hosts over 30,000,000 web sites; (3) electronic commerce in Japan is valued at less than $1,000,000,000, while in the United States electronic commerce is valued at over $30,000,000,000; and (4) 19 percent Japan's schools are connected to the Internet, while in the United States 89 percent of schools are connected; and

Whereas leading edge foreign telecommunications companies, because of their high level of technology and innovation, are the key to building the necessary telecommunications infrastructure in Japan, which will only be able to serve Japanese consumers and industry if there is a fundamental change in Japan's regulatory approach to telecommunications: Now, therefore, be it

Resolved; That it is the sense of the Senate that—

(1) the appropriate officials in the executive branch should implement vigorously the call for Japan to undertake a major regulatory reform in the telecommunications sector, the so called ''Telecommunications Big Bang'';

(2) a ''Telecommunications Big Bang'' must address fundamental legislative and regulatory issues within a strictly defined timeframe;

(3) the new telecommunications regulatory framework should put competition first in order to encourage new and innovative businesses to enter the telecommunications market in Japan;

(4) the Government of Japan should ensure that Nippen Telegraph and Telephone Corporation (NTT) and its affiliates (the NTT Group) are prevented from using their dominant position in the wired and wireless market in an anticompetitive manner; and

(5) the Government of Japan should take credible steps to ensure that competitive

carriers have reasonable, cost-based, and nondiscriminatory access to the rights-of-way, facilities, and services controlled by NTT, the NTT Group, other utilities, and the Government of Japan, including—

(A) access to interconnection at market-based rates;

(B) unrestricted access to unbundled elements of the network belonging to NTT and the NTT Group; and

(C) access to public roads for the installation of facilities.

Mr. BAUCUS. Mr. President, the history of our Government's effort to promote deregulation and openness in the Japanese telecommunications sector goes back over 20 years. Back to the days when Bob Strauss was the U.S. Trade Representative.

The first agreement involved significant changes in the procurement policies of Nippon Telegraph and Telephone. Known as NTT, it was then the government owned, monopoly, domestic telecommunications provider. This agreement has been revised and renewed seven times—most recently earlier this year.

There has been a plethora of other bilateral telecommunications agreements with Japan over the years. On interconnection. On cellular phones. And on international value added networks.

We have used Section 301 to pry open the Japanese telecommunications market. We created Section 1377 in the 1988 Omnibus Trade Act to deal with Japanese telecommunications practices. We have had the MOSS talks with Japan in the 1980s. And we have also pursued multilateral efforts through the GATT, the WTO, and the Information Technology Agreement—the ITA.

I don't think the United States has negotiated more in one sector with any nation than we have done with Japan over telecommunications.

And we have made progress, from virtually zero sales by Americans to Japan in this sector twenty years ago to several billion dollars today.

But there is still a long way to go. Japan is the second largest economy in the world. It is at the cutting edge of most high technology. Yet its consumption of telecommunications goods and services fits more closely the model of a second tier economy.

It is true that penetration of cellular phones in Japan is among the highest in the world. But, Japan has only 17 million Internet users, while the United States has almost five times as many—80 million users. Japan hosts fewer than two million web sites, while the United States hosts over 30 million. Electronic commerce in Japan is valued at less than one billion dollars, versus at least thirty times as much in the United States. And only 19 percent of Japan's schools are connected to the Internet, versus in the United States where 89 percent of schools are connected.

Why is this?

The answer is simple. Japan maintains a non-competitive regulatory system that prevents market forces from fully operating in the telecommunications sector. American telecom service and equipment providers are still limited in their ability to do business in Japan.

But the system also hurts the Japanese consumer. They can't obtain the highest quality telecommunications technology at the lowest price. They are not able to choose from the incredible array of services and products available around the world. And they pay higher prices than they should.

Japanese firms also suffer for the same reasons in their telecommunications purchases. They cannot get the best. And they overpay for what they can buy. Many modern services are simply unavailable in Japan.

Earlier this month, the United States Government presented Japan with its annual deregulation requests in a number of sectors. If the Japanese government implemented this whole list, they would be on a path leading to economic growth. To better choice and lower prices for its consumers. And to increased efficiency for its industry.

I an not naive enough to think that will happen. However, I do know that Japan's adoption of the USTR requests, a so-called ''Telecommunications Big Bang'', would open the telecommunications sector to global competition with all the attendant benefits.

Senator GRASSLEY and I are submitting a sense-of-the-Senate resolution. It simply stresses the need for this significant regulatory reform in Japan. It calls on USTR vigorously to implement their call for this change. And it sends the message to Japan that the Senate is strongly behind this effort.

Such deregulation serves American and International business. It serves the Japanese economy. It serves the Japanese consumer. It serves Japanese industry. And it serves the original and global economy which need so desperately a growing Japan. In the long-run, everyone would win.

I urge my colleagues to support this resolution when it is called up.

Mr. GRASSLEY. Mr. President, this resolution I am offering with Senator BAUCUS calls for fair access to Japan's $35 billion telecommunications equipment market. Telecommunications is one of our most important exports and one of our most significant areas for future export growth.

Recently, the United States and Japan reached a new telecommunications procurement agreement covering procurement by the successor companies of the Nippon Telegraph and Telephone Company. This agreement replaced the 1997 agreement that expired when the Nippon Telegraph and Telephone Company was restructured.

We have had many difficulties gaining access to Japan's telecommunicates market in the past, probably not too different from a lot of sectors as we try to enter our products into Japan. It may be nothing new in that respect, but this is a new agreement that will be in effect for 2 years, and we should give it a chance to work. But history shows we have not made much progress when it comes to implementing fair bilateral market access agreements with Japan.

You know the usual story: We are always overjoyed, after several months or even years of negotiating an agreement with the Japanese, that it has been some major breakthrough; and then down the road a few months or years, when you expect the agreement to be carried out—not only according to its word but also according to its spirit—you find the victory you anticipated and were thankful for at the time it was signed comes out to be a half a loaf or a quarter of a loaf in practice. I think that is what we are finding out here a little bit with this telecommunications agreement.

The Nippon Telegraph and Telephone Company and the government in Japan, which owns 65 percent of the telecommunications group, have traditionally maintained that Nippon Telegraph and Telephone is a private company which should not be subject to government interference but be allowed to make its own procurement decisions.

Our concern is that we need effective bilateral government oversight so Japan's telecommunications industry does not revert to its traditional reliance upon domestic suppliers and consequently circumvent this agreement. That is because Nippon Telegraph and Telephone's procurement history shows that even nearly two decades after the first bilateral agreement on this company's procurement, Japan still tends to make a large portion of its procurement from the ''NTT family'' of Japanese equipment makers; thus, not opening their markets to products from overseas, including U.S. products. Often, NTT over-engineers specifications, which in the past were very Japan-specific or company-specific—another nontariff trade barrier to keep out products from the United States and other countries.

World telecommunications trade is growing very rapidly, but global market access is not keeping pace with the fast pace of technology development. The Baucus-Grassley resolution expresses the sense of the Senate that the only effective way for the United States to achieve significant market access in Japan is through Japan staying with serious and sustained deregulation and consequently having market opportunities for imports from other countries, including the United States.

This resolution carriers a message that ought to be heard loud and clear in the runup to the World Trade Organization Ministerial Conference that

will take place in Seattle at the end of November. So I strongly urge my colleagues to approve this resolution.

AMENDMENTS SUBMITTED

AFRICAN GROWTH AND OPPORTUNITY ACT

LAUTENBERG AMENDMENT NO. 2331

(Ordered to lie on the table.)

Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa; as follows:

At the appropriate place, insert the following new section:

SEC. ____. NORMAL TRADE RELATIONS FOR ALBANIA.

(a) FINDINGS.—Congress makes the following findings:

(1) Albania has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974.

(2) Since its emergence from communism, Albania has made progress toward democratic rule and the creation of a free-market economy.

(3) Albania has concluded a bilateral investment treaty with the United States.

(4) Albania has demonstrated a strong desire to build a friendly relationship with the United States and has been very cooperative with NATO and the international community during and after the Kosova crisis.

(5) The extension of unconditional normal trade relations treatment to the products of Albania will enable the United States to avail itself of all rights under the World Trade Organization with respect to Albania when that country becomes a member of the World Trade Organization.

(b) TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO ALBANIA.—

(1) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Albania; and

(B) after making a determination under subparagraph (A) with respect to Albania, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Albania, title IV of the Trade Act of 1974 shall cease to apply to that country.

LOTT AMENDMENT NO. 2332

Mr. LOTT proposed an amendment to amendment No. 2325 proposed by Mr. ROTH to the bill, H.R. 434, supra; as follows:

Strike all after ''Section'' and add the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Trade and Development Act of 1999''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—EXTENSION OF CERTAIN TRADE BENEFITS TO SUB-SAHARAN AFRICA

Subtitle A—Trade Policy for Sub-Saharan Africa

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Statement of policy.
Sec. 104. Sub-Saharan Africa defined.

Subtitle B—Extension of Certain Trade Benefits to Sub-Saharan Africa

Sec. 111. Eligibility for certain benefits.
Sec. 112. Treatment of certain textiles and apparel.
Sec. 113. United States-sub-Saharan African trade and economic cooperation forum.
Sec. 114. United States-sub-Saharan Africa free trade area.
Sec. 115. Reporting requirement.

TITLE II—TRADE BENEFITS FOR CARIBBEAN BASIN

Subtitle A—Trade Policy for Caribbean Basin Countries

Sec. 201. Short title.
Sec. 202. Findings and policy.
Sec. 203. Definitions.

Subtitle B—Trade Benefits for Caribbean Basin Countries

Sec. 211. Temporary provisions to provide additional trade benefits to certain beneficiary countries.
Sec. 212. Adequate and effective protection for intellectual property rights.

Subtitle C—Cover Over of Tax on Distilled Spirits

Sec. 221. Suspension of limitation on cover over of tax on distilled spirits.

TITLE III—GENERALIZED SYSTEM OF PREFERENCES

Sec. 301. Extension of duty-free treatment under generalized system of preferences.
Sec. 302. Entry procedures for foreign trade zone operations.

TITLE IV—TRADE ADJUSTMENT ASSISTANCE

Sec. 401. Trade adjustment assistance.

TITLE V—REVENUE PROVISIONS

Sec. 501. Modification of installment method and repeal of installment method for accrual method taxpayers.
Sec. 502. Limitations on welfare benefit funds of 10 or more employer plans.
Sec. 503. Treatment of gain from constructive ownership transactions.
Sec. 504. Limitation on use of nonaccrual experience method of accounting.
Sec. 505. Allocation of basis on transfers of intangibles in certain nonrecognition transactions.
Sec. 506. Increase in elective withholding rate for nonperiodic distributions from deferred compensation plans.

TITLE I—EXTENSION OF CERTAIN TRADE BENEFITS TO SUB-SAHARAN AFRICA

Subtitle A—Trade Policy for Sub-Saharan Africa

SEC. 101. SHORT TITLE.

This title may be cited as the ''African Growth and Opportunity Act''.

SEC. 102. FINDINGS.

Congress finds that—

(1) it is in the mutual interest of the United States and the countries of sub-Saharan Africa to promote stable and sustainable economic growth and development in sub-Saharan Africa;

(2) the 48 countries of sub-Saharan Africa form a region richly endowed with both natural and human resources;

(3) sub-Saharan Africa represents a region of enormous economic potential and of enduring political significance to the United States;

(4) the region has experienced a rise in both economic development and political freedom as countries in sub-Saharan Africa have taken steps toward liberalizing their economies and encouraged broader participation in the political process;

(5) the countries of sub-Saharan Africa have made progress toward regional economic integration that can have positive benefits for the region;

(6) despite those gains, the per capita income in sub-Saharan Africa averages less than $500 annually;

(7) United States foreign direct investment in the region has fallen in recent years and the sub-Saharan African region receives only minor inflows of direct investment from around the world;

(8) trade between the United States and sub-Saharan Africa, apart from the import of oil, remains an insignificant part of total United States trade;

(9) trade and investment, as the American experience has shown, can represent powerful tools both for economic development and for building a stable political environment in which political freedom can flourish;

(10) increased trade and investment flows have the greatest impact in an economic environment in which trading partners eliminate barriers to trade and capital flows and encourage the development of a vibrant private sector that offers individual African citizens the freedom to expand their economic opportunities and provide for their families;

(11) offering the countries of sub-Saharan Africa enhanced trade preferences will encourage both higher levels of trade and direct investment in support of the positive economic and political developments under way throughout the region; and

(12) encouraging the reciprocal reduction of trade and investment barriers in Africa will enhance the benefits of trade and investment for the region as well as enhance commercial and political ties between the United States and sub-Saharan Africa.

SEC. 103. STATEMENT OF POLICY.

Congress supports—

(1) encouraging increased trade and investment between the United States and sub-Saharan Africa;

(2) reducing tariff and nontariff barriers and other obstacles to sub-Saharan African and United States trade;

(3) expanding United States assistance to sub-Saharan Africa's regional integration efforts;

(4) negotiating reciprocal and mutually beneficial trade agreements, including the possibility of establishing free trade areas that serve the interests of both the United States and the countries of sub-Saharan Africa;

(5) focusing on countries committed to accountable government, economic reform, and the eradication of poverty;

(6) strengthening and expanding the private sector in sub-Saharan Africa;

(7) supporting the development of civil societies and political freedom in sub-Saharan Africa; and

(8) establishing a United States-Sub-Saharan African Economic Cooperation Forum.

SEC. 104. SUB-SAHARAN AFRICA DEFINED.

In this title, the terms ''sub-Saharan Africa'', ''sub-Saharan African country'', ''country in sub-Saharan Africa'', and ''countries in sub-Saharan Africa'' refer to the following:

(1) Republic of Angola (Angola).
(2) Republic of Botswana (Botswana).
(3) Republic of Burundi (Burundi).
(4) Republic of Cape Verde (Cape Verde).
(5) Republic of Chad (Chad).
(6) Democratic Republic of Congo.
(7) Republic of the Congo (Congo).
(8) Republic of Djibouti (Djibouti).
(9) State of Eritrea (Eritrea).
(10) Gabonese Republic (Gabon).
(11) Republic of Ghana (Ghana).
(12) Republic of Guinea-Bissau (Guinea-Bissau).
(13) Kingdom of Lesotho (Lesotho).
(14) Republic of Madagascar (Madagascar).
(15) Republic of Mali (Mali).
(16) Republic of Mauritius (Mauritius).
(17) Republic of Namibia (Namibia).
(18) Federal Republic of Nigeria (Nigeria).
(19) Democratic Republic of Sao Tome and Principe (Sao Tome and Principe).
(20) Republic of Sierra Leone (Sierra Leone).
(21) Somalia.
(22) Kingdom of Swaziland (Swaziland).
(23) Republic of Togo (Togo).
(24) Republic of Zimbabwe (Zimbabwe).
(25) Republic of Benin (Benin).
(26) Burkina Faso (Burkina).
(27) Republic of Cameroon (Cameroon).
(28) Central African Republic.
(29) Federal Islamic Republic of the Comoros (Comoros).
(30) Republic of Cote d'Ivoire (Cote d'Ivoire).
(31) Republic of Equatorial Guinea (Equatorial Guinea).
(32) Ethiopia.
(33) Republic of the Gambia (Gambia).
(34) Republic of Guinea (Guinea).
(35) Republic of Kenya (Kenya).
(36) Republic of Liberia (Liberia).
(37) Republic of Malawi (Malawi).
(38) Islamic Republic of Mauritania (Mauritania).
(39) Republic of Mozambique (Mozambique).
(40) Republic of Niger (Niger).
(41) Republic of Rwanda (Rwanda).
(42) Republic of Senegal (Senegal).
(43) Republic of Seychelles (Seychelles).
(44) Republic of South Africa (South Africa).
(45) Republic of Sudan (Sudan).
(46) United Republic of Tanzania (Tanzania).
(47) Republic of Uganda (Uganda).
(48) Republic of Zambia (Zambia).

Subtitle B—Extension of Certain Trade Benefits to Sub-Saharan Africa

SEC. 111. ELIGIBILITY FOR CERTAIN BENEFITS.

(a) IN GENERAL.—Title V of the Trade Act of 1974 is amended by inserting after section 506 the following new section:

''SEC. 506A. DESIGNATION OF SUB-SAHARAN AFRICAN COUNTRIES FOR CERTAIN BENEFITS.

''(a) AUTHORITY TO DESIGNATE.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the President is authorized to designate a country listed in section 104 of the African Growth and Opportunity Act as a beneficiary sub-Saharan African country eligible for the benefits described in subsection (b), if the President determines that the country—

''(A) has established, or is making continual progress toward establishing—

''(i) a market-based economy, where private property rights are protected and the principles of an open, rules-based trading system are observed;

''(ii) a democratic society, where the rule of law, political freedom, participatory democracy, and the right to due process and a fair trial are observed;

''(iii) an open trading system through the elimination of barriers to United States trade and investment and the resolution of bilateral trade and investment disputes; and

''(iv) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, and promote the establishment of private enterprise;

''(B) does not engage in gross violations of internationally recognized human rights or provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violations and terrorist activities; and

''(C) subject to the authority granted to the President under section 502 (a), (d), and (e), otherwise satisfies the eligibility criteria set forth in section 502.

''(2) MONITORING AND REVIEW OF CERTAIN COUNTRIES.—The President shall monitor and review the progress of each country listed in section 104 of the African Growth and Opportunity Act in meeting the requirements described in paragraph (1) in order to determine the current or potential eligibility of each country to be designated as a beneficiary sub-Saharan African country for purposes of subsection (a). The President shall include the reasons for the President's determinations in the annual report required by section 115 of the African Growth and Opportunity Act.

''(3) CONTINUING COMPLIANCE.—If the President determines that a beneficiary sub-Saharan African country is not making continual progress in meeting the requirements described in paragraph (1), the President shall terminate the designation of that country as a beneficiary sub-Saharan African country for purposes of this section, effective on January 1 of the year following the year in which such determination is made.

''(b) PREFERENTIAL TARIFF TREATMENT FOR CERTAIN ARTICLES.—

''(1) IN GENERAL.—The President may provide duty-free treatment for any article described in section 503(b)(1) (B) through (G) (except for textile luggage) that is the growth, product, or manufacture of a beneficiary sub-Saharan African country described in subsection (a), if, after receiving the advice of the International Trade Commission in accordance with section 503(e), the President determines that such article is not import-sensitive in the context of imports from beneficiary sub-Saharan African countries.

''(2) RULES OF ORIGIN.—The duty-free treatment provided under paragraph (1) shall apply to any article described in that paragraph that meets the requirements of section 503(a)(2), except that—

''(A) if the cost or value of materials produced in the customs territory of the United States is included with respect to that article, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (A) of section 503(a)(2); and

''(B) the cost or value of the materials included with respect to that article that are produced in one or more beneficiary sub-Saharan African countries shall be applied in determining such percentage.

''(c) BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES, ETC.—For purposes of this title, the terms 'beneficiary sub-Saharan African country' and 'beneficiary sub-Saharan African countries' mean a country or countries listed in section 104 of the African Growth and Opportunity Act that the President has determined is eligible under subsection (a) of this section.''.

(b) WAIVER OF COMPETITIVE NEED LIMITATION.—Section 503(c)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2463(c)(2)(D)) is amended to read as follows:

''(D) LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRIES AND BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Subparagraph (A) shall not apply to any least-developed beneficiary developing country or any beneficiary sub-Saharan African country.''.

(c) TERMINATION.—Title V of the Trade Act of 1974 is amended by inserting after section 506A, as added by subsection (a), the following new section:

''SEC. 506B. TERMINATION OF BENEFITS FOR SUB-SAHARAN AFRICAN COUNTRIES.

''In the case of a country listed in section 104 of the African Growth and Opportunity Act that is a beneficiary developing country, duty-free treatment provided under this title shall remain in effect through September 30, 2006.''.

(d) CLERICAL AMENDMENTS.—The table of contents for title V of the Trade Act of 1974 is amended by inserting after the item relating to section 505 the following new items:

''506A. Designation of sub-Saharan African countries for certain benefits.
''506B. Termination of benefits for sub-Saharan African countries.''.

(e) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2000.

SEC. 112. TREATMENT OF CERTAIN TEXTILES AND APPAREL.

(a) PREFERENTIAL TREATMENT.—Notwithstanding any other provision of law, textile and apparel articles described in subsection (b) (including textile luggage) imported from a beneficiary sub-Saharan African country, described in section 506A(c) of the Trade Act of 1974, shall enter the United States free of duty and free of any quantitative limitations, if—

(1) the country adopts an efficient visa system to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and

(2) the country enacts legislation or promulgates regulations that would permit United States Customs Service verification teams to have the access necessary to investigate thoroughly allegations of transshipment through such country.

(b) PRODUCTS COVERED.—The preferential treatment described in subsection (a) shall apply only to the following textile and apparel products:

(1) APPAREL ARTICLES ASSEMBLED IN BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Apparel articles assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States that are—

(A) entered under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States; or

(B) entered under chapter 61 or 62 of the Harmonized Tariff Schedule of the United States, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the Harmonized Tariff

Schedule of the United States but for the fact that the articles were subjected to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, or other similar processes.

(2) APPAREL ARTICLES CUT AND ASSEMBLED IN BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Apparel articles cut in one or more beneficiary sub-Saharan African countries from fabric wholly formed in the United States from yarns wholly formed in the United States, if such articles are assembled in one or more beneficiary sub-Saharan African countries with thread formed in the United States.

(3) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of a beneficiary sub-Saharan African country or countries that is certified as such by the competent authority of such beneficiary country or countries. For purposes of this paragraph, the President, after consultation with the beneficiary sub-Saharan African country or countries concerned, shall determine which, if any, particular textile and apparel goods of the country (or countries) shall be treated as being handloomed, handmade, or folklore goods.

(c) PENALTIES FOR TRANSSHIPMENTS.—

(1) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment with respect to textile or apparel products from a beneficiary sub-Saharan African country, then the President shall deny all benefits under this section and section 506A of the Trade Act of 1974 to such exporter, any successor of such exporter, and any other entity owned or operated by the principal of the exporter for a period of 2 years.

(2) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this subsection has occurred when preferential treatment for a textile or apparel article under subsection (a) has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this paragraph, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under subsection (a).

(d) TECHNICAL ASSISTANCE.—The Customs Service shall provide technical assistance to the beneficiary sub-Saharan African countries for the implementation of the requirements set forth in subsection (a) (1) and (2).

(e) MONITORING AND REPORTS TO CONGRESS.—The Customs Service shall monitor and the Commissioner of Customs shall submit to Congress, not later than March 31 of each year that this section is in effect, a report on the effectiveness of the anti-circumvention systems described in this section and on measures taken by countries in sub-Saharan Africa which export textiles or apparel to the United States to prevent circumvention as described in article 5 of the Agreement on Textiles and Clothing.

(f) SAFEGUARD.—The President shall have the authority to impose appropriate remedies, including restrictions on or the removal of quota-free and duty-free treatment provided under this section, in the event that textile and apparel articles from a beneficiary sub-Saharan African country are being imported in such increased quantities as to cause serious damage, or actual threat thereof, to the domestic industry producing like or directly competitive articles. The President shall exercise his authority under this subsection consistent with the Agreement on Textiles and Clothing.

(g) DEFINITIONS.—In this section:

(1) AGREEMENT ON TEXTILES AND CLOTHING.—The term ''Agreement on Textiles and Clothing'' means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(2) BENEFICIARY SUB-SAHARAN AFRICAN COUNTRY, ETC.—The terms ''beneficiary sub-Saharan African country'' and ''beneficiary sub-Saharan African countries'' have the same meaning as such terms have under section 506A(c) of the Trade Act of 1974.

(3) CUSTOMS SERVICE.—The term ''Customs Service'' means the United States Customs Service.

(h) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2000 and shall remain in effect through September 30, 2006.

SEC. 113. UNITED STATES-SUB-SAHARAN AFRICAN TRADE AND ECONOMIC COOPERATION FORUM.

(a) DECLARATION OF POLICY.—The President shall convene annual meetings between senior officials of the United States Government and officials of the governments of sub-Saharan African countries in order to foster close economic ties between the United States and sub-Saharan Africa.

(b) ESTABLISHMENT.—Not later than 12 months after the date of enactment of this Act, the President, after consulting with the officials of interested sub-Saharan African governments, shall establish a United States-Sub-Saharan African Trade and Economic Cooperation Forum (in this section referred to as the ''Forum'').

(c) REQUIREMENTS.—In creating the Forum, the President shall meet the following requirements:

(1) FIRST MEETING.—The President shall direct the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative to invite their counterparts from interested sub-Saharan African governments and representatives of appropriate regional organizations to participate in the first annual meeting to discuss expanding trade and investment relations between the United States and sub-Saharan Africa.

(2) NONGOVERNMENTAL ORGANIZATIONS.—

(A) IN GENERAL.—The President, in consultation with Congress, shall invite United States nongovernmental organizations to host meetings with their counterparts from sub-Saharan Africa in conjunction with meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(B) PRIVATE SECTOR.—The President, in consultation with Congress, shall invite United States representatives of the private sector to host meetings with their counterparts from sub-Saharan Africa in conjunction with meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(3) ANNUAL MEETINGS.—As soon as practicable after the date of enactment of this Act, the President shall meet with the heads of the governments of interested sub-Saharan African countries for the purpose of discussing the issues described in paragraph (1).

SEC. 114. UNITED STATES-SUB-SAHARAN AFRICA FREE TRADE AREA.

(a) IN GENERAL.—The President shall examine the feasibility of negotiating a free trade agreement (or agreements) with interested sub-Saharan African countries.

(b) REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the President shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the President's conclusions on the feasibility of negotiating such agreement (or agreements). If the President determines that the negotiation of any such free trade agreement is feasible, the President shall provide a detailed plan for such negotiation that outlines the objectives, timing, any potential benefits to the United States and sub-Saharan Africa, and the likely economic impact of any such agreement.

SEC. 115. REPORTING REQUIREMENT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter for 4 years, the President shall submit a report to Congress on the implementation of this title.

TITLE II—TRADE BENEFITS FOR CARIBBEAN BASIN

Subtitle A—Trade Policy for Caribbean Basin Countries

SEC. 201. SHORT TITLE.

This title may be cited as the ''United States-Caribbean Basin Trade Enhancement Act''.

SEC. 202. FINDINGS AND POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) The Caribbean Basin Economic Recovery Act (referred to in this title as ''CBERA'') represents a permanent commitment by the United States to encourage the development of strong democratic governments and revitalized economies in neighboring countries in the Caribbean Basin.

(2) Thirty-four democratically elected leaders agreed at the 1994 Summit of the Americas to conclude negotiation of a Free Trade Area of the Americas (referred to in this title as ''FTAA'') by the year 2005.

(3) The economic security of the countries in the Caribbean Basin will be enhanced by the completion of the FTAA.

(4) Offering temporary benefits to Caribbean Basin countries will enhance trade between the United States and the Caribbean Basin, encourage development of trade and investment policies that will facilitate participation of Caribbean Basin countries in the FTAA, preserve the United States commitment to Caribbean Basin beneficiary countries, help further economic development in the Caribbean Basin region, and accelerate the trend toward more open economies in the region.

(5) Promotion of the growth of free enterprise and economic opportunity in the Caribbean Basin will enhance the national security interests of the United States.

(6) Increased trade and economic activity between the United States and Caribbean Basin beneficiary countries will create expanding export opportunities for United States businesses and workers.

(b) POLICY.—It is the policy of the United States to—

(1) offer Caribbean Basin beneficiary countries willing to prepare to become a party to the FTAA or a comparable trade agreement, tariff treatment essentially equivalent to that accorded to products of NAFTA countries for certain products not currently eligible for duty-free treatment under the CBERA; and

(2) seek the participation of Caribbean Basin beneficiary countries in the FTAA or a trade agreement comparable to the FTAA at the earliest possible date, with the goal of achieving full participation in such agreement not later than 2005.

SEC. 203. DEFINITIONS.

In this title:

(1) BENEFICIARY COUNTRY.—The term ''beneficiary country'' has the meaning given the term in section 212(a)(1)(A) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)(1)(A)).

(2) CBTEA.—The term ''CBTEA'' means the United States-Caribbean Basin Trade Enhancement Act.

(3) NAFTA.—The term ''NAFTA'' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

(4) NAFTA COUNTRY.—The term ''NAFTA country'' means any country with respect to which the NAFTA is in force.

(5) WTO AND WTO MEMBER.—The terms ''WTO'' and ''WTO member'' have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

Subtitle B—Trade Benefits for Caribbean Basin Countries

SEC. 211. TEMPORARY PROVISIONS TO PROVIDE ADDITIONAL TRADE BENEFITS TO CERTAIN BENEFICIARY COUNTRIES.

(a) TEMPORARY PROVISIONS.—Section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) is amended to read as follows:

''(b) IMPORT-SENSITIVE ARTICLES.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (5), the duty-free treatment provided under this title does not apply to—

''(A) textile and apparel articles which were not eligible articles for purposes of this title on January 1, 1994, as this title was in effect on that date;

''(B) footwear not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

''(C) tuna, prepared or preserved in any manner, in airtight containers;

''(D) petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS;

''(E) watches and watch parts (including cases, bracelets, and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply; or

''(F) articles to which reduced rates of duty apply under subsection (h).

''(2) TRANSITION PERIOD TREATMENT OF CERTAIN TEXTILE AND APPAREL ARTICLES.—

''(A) PRODUCTS COVERED.—During the transition period, the preferential treatment described in subparagraph (B) shall apply to the following products:

''(i) APPAREL ARTICLES ASSEMBLED IN A CBTEA BENEFICIARY COUNTRY.—Apparel articles assembled in a CBTEA beneficiary country from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States that are—

''(I) entered under subheading 9802.00.80 of the HTS; or

''(II) entered under chapter 61 or 62 of the HTS, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the HTS but for the fact that the articles were subjected to stonewashing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, or other similar processes.

''(ii) APPAREL ARTICLES CUT AND ASSEMBLED IN A CBTEA BENEFICIARY COUNTRY.—Apparel articles cut in a CBTEA beneficiary country from fabric wholly formed in the United States from yarns wholly formed in the United States, if such articles are assembled in such country with thread formed in the United States.

''(iii) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of a CBTEA beneficiary country identified under subparagraph (C) that is certified as such by the competent authority of such beneficiary country.

''(iv) TEXTILE LUGGAGE.—Textile luggage—

''(I) assembled in a CBTEA beneficiary country from fabric wholly formed and cut in the United States, from yarns wholly formed in the United States, that is entered under subheading 9802.00.80 of the HTS; or

''(II) assembled from fabric cut in a CBTEA beneficiary country from fabric wholly formed in the United States from yarns wholly formed in the United States, if such luggage is assembled in such country with thread formed in the United States.

''(B) PREFERENTIAL TREATMENT.—Except as provided in subparagraph (E), during the transition period, the articles described in subparagraph (A) shall enter the United States free of duty and free of any quantitative limitations.

''(C) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES DEFINED.—For purposes of subparagraph (A)(iii), the President, after consultation with the CBTEA beneficiary country concerned, shall determine which, if any, particular textile and apparel goods of the country shall be treated as being handloomed, handmade, or folklore goods of a kind described in section 2.3 (a), (b), or (c) or Appendix 3.1.B.11 of the Annex.

''(D) PENALTIES FOR TRANSSHIPMENTS.—

''(i) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment with respect to textile or apparel products from a CBTEA beneficiary country, then the President shall deny all benefits under this title to such exporter, and any successor of such exporter, for a period of 2 years.

''(ii) PENALTIES FOR COUNTRIES.—Whenever the President finds, based on sufficient evidence, that transshipment has occurred, the President shall request that the CBTEA beneficiary country or countries through whose territory the transshipment has occurred take all necessary and appropriate actions to prevent such transshipment. If the President determines that a country is not taking such actions, the President shall reduce the quantities of textile and apparel articles that may be imported into the United States from such country by the quantity of the transshipped articles multiplied by 3.

''(iii) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this subparagraph has occurred when preferential treatment for a textile or apparel article under subparagraph (B) has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this clause, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under subparagraph (B).

''(E) BILATERAL EMERGENCY ACTIONS.—

''(i) IN GENERAL.—The President may take bilateral emergency tariff actions of a kind described in section 4 of the Annex with respect to any apparel article imported from a CBTEA beneficiary country if the application of tariff treatment under subparagraph (B) to such article results in conditions that would be cause for the taking of such actions under such section 4 with respect to a like article described in the same 8-digit subheading of the HTS that is imported from Mexico.

''(ii) RULES RELATING TO BILATERAL EMERGENCY ACTION.—For purposes of applying bilateral emergency action under this subparagraph—

''(I) the requirements of paragraph (5) of section 4 of the Annex (relating to providing compensation) shall not apply;

''(II) the term 'transition period' in section 4 of the Annex shall have the meaning given that term in paragraph (5)(D) of this subsection; and

''(III) the requirements to consult specified in section 4 of the Annex shall be treated as satisfied if the President requests consultations with the beneficiary country in question and the country does not agree to consult within the time period specified under section 4.

''(3) TRANSITION PERIOD TREATMENT OF CERTAIN OTHER ARTICLES ORIGINATING IN BENEFICIARY COUNTRIES.—

''(A) EQUIVALENT TARIFF TREATMENT.—

''(i) IN GENERAL.—Subject to clause (ii), the tariff treatment accorded at any time during the transition period to any article referred to in any of subparagraphs (B) through (F) of paragraph (1) that originates in the territory of a CBTEA beneficiary country shall be identical to the tariff treatment that is accorded at such time under Annex 302.2 of the NAFTA to an article described in the same 8-digit subheading of the HTS that is a good of Mexico and is imported into the United States.

''(ii) EXCEPTION.—Clause (i) does not apply to any article accorded duty-free treatment under U.S. Note 2(b) to subchapter II of chapter 98 of the HTS.

''(B) RELATIONSHIP TO SUBSECTION (h) DUTY REDUCTIONS.—If at any time during the transition period the rate of duty that would (but for action taken under subparagraph (A)(i) in regard to such period) apply with respect to any article under subsection (h) is a rate of duty that is lower than the rate of duty resulting from such action, then such lower rate of duty shall be applied for the purposes of implementing such action.

''(4) CUSTOMS PROCEDURES.—

''(A) IN GENERAL.—

''(i) REGULATIONS.—Any importer that claims preferential treatment under paragraph (2) or (3) shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

''(ii) DETERMINATION.—

''(I) IN GENERAL.—In order to qualify for the preferential treatment under paragraph (2) or (3) and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that each country described in subclause (II)—

''(aa) has implemented and follows, or

''(bb) is making substantial progress toward implementing and following,

procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

''(II) COUNTRY DESCRIBED.—A country is described in this subclause if it is a CBTEA beneficiary country—

''(aa) from which the article is exported, or

''(bb) in which materials used in the production of the article originate or in which the article or such materials undergo production that contributes to a claim that the article is eligible for preferential treatment.

''(B) CERTIFICATE OF ORIGIN.—The Certificate of Origin that otherwise would be required pursuant to the provisions of subparagraph (A) shall not be required in the case of an article imported under paragraph (2) or (3) if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

''(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ANNEX.—The term 'the Annex' means Annex 300–B of the NAFTA.

''(B) CBTEA BENEFICIARY COUNTRY.—

''(i) IN GENERAL.—The term 'CBTEA beneficiary country' means any 'beneficiary country', as defined by section 212(a)(1)(A) of this title, which the President determines has demonstrated a commitment to—

''(I) undertake its obligations under the WTO on or ahead of schedule;

''(II) participate in negotiations toward the completion of the FTAA or a comparable trade agreement; and

''(III) undertake other steps necessary for that country to become a party to the FTAA or a comparable trade agreement.

''(ii) CRITERIA FOR DETERMINATION.—In making the determination under clause (i), the President may consider the criteria in section 212 (b) and (c) and other appropriate criteria, including—

''(I) the extent to which the country follows accepted rules of international trade provided for under the agreements listed in section 101(d) of the Uruguay Round Agreements Act;

''(II) the extent to which the country provides protection of intellectual property rights—

''(aa) in accordance with standards established in the Agreement on Trade-Related Aspects of Intellectual Property Rights described in section 101(d)(15) of the Uruguay Round Agreements Act;

''(bb) in accordance with standards established in chapter 17 of the NAFTA; and

''(cc) by granting the holders of copyrights the ability to control the importation and sale of products that embody copyrighted works, extending the period set forth in Article 1711(6) of NAFTA for protecting test data for agricultural chemicals to 10 years, protecting trademarks regardless of their subsequent designation as geographic indications, and providing enforcement against the importation of infringing products at the border;

''(III) the extent to which the country provides protections to investors and investments of the United States substantially equivalent to those set forth in chapter 11 of the NAFTA;

''(IV) the extent to which the country provides the United States and other WTO members nondiscriminatory, equitable, and reasonable market access with respect to the products for which benefits are provided under paragraphs (2) and (3), and in other relevant product sectors as determined by the President;

''(V) the extent to which the country provides internationally recognized worker rights, including—

''(aa) the right of association,

''(bb) the right to organize and bargain collectively,

''(cc) prohibition on the use of any form of coerced or compulsory labor,

''(dd) a minimum age for the employment of children, and

''(ee) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

''(VI) whether the country has met the counter-narcotics certification criteria set forth in section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) for eligibility for United States assistance;

''(VII) the extent to which the country becomes a party to and implements the Inter-American Convention Against Corruption, and becomes party to a convention regarding the extradition of its nationals;

''(VIII) the extent to which the country—

''(aa) supports the multilateral and regional objectives of the United States with respect to government procurement, including the negotiation of government procurement provisions as part of the FTAA and conclusion of a WTO transparency agreement as provided in the declaration of the WTO Ministerial Conference held in Singapore on December 9 through 13, 1996, and

''(bb) applies transparent and competitive procedures in government procurement equivalent to those contained in the WTO Agreement on Government Procurement (described in section 101(d)(17) of the Uruguay Round Agreements Act);

''(IX) the extent to which the country follows the rules on customs valuation set forth in the WTO Agreement on Implementation of Article VII of the GATT 1994 (described in section 101(d)(8) of the Uruguay Round Agreements Act);

''(X) the extent to which the country affords to products of the United States which the President determines to be of commercial importance to the United States with respect to such country, and on a nondiscriminatory basis to like products of other WTO members, tariff treatment that is no less favorable than the most favorable tariff treatment provided by the country to any other country pursuant to any free trade agreement to which such country is a party, other than the Central American Common Market or the Caribbean Community and Common Market.

''(C) CBTEA ORIGINATING GOOD.—

''(i) IN GENERAL.—The term 'CBTEA originating good' means a good that meets the rules of origin for a good set forth in chapter 4 of the NAFTA as implemented pursuant to United States law.

''(ii) APPLICATION OF CHAPTER 4.—In applying chapter 4 with respect to a CBTEA beneficiary country for purposes of this subsection—

''(I) no country other than the United States and a CBTEA beneficiary country may be treated as being a party to the NAFTA;

''(II) any reference to trade between the United States and Mexico shall be deemed to refer to trade between the United States and a CBTEA beneficiary country;

''(III) any reference to a party shall be deemed to refer to a CBTEA beneficiary country or the United States; and

''(IV) any reference to parties shall be deemed to refer to any combination of CBTEA beneficiary countries or to the United States and a CBTEA beneficiary country (or any combination thereof).

''(D) TRANSITION PERIOD.—The term 'transition period' means, with respect to a CBTEA beneficiary country, the period that begins on October 1, 2000, and ends on the earlier of—

''(i) December 31, 2004, or

''(ii) the date on which the FTAA or a comparable trade agreement enters into force with respect to the United States and the CBTEA beneficiary country.

''(E) CBTEA.—The term 'CBTEA' means the United States-Caribbean Basin Trade Enhancement Act.

''(F) FTAA.—The term 'FTAA' means the Free Trade Area of the Americas.''.

(b) DETERMINATION REGARDING RETENTION OF DESIGNATION.—Section 212(e) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(e)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting ''(A)'' after ''(1)'';

(C) by striking ''would be barred'' and all that follows through the end period and inserting: ''no longer satisfies one or more of the conditions for designation as a beneficiary country set forth in subsection (b) or such country fails adequately to meet one or more of the criteria set forth in subsection (c).''; and

(D) by adding at the end the following:

''(B) The President may, after the requirements of subsection (a)(2) and paragraph (2) have been met—

''(i) withdraw or suspend the designation of any country as a CBTEA beneficiary country, or

''(ii) withdraw, suspend, or limit the application of preferential treatment under section 213(b) (2) and (3) to any article of any country, if, after such designation, the President determines that as a result of changed circumstances, the performance of such country is not satisfactory under the criteria set forth in section 213(b)(5)(B).''; and

(2) by adding after paragraph (2) the following new paragraph:

''(3) If preferential treatment under section 213(b) (2) and (3) is withdrawn, suspended, or limited with respect to a CBTEA beneficiary country, such country shall not be deemed to be a 'party' for the purposes of applying section 213(b)(5)(C) to imports of articles for which preferential treatment has been withdrawn, suspended, or limited with respect to such country.''.

(c) REPORTING REQUIREMENTS.—

(1) Section 212(f) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(f)) is amended to read as follows:

''(f) REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—Not later than December 31, 2001, and every 2 years thereafter during the period this title is in effect, the United States Trade Representative shall submit to Congress a report regarding the operation of this title, including—

''(A) with respect to subsections (b) and (c), the results of a general review of beneficiary countries based on the considerations described in such subsections; and

''(B) the performance of each beneficiary country or CBTEA beneficiary country, as the case may be, under the criteria set forth in section 213(b)(5)(B)(ii).

''(2) PUBLIC COMMENT.—Before submitting the report described in paragraph (1), the United States Trade Representative shall publish a notice in the Federal Register requesting public comments on whether beneficiary countries are meeting the criteria listed in section 213(b)(5)(B)(i), and on the performance of each beneficiary country or CBTEA beneficiary country, as the case may be, with respect to the criteria listed in section 213(b)(5)(B)(ii).''.

(2) Section 203(f) of the Andean Trade Preference Act (19 U.S.C. 3202(f)) is amended—

(A) by striking ''TRIENNIAL REPORT'' in the heading and inserting ''REPORT''; and

(B) by striking ''On or before'' and all that follows through ''enactment of this title''

and inserting ''Not later than January 31, 2001''.

(d) INTERNATIONAL TRADE COMMISSION REPORTS.—

(1) Section 215(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2704(a)) is amended to read as follows:

''(a) REPORTING REQUIREMENT.—

''(1) IN GENERAL.—The United States International Trade Commission (in this section referred to as the 'Commission') shall submit to Congress and the President biennial reports regarding the economic impact of this title on United States industries and consumers and on the economy of the beneficiary countries.

''(2) FIRST REPORT.—The first report shall be submitted not later than September 30, 2001.

''(3) TREATMENT OF PUERTO RICO, ETC.—For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States are considered to be United States industries.''.

(2) Section 206(a) of the Andean Trade Preference Act (19 U.S.C. 3204(a)) is amended to read as follows:

''(a) REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—The United States International Trade Commission (in this section referred to as the 'Commission') shall submit to Congress and the President biennial reports regarding the economic impact of this title on United States industries and consumers, and, in conjunction with other agencies, the effectiveness of this title in promoting drug-related crop eradication and crop substitution efforts of the beneficiary countries.

''(2) SUBMISSION.—During the period that this title is in effect, the report required by paragraph (1) shall be submitted on December 31 of each year that the report required by section 215 of the Caribbean Basin Economic Recovery Act is not submitted.

''(3) TREATMENT OF PUERTO RICO, ETC.—For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States are considered to be United States industries.''.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—

(A) Section 211 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701) is amended by inserting ''(or other preferential treatment)'' after ''treatment''.

(B) Section 213(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)(1)) is amended by inserting ''and except as provided in subsection (b) (2) and (3),'' after ''Tax Reform Act of 1986,''.

(2) DEFINITIONS.—Section 212(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)(1)) is amended by adding at the end the following new subparagraphs:

''(D) The term 'NAFTA' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

''(E) The terms 'WTO' and 'WTO member' have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).''.

SEC. 212. ADEQUATE AND EFFECTIVE PROTECTION FOR INTELLECTUAL PROPERTY RIGHTS.

Section 212(c) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(c)) is amended by adding at the end the following flush sentence:

''Notwithstanding any other provision of law, the President may determine that a country is not providing adequate and effective protection of intellectual property rights under paragraph (9), even if the country is in compliance with the country's obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights described in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)).''.

Subtitle C—Cover Over of Tax on Distilled Spirits

SEC. 221. SUSPENSION OF LIMITATION ON COVER OVER OF TAX ON DISTILLED SPIRITS.

(a) IN GENERAL.—Section 7652(f) of the Internal Revenue Code of 1986 (relating to limitation on cover over of tax on distilled spirits) is amended by adding at the end the following new flush sentence:

''The preceding sentence shall not apply to articles that are tax-determined after June 30, 1999, and before October 1, 1999.''

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to articles that are tax-determined after June 30, 1999.

(2) SPECIAL RULE.—

(A) IN GENERAL.—The treasury of Puerto Rico shall make a Conservation Trust Fund transfer within 30 days after the date of each cover over payment (made to such treasury under section 7652(e) of the Internal Revenue Code of 1986) to which section 7652(f) of such Code does not apply by reason of the last sentence thereof.

(B) CONSERVATION TRUST FUND TRANSFER.—

(i) IN GENERAL.—For purposes of this paragraph, the term ''Conservation Trust Fund transfer'' means a transfer to the Puerto Rico Conservation Trust Fund of an amount equal to 50 cents per proof gallon of the taxes imposed under section 5001 or section 7652 of such Code on distilled spirits that are covered over to the treasury of Puerto Rico under section 7652(e) of such Code.

(ii) TREATMENT OF TRANSFER.—Each Conservation Trust Fund transfer shall be treated as principal for an endowment, the income from which to be available for use by the Puerto Rico Conservation Trust Fund for the purposes for which the Trust Fund was established.

(iii) RESULT OF NONTRANSFER.—

(I) IN GENERAL.—Upon notification by the Secretary of the Interior that a Conservation Trust Fund transfer has not been made by the treasury of Puerto Rico as required by subparagraph (A), the Secretary of the Treasury shall, except as provided in subclause (II), deduct and withhold from the next cover over payment to be made to the treasury of Puerto Rico under section 7652(e) of such Code an amount equal to the appropriate Conservation Trust Fund transfer and interest thereon at the underpayment rate established under section 6621 of such Code as of the due date of such transfer. The Secretary of the Treasury shall transfer such amount deducted and withheld, and the interest thereon, directly to the Puerto Rico Conservation Trust Fund.

(II) GOOD CAUSE EXCEPTION.—If the Secretary of the Interior finds, after consultation with the Governor of Puerto Rico, that the failure by the treasury of Puerto Rico to make a required transfer was for good cause, and notifies the Secretary of the Treasury of the finding of such good cause before the due date of the next cover over payment following the notification of nontransfer, then the Secretary of the Treasury shall not deduct the amount of such nontransfer from any cover over payment.

(C) PUERTO RICO CONSERVATION TRUST FUND.—For purposes of this paragraph, the term ''Puerto Rico Conservation Trust Fund'' means the fund established pursuant to a Memorandum of Understanding between the United States Department of the Interior and the Commonwealth of Puerto Rico, dated December 24, 1968.

TITLE III—GENERALIZED SYSTEM OF PREFERENCES

SEC. 301. EXTENSION OF DUTY-FREE TREATMENT UNDER GENERALIZED SYSTEM OF PREFERENCES.

(a) IN GENERAL.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking ''June 30, 1999'' and inserting ''June 30, 2004''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section applies to articles entered on or after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(A) GENERAL RULE.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (3), any entry—

(i) of an article to which duty-free treatment under title V of the Trade Act of 1974 would have applied if such entry had been made on June 30, 1999, and

(ii) that was made—

(I) after June 30, 1999, and

(II) before the date of enactment of this Act,

shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(B) ENTRY.—As used in this paragraph, the term ''entry'' includes a withdrawal from warehouse for consumption.

(3) REQUESTS.—Liquidation or reliquidation may be made under paragraph (2) with respect to an entry only if a request therefore is filed with the Customs Service, within 180 days after the date of enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry, or

(B) to reconstruct the entry if it cannot be located.

SEC. 302. ENTRY PROCEDURES FOR FOREIGN TRADE ZONE OPERATIONS.

(a) IN GENERAL.—Section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) is amended by adding at the end the following new subsection:

''(i) SPECIAL RULE FOR FOREIGN TRADE ZONE OPERATIONS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law and except as provided in paragraph (3), all merchandise (including merchandise of different classes, types, and categories), withdrawn from a foreign trade zone during any 7-day period, shall, at the option of the operator or user of the zone, be the subject of a single estimated entry or release filed on or before the first day of the 7-day period in which the merchandise is to be withdrawn from the zone. The estimated entry or release shall be treated as a single entry and a single release of merchandise for purposes of section 13031(a)(9)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)(A)) and all fee exclusions and limitations of such section 13031 shall apply, including the maximum and minimum fee amounts provided for under subsection (b)(8)(A)(i) of such section. The entry summary for the estimated entry or release shall cover only the merchandise actually withdrawn from the foreign trade zone during the 7-day period.

''(2) OTHER REQUIREMENTS.— The Secretary of the Treasury may require that the operator or user of the zone—

''(A) use an electronic data interchange approved by the Customs Service—

''(i) to file the entries described in paragraph (1); and

''(ii) to pay the applicable duties, fees, and taxes with respect to the entries; and

''(B) satisfy the Customs Service that accounting, transportation, and other controls over the merchandise are adequate to protect the revenue and meet the requirements of other Federal agencies.

''(3) EXCEPTION.—The provisions of paragraph (1) shall not apply to merchandise the entry of which is prohibited by law or merchandise for which the filing of an entry summary is required before the merchandise is released from customs custody.

''(4) FOREIGN TRADE ZONE; ZONE.—In this subsection, the terms 'foreign trade zone' and 'zone' mean a zone established pursuant to the Act of June 18, 1934, commonly known as the Foreign Trade Zones Act (19 U.S.C. 81a et seq.).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date that is 60 days after the date of enactment of this Act.

TITLE IV—TRADE ADJUSTMENT ASSISTANCE

SEC. 401. TRADE ADJUSTMENT ASSISTANCE.

(a) ASSISTANCE FOR WORKERS.—Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended—

(1) in subsection (a), by striking ''June 30, 1999'' and inserting ''September 30, 2001''; and

(2) in subsection (b), by striking ''June 30, 1999'' and inserting ''September 30, 2001''.

(b) NAFTA TRANSITIONAL PROGRAM.—Section 250(d)(2) of the Trade Act of 1974 (19 U.S.C. 2331(d)(2)) is amended by striking ''the period beginning October 1, 1998, and ending June 30, 1999, shall not exceed $15,000,000'' and inserting ''the period beginning October 1, 1998, and ending September 30, 2001, shall not exceed $30,000,000 for any fiscal year''.

(c) ADJUSTMENT FOR FIRMS.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking ''June 30, 1999'' and inserting ''September 30, 2001''.

(d) TERMINATION.—Section 285(c) of the Trade Act of 1974 (19 U.S.C. 2271 note preceding) is amended by striking ''June 30, 1999'' each place it appears and inserting ''September 30, 2001''.

(e) EFFECTIVE DATE.—The amendments made by this section take effect on July 1, 1999.

TITLE V—REVENUE PROVISIONS

SEC. 501. MODIFICATION OF INSTALLMENT METHOD AND REPEAL OF INSTALLMENT METHOD FOR ACCRUAL METHOD TAXPAYERS.

(a) REPEAL OF INSTALLMENT METHOD FOR ACCRUAL BASIS TAXPAYERS.—

(1) IN GENERAL.—Subsection (a) of section 453 of the Internal Revenue Code of 1986 (relating to installment method) is amended to read as follows:

''(a) USE OF INSTALLMENT METHOD.—

''(1) IN GENERAL.—Except as otherwise provided in this section, income from an installment sale shall be taken into account for purposes of this title under the installment method.

''(2) ACCRUAL METHOD TAXPAYER.—The installment method shall not apply to income from an installment sale if such income would be reported under an accrual method of accounting without regard to this section. The preceding sentence shall not apply to a disposition described in subparagraph (A) or (B) of subsection (l)(2).''.

(2) CONFORMING AMENDMENTS.—Sections 453(d)(1), 453(i)(1), and 453(k) are each amended by striking ''(a)'' each place it appears and inserting ''(a)(1)''.

(b) MODIFICATION OF PLEDGE RULES.—Paragraph (4) of section 453A(d) of the Internal Revenue Code of 1986 (relating to pledges, etc., of installment obligations) is amended by adding at the end the following: ''A payment shall be treated as directly secured by an interest in an installment obligation to the extent an arrangement allows the taxpayer to satisfy all or a portion of the indebtedness with the installment obligation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or other dispositions occurring on or after the date of the enactment of this Act.

SEC. 502. LIMITATIONS ON WELFARE BENEFIT FUNDS OF 10 OR MORE EMPLOYER PLANS.

(a) BENEFITS TO WHICH EXCEPTION APPLIES.—Section 419A(f)(6)(A) of the Internal Revenue Code of 1986 (relating to exception for 10 or more employer plans) is amended to read as follows:

''(A) IN GENERAL.—This subpart shall not apply to a welfare benefit fund which is part of a 10 or more employer plan if the only benefits provided through the fund are one or more of the following:

''(i) Medical benefits.

''(ii) Disability benefits.

''(iii) Group term life insurance benefits which do not provide directly or indirectly for any cash surrender value or other money that can be paid, assigned, borrowed, or pledged for collateral for a loan.

The preceding sentence shall not apply to any plan which maintains experience-rating arrangements with respect to individual employers.''.

(b) LIMITATION ON USE OF AMOUNTS FOR OTHER PURPOSES.—Section 4976(b) of the Internal Revenue Code of 1986 (defining disqualified benefit) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR 10 OR MORE EMPLOYER PLANS EXEMPTED FROM PREFUNDING LIMITS.—For purposes of paragraph (1)(C), if—

''(A) subpart D of part I of subchapter D of chapter 1 does not apply by reason of section 419A(f)(6) to contributions to provide one or more welfare benefits through a welfare benefit fund under a 10 or more employer plan, and

''(B) any portion of the welfare benefit fund attributable to such contributions is used for a purpose other than that for which the contributions were made,

then such portion shall be treated as reverting to the benefit of the employers maintaining the fund.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions paid or accrued after June 9, 1999, in taxable years ending after such date.

SEC. 503. TREATMENT OF GAIN FROM CONSTRUCTIVE OWNERSHIP TRANSACTIONS.

(a) IN GENERAL.—Part IV of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to special rules for determining capital gains and losses) is amended by inserting after section 1259 the following new section:

''SEC. 1260. GAINS FROM CONSTRUCTIVE OWNERSHIP TRANSACTIONS.

''(a) IN GENERAL.—If the taxpayer has gain from a constructive ownership transaction with respect to any financial asset and such gain would (without regard to this section) be treated as a long-term capital gain—

''(1) such gain shall be treated as ordinary income to the extent that such gain exceeds the net underlying long-term capital gain, and

''(2) to the extent such gain is treated as a long-term capital gain after the application of paragraph (1), the determination of the capital gain rate (or rates) applicable to such gain under section 1(h) shall be determined on the basis of the respective rate (or rates) that would have been applicable to the net underlying long-term capital gain.

''(b) INTEREST CHARGE ON DEFERRAL OF GAIN RECOGNITION.—

''(1) IN GENERAL.—If any gain is treated as ordinary income for any taxable year by reason of subsection (a)(1), the tax imposed by this chapter for such taxable year shall be increased by the amount of interest determined under paragraph (2) with respect to each prior taxable year during any portion of which the constructive ownership transaction was open. Any amount payable under this paragraph shall be taken into account in computing the amount of any deduction allowable to the taxpayer for interest paid or accrued during such taxable year.

''(2) AMOUNT OF INTEREST.—The amount of interest determined under this paragraph with respect to a prior taxable year is the amount of interest which would have been imposed under section 6601 on the underpayment of tax for such year which would have resulted if the gain (which is treated as ordinary income by reason of subsection (a)(1)) had been included in gross income in the taxable years in which it accrued (determined by treating the income as accruing at a constant rate equal to the applicable Federal rate as in effect on the day the transaction closed). The period during which such interest shall accrue shall end on the due date (without extensions) for the return of tax imposed by this chapter for the taxable year in which such transaction closed.

''(3) APPLICABLE FEDERAL RATE.—For purposes of paragraph (2), the applicable Federal rate is the applicable Federal rate determined under 1274(d) (compounded semiannually) which would apply to a debt instrument with a term equal to the period the transaction was open.

''(4) NO CREDITS AGAINST INCREASE IN TAX.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining—

''(A) the amount of any credit allowable under this chapter, or

''(B) the amount of the tax imposed by section 55.

''(c) FINANCIAL ASSET.—For purposes of this section—

''(1) IN GENERAL.—The term 'financial asset' means—

''(A) any equity interest in any pass-thru entity, and

''(B) to the extent provided in regulations—

''(i) any debt instrument, and

''(ii) any stock in a corporation which is not a pass-thru entity.

''(2) PASS-THRU ENTITY.—For purposes of paragraph (1), the term 'pass-thru entity' means—

''(A) a regulated investment company,

''(B) a real estate investment trust,

''(C) an S corporation,

''(D) a partnership,

''(E) a trust,

''(F) a common trust fund,

''(G) a passive foreign investment company (as defined in section 1297 without regard to subsection (e) thereof),

''(H) a foreign personal holding company,

''(I) a foreign investment company (as defined in section 1246(b)), and

''(J) a REMIC.

''(d) CONSTRUCTIVE OWNERSHIP TRANSACTION.—For purposes of this section—

''(1) IN GENERAL.—The taxpayer shall be treated as having entered into a constructive ownership transaction with respect to any financial asset if the taxpayer—

''(A) holds a long position under a notional principal contract with respect to the financial asset,

''(B) enters into a forward or futures contract to acquire the financial asset,

''(C) is the holder of a call option, and is the grantor of a put option, with respect to the financial asset and such options have substantially equal strike prices and substantially contemporaneous maturity dates, or

''(D) to the extent provided in regulations prescribed by the Secretary, enters into one or more other transactions (or acquires one or more positions) that have substantially the same effect as a transaction described in any of the preceding subparagraphs.

''(2) EXCEPTION FOR POSITIONS WHICH ARE MARKED TO MARKET.—This section shall not apply to any constructive ownership transaction if all of the positions which are part of such transaction are marked to market under any provision of this title or the regulations thereunder.

''(3) LONG POSITION UNDER NOTIONAL PRINCIPAL CONTRACT.—A person shall be treated as holding a long position under a notional principal contract with respect to any financial asset if such person—

''(A) has the right to be paid (or receive credit for) all or substantially all of the investment yield (including appreciation) on such financial asset for a specified period, and

''(B) is obligated to reimburse (or provide credit for) all or substantially all of any decline in the value of such financial asset.

''(4) FORWARD CONTRACT.—The term 'forward contract' means any contract to acquire in the future (or provide or receive credit for the future value of) any financial asset.

''(e) NET UNDERLYING LONG-TERM CAPITAL GAIN.—For purposes of this section, in the case of any constructive ownership transaction with respect to any financial asset, the term 'net underlying long-term capital gain' means the aggregate net capital gain that the taxpayer would have had if—

''(1) the financial asset had been acquired for fair market value on the date such transaction was opened and sold for fair market value on the date such transaction was closed, and

''(2) only gains and losses that would have resulted from the deemed ownership under paragraph (1) were taken into account.

The amount of the net underlying long-term capital gain with respect to any financial asset shall be treated as zero unless the amount thereof is established by clear and convincing evidence.

''(f) SPECIAL RULE WHERE TAXPAYER TAKES DELIVERY.—Except as provided in regulations prescribed by the Secretary, if a constructive ownership transaction is closed by reason of taking delivery, this section shall be applied as if the taxpayer had sold all the contracts, options, or other positions which are part of such transaction for fair market value on the closing date. The amount of gain recognized under the preceding sentence shall not exceed the amount of gain treated as ordinary income under subsection (a). Proper adjustments shall be made in the amount of any gain or loss subsequently realized for gain recognized and treated as ordinary income under this subsection.

''(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations—

''(1) to permit taxpayers to mark to market constructive ownership transactions in lieu of applying this section, and

''(2) to exclude certain forward contracts which do not convey substantially all of the economic return with respect to a financial asset.''.

(b) CLERICAL AMENDMENT.—The table of sections for part IV of subchapter P of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 1260. Gains from constructive ownership transactions.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after July 11, 1999.

SEC. 504. LIMITATION ON USE OF NONACCRUAL EXPERIENCE METHOD OF ACCOUNTING.

(a) IN GENERAL.—Section 448(d)(5) of the Internal Revenue Code of 1986 (relating to special rule for services) is amended—

(1) by inserting ''in fields described in paragraph (2)(A)'' after ''services by such person'', and

(2) by inserting ''CERTAIN PERSONAL'' before ''SERVICES'' in the heading.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such first taxable year.

SEC. 505. ALLOCATION OF BASIS ON TRANSFERS OF INTANGIBLES IN CERTAIN NONRECOGNITION TRANSACTIONS.

(a) TRANSFERS TO CORPORATIONS.—Section 351 of the Internal Revenue Code of 1986 (relating to transfer to corporation controlled by transferor) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) TREATMENT OF TRANSFERS OF INTANGIBLE PROPERTY.—

''(1) TRANSFERS OF LESS THAN ALL SUBSTANTIAL RIGHTS.

''(A) IN GENERAL.—A transfer of an interest in intangible property (as defined in section 936(h)(3)(B)) shall be treated under this section as a transfer of property even if the transfer is of less than all of the substantial rights of the transferor in the property.

''(B) ALLOCATION OF BASIS.—In the case of a transfer of less than all of the substantial rights of the transferor in the intangible property, the transferor's basis immediately before the transfer shall be allocated among the rights retained by the transferor and the rights transferred on the basis of their respective fair market values.

''(2) NONRECOGNITION NOT TO APPLY TO INTANGIBLE PROPERTY DEVELOPED FOR TRANSFEREE.—This section shall not apply to a transfer of intangible property developed by the transferor or any related person if such development was pursuant to an arrangement with the transferee.''.

(b) TRANSFERS TO PARTNERSHIPS.—Subsection (d) of section 721 of the Internal Revenue Code of 1986 is amended to read as follows:

''(d) TRANSFERS OF INTANGIBLE PROPERTY.—

''(1) IN GENERAL.—Rules similar to the rules of section 351(h) shall apply for purposes of this section.

''(2) TRANSFERS TO FOREIGN PARTNERSHIPS.—For regulatory authority to treat intangibles transferred to a partnership as sold, see section 367(d)(3).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers on or after the date of the enactment of this Act.

SEC. 506. INCREASE IN ELECTIVE WITHHOLDING RATE FOR NONPERIODIC DISTRIBUTIONS FROM DEFERRED COMPENSATION PLANS.

(a) IN GENERAL.—Section 3405(b)(1) of the Internal Revenue Code of 1986 (relating to withholding) is amended by striking ''10 percent'' and inserting ''15 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to distributions after December 31, 2000.

Amend the title so as to read: ''To authorize a new trade and investment policy for sub-Saharan Africa, expand trade benefits to the countries in the Caribbean Basin, renew the generalized system of preferences, and reauthorize the trade adjustment assistance programs.''.

LOTT AMENDMENT NO. 2333

Mr. LOTT proposed an amendment to amendment No. 2332 proposed by him to the bill, H.R. 434, supra; as follows:

Strike all after ''1'' and add the following

SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Trade and Development Act of 1999''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—EXTENSION OF CERTAIN TRADE BENEFITS TO SUB-SAHARAN AFRICA

Subtitle A—Trade Policy for Sub-Saharan Africa

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Statement of policy.
Sec. 104. Sub-Saharan Africa defined.

Subtitle B—Extension of Certain Trade Benefits to Sub-Saharan Africa

Sec. 111. Eligibility for certain benefits.
Sec. 112. Treatment of certain textiles and apparel.
Sec. 113. United States-sub-Saharan African trade and economic cooperation forum.
Sec. 114. United States-sub-Saharan Africa free trade area.
Sec. 115. Reporting requirement.

TITLE II—TRADE BENEFITS FOR CARIBBEAN BASIN

Subtitle A—Trade Policy for Caribbean Basin Countries

Sec. 201. Short title.
Sec. 202. Findings and policy.
Sec. 203. Definitions.

Subtitle B—Trade Benefits for Caribbean Basin Countries

Sec. 211. Temporary provisions to provide additional trade benefits to certain beneficiary countries.

Sec. 212. Adequate and effective protection for intellectual property rights.
Subtitle C—Cover Over of Tax on Distilled Spirits
Sec. 221. Suspension of limitation on cover over of tax on distilled spirits.
TITLE III—GENERALIZED SYSTEM OF PREFERENCES
Sec. 301. Extension of duty-free treatment under generalized system of preferences.
Sec. 302. Entry procedures for foreign trade zone operations.
TITLE IV—TRADE ADJUSTMENT ASSISTANCE
Sec. 401. Trade adjustment assistance.
TITLE V—REVENUE PROVISIONS
Sec. 501. Modification of installment method and repeal of installment method for accrual method taxpayers.
Sec. 502. Limitations on welfare benefit funds of 10 or more employer plans.
Sec. 503. Treatment of gain from constructive ownership transactions.
Sec. 504. Limitation on use of nonaccrual experience method of accounting.
Sec. 505. Allocation of basis on transfers of intangibles in certain nonrecognition transactions.
Sec. 506. Increase in elective withholding rate for nonperiodic distributions from deferred compensation plans.

TITLE I—EXTENSION OF CERTAIN TRADE BENEFITS TO SUB-SAHARAN AFRICA

Subtitle A—Trade Policy for Sub-Saharan Africa

SEC. 101. SHORT TITLE.

This title may be cited as the ''African Growth and Opportunity Act''.

SEC. 102. FINDINGS.

Congress finds that—

(1) it is in the mutual interest of the United States and the countries of sub-Saharan Africa to promote stable and sustainable economic growth and development in sub-Saharan Africa;

(2) the 48 countries of sub-Saharan Africa form a region richly endowed with both natural and human resources;

(3) sub-Saharan Africa represents a region of enormous economic potential and of enduring political significance to the United States;

(4) the region has experienced a rise in both economic development and political freedom as countries in sub-Saharan Africa have taken steps toward liberalizing their economies and encouraged broader participation in the political process;

(5) the countries of sub-Saharan Africa have made progress toward regional economic integration that can have positive benefits for the region;

(6) despite those gains, the per capita income in sub-Saharan Africa averages less than $500 annually;

(7) United States foreign direct investment in the region has fallen in recent years and the sub-Saharan African region receives only minor inflows of direct investment from around the world;

(8) trade between the United States and sub-Saharan Africa, apart from the import of oil, remains an insignificant part of total United States trade;

(9) trade and investment, as the American experience has shown, can represent powerful tools both for economic development and for building a stable political environment in which political freedom can flourish;

(10) increased trade and investment flows have the greatest impact in an economic environment in which trading partners eliminate barriers to trade and capital flows and encourage the development of a vibrant private sector that offers individual African citizens the freedom to expand their economic opportunities and provide for their families;

(11) offering the countries of sub-Saharan Africa enhanced trade preferences will encourage both higher levels of trade and direct investment in support of the positive economic and political developments under way throughout the region; and

(12) encouraging the reciprocal reduction of trade and investment barriers in Africa will enhance the benefits of trade and investment for the region as well as enhance commercial and political ties between the United States and sub-Saharan Africa.

SEC. 103. STATEMENT OF POLICY.

Congress supports—

(1) encouraging increased trade and investment between the United States and sub-Saharan Africa;

(2) reducing tariff and nontariff barriers and other obstacles to sub-Saharan African and United States trade;

(3) expanding United States assistance to sub-Saharan Africa's regional integration efforts;

(4) negotiating reciprocal and mutually beneficial trade agreements, including the possibility of establishing free trade areas that serve the interests of both the United States and the countries of sub-Saharan Africa;

(5) focusing on countries committed to accountable government, economic reform, and the eradication of poverty;

(6) strengthening and expanding the private sector in sub-Saharan Africa;

(7) supporting the development of civil societies and political freedom in sub-Saharan Africa; and

(8) establishing a United States-Sub-Saharan African Economic Cooperation Forum.

SEC. 104. SUB-SAHARAN AFRICA DEFINED.

In this title, the terms ''sub-Saharan Africa'', ''sub-Saharan African country'', ''country in sub-Saharan Africa'', and ''countries in sub-Saharan Africa'' refer to the following:

(1) Republic of Angola (Angola).
(2) Republic of Botswana (Botswana).
(3) Republic of Burundi (Burundi).
(4) Republic of Cape Verde (Cape Verde).
(5) Republic of Chad (Chad).
(6) Democratic Republic of Congo.
(7) Republic of the Congo (Congo).
(8) Republic of Djibouti (Djibouti).
(9) State of Eritrea (Eritrea).
(10) Gabonese Republic (Gabon).
(11) Republic of Ghana (Ghana).
(12) Republic of Guinea-Bissau (Guinea-Bissau).
(13) Kingdom of Lesotho (Lesotho).
(14) Republic of Madagascar (Madagascar).
(15) Republic of Mali (Mali).
(16) Republic of Mauritius (Mauritius).
(17) Republic of Namibia (Namibia).
(18) Federal Republic of Nigeria (Nigeria).
(19) Democratic Republic of Sao Tome and Principe (Sao Tome and Principe).
(20) Republic of Sierra Leone (Sierra Leone).
(21) Somalia.
(22) Kingdom of Swaziland (Swaziland).
(23) Republic of Togo (Togo).
(24) Republic of Zimbabwe (Zimbabwe).
(25) Republic of Benin (Benin).
(26) Burkina Faso (Burkina).
(27) Republic of Cameroon (Cameroon).
(28) Central African Republic.
(29) Federal Islamic Republic of the Comoros (Comoros).
(30) Republic of Cote d'Ivoire (Cote d'Ivoire).
(31) Republic of Equatorial Guinea (Equatorial Guinea).
(32) Ethiopia.
(33) Republic of the Gambia (Gambia).
(34) Republic of Guinea (Guinea).
(35) Republic of Kenya (Kenya).
(36) Republic of Liberia (Liberia).
(37) Republic of Malawi (Malawi).
(38) Islamic Republic of Mauritania (Mauritania).
(39) Republic of Mozambique (Mozambique).
(40) Republic of Niger (Niger).
(41) Republic of Rwanda (Rwanda).
(42) Republic of Senegal (Senegal).
(43) Republic of Seychelles (Seychelles).
(44) Republic of South Africa (South Africa).
(45) Republic of Sudan (Sudan).
(46) United Republic of Tanzania (Tanzania).
(47) Republic of Uganda (Uganda).
(48) Republic of Zambia (Zambia).

Subtitle B—Extension of Certain Trade Benefits to Sub-Saharan Africa

SEC. 111. ELIGIBILITY FOR CERTAIN BENEFITS.

(a) IN GENERAL.—Title V of the Trade Act of 1974 is amended by inserting after section 506 the following new section:

''SEC. 506A. DESIGNATION OF SUB-SAHARAN AFRICAN COUNTRIES FOR CERTAIN BENEFITS.

''(a) AUTHORITY TO DESIGNATE.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the President is authorized to designate a country listed in section 104 of the African Growth and Opportunity Act as a beneficiary sub-Saharan African country eligible for the benefits described in subsection (b), if the President determines that the country—

''(A) has established, or is making continual progress toward establishing—

''(i) a market-based economy, where private property rights are protected and the principles of an open, rules-based trading system are observed;

''(ii) a democratic society, where the rule of law, political freedom, participatory democracy, and the right to due process and a fair trial are observed;

''(iii) an open trading system through the elimination of barriers to United States trade and investment and the resolution of bilateral trade and investment disputes; and

''(iv) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, and promote the establishment of private enterprise;

''(B) does not engage in gross violations of internationally recognized human rights or provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violations and terrorist activities; and

''(C) subject to the authority granted to the President under section 502 (a), (d), and (e), otherwise satisfies the eligibility criteria set forth in section 502.

''(2) MONITORING AND REVIEW OF CERTAIN COUNTRIES.—The President shall monitor and review the progress of each country listed in section 104 of the African Growth and Opportunity Act in meeting the requirements described in paragraph (1) in order to determine the current or potential eligibility of

each country to be designated as a beneficiary sub-Saharan African country for purposes of subsection (a). The President shall include the reasons for the President's determinations in the annual report required by section 115 of the African Growth and Opportunity Act.

''(3) CONTINUING COMPLIANCE.—If the President determines that a beneficiary sub-Saharan African country is not making continual progress in meeting the requirements described in paragraph (1), the President shall terminate the designation of that country as a beneficiary sub-Saharan African country for purposes of this section, effective on January 1 of the year following the year in which such determination is made.

''(b) PREFERENTIAL TARIFF TREATMENT FOR CERTAIN ARTICLES.—

''(1) IN GENERAL.—The President may provide duty-free treatment for any article described in section 503(b)(1) (B) through (G) (except for textile luggage) that is the growth, product, or manufacture of a beneficiary sub-Saharan African country described in subsection (a), if, after receiving the advice of the International Trade Commission in accordance with section 503(e), the President determines that such article is not import-sensitive in the context of imports from beneficiary sub-Saharan African countries.

''(2) RULES OF ORIGIN.—The duty-free treatment provided under paragraph (1) shall apply to any article described in that paragraph that meets the requirements of section 503(a)(2), except that—

''(A) if the cost or value of materials produced in the customs territory of the United States is included with respect to that article, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (A) of section 503(a)(2); and

''(B) the cost or value of the materials included with respect to that article that are produced in one or more beneficiary sub-Saharan African countries shall be applied in determining such percentage.

''(c) BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES, ETC.—For purposes of this title, the terms 'beneficiary sub-Saharan African country' and 'beneficiary sub-Saharan African countries' mean a country or countries listed in section 104 of the African Growth and Opportunity Act that the President has determined is eligible under subsection (a) of this section.''.

(b) WAIVER OF COMPETITIVE NEED LIMITATION.—Section 503(c)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2463(c)(2)(D)) is amended to read as follows:

''(D) LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRIES AND BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Subparagraph (A) shall not apply to any least-developed beneficiary developing country or any beneficiary sub-Saharan African country.''.

(c) TERMINATION.—Title V of the Trade Act of 1974 is amended by inserting after section 506A, as added by subsection (a), the following new section:

''SEC. 506B. TERMINATION OF BENEFITS FOR SUB-SAHARAN AFRICAN COUNTRIES.

''In the case of a country listed in section 104 of the African Growth and Opportunity Act that is a beneficiary developing country, duty-free treatment provided under this title shall remain in effect through September 30, 2006.''.

(d) CLERICAL AMENDMENTS.—The table of contents for title V of the Trade Act of 1974 is amended by inserting after the item relating to section 505 the following new items:

''506A. Designation of sub-Saharan African countries for certain benefits.

''506B. Termination of benefits for sub-Saharan African countries.''.

(e) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2000.

SEC. 112. TREATMENT OF CERTAIN TEXTILES AND APPAREL.

(a) PREFERENTIAL TREATMENT.—Notwithstanding any other provision of law, textile and apparel articles described in subsection (b) (including textile luggage) imported from a beneficiary sub-Saharan African country, described in section 506A(c) of the Trade Act of 1974, shall enter the United States free of duty and free of any quantitative limitations, if—

(1) the country adopts an efficient visa system to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and

(2) the country enacts legislation or promulgates regulations that would permit United States Customs Service verification teams to have the access necessary to investigate thoroughly allegations of transshipment through such country.

(b) PRODUCTS COVERED.—The preferential treatment described in subsection (a) shall apply only to the following textile and apparel products:

(1) APPAREL ARTICLES ASSEMBLED IN BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Apparel articles assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States that are—

(A) entered under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States; or

(B) entered under chapter 61 or 62 of the Harmonized Tariff Schedule of the United States, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States but for the fact that the articles were subjected to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, or other similar processes.

(2) APPAREL ARTICLES CUT AND ASSEMBLED IN BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Apparel articles cut in one or more beneficiary sub-Saharan African countries from fabric wholly formed in the United States from yarns wholly formed in the United States, if such articles are assembled in one or more beneficiary sub-Saharan African countries with thread formed in the United States.

(3) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of a beneficiary sub-Saharan African country or countries that is certified as such by the competent authority of such beneficiary country or countries. For purposes of this paragraph, the President, after consultation with the beneficiary sub-Saharan African country or countries concerned, shall determine which, if any, particular textile and apparel goods of the country (or countries) shall be treated as being handloomed, handmade, or folklore goods.

(c) PENALTIES FOR TRANSSHIPMENTS.—

(1) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment with respect to textile or apparel products from a beneficiary sub-Saharan African country, then the President shall deny all benefits under this section and section 506A of the Trade Act of 1974 to such exporter, any successor of such exporter, and any other entity owned or operated by the principal of the exporter for a period of 2 years.

(2) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this subsection has occurred when preferential treatment for a textile or apparel article under subsection (a) has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this paragraph, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under subsection (a).

(d) TECHNICAL ASSISTANCE.—The Customs Service shall provide technical assistance to the beneficiary sub-Saharan African countries for the implementation of the requirements set forth in subsection (a) (1) and (2).

(e) MONITORING AND REPORTS TO CONGRESS.—The Customs Service shall monitor and the Commissioner of Customs shall submit to Congress, not later than March 31 of each year that this section is in effect, a report on the effectiveness of the anti-circumvention systems described in this section and on measures taken by countries in sub-Saharan Africa which export textiles or apparel to the United States to prevent circumvention as described in article 5 of the Agreement on Textiles and Clothing.

(f) SAFEGUARD.—The President shall have the authority to impose appropriate remedies, including restrictions on or the removal of quota-free and duty-free treatment provided under this section, in the event that textile and apparel articles from a beneficiary sub-Saharan African country are being imported in such increased quantities as to cause serious damage, or actual threat thereof, to the domestic industry producing like or directly competitive articles. The President shall exercise his authority under this subsection consistent with the Agreement on Textiles and Clothing.

(g) DEFINITIONS.—In this section:

(1) AGREEMENT ON TEXTILES AND CLOTHING.—The term ''Agreement on Textiles and Clothing'' means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(2) BENEFICIARY SUB-SAHARAN AFRICAN COUNTRY, ETC.—The terms ''beneficiary sub-Saharan African country'' and ''beneficiary sub-Saharan African countries'' have the same meaning as such terms have under section 506A(c) of the Trade Act of 1974.

(3) CUSTOMS SERVICE.—The term ''Customs Service'' means the United States Customs Service.

(h) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2000 and shall remain in effect through September 30, 2006.

SEC. 113. UNITED STATES-SUB-SAHARAN AFRICAN TRADE AND ECONOMIC COOPERATION FORUM.

(a) DECLARATION OF POLICY.—The President shall convene annual meetings between senior officials of the United States Government and officials of the governments of sub-Saharan African countries in order to foster close economic ties between the United States and sub-Saharan Africa.

(b) ESTABLISHMENT.—Not later than 12 months after the date of enactment of this Act, the President, after consulting with the

officials of interested sub-Saharan African governments, shall establish a United States-Sub-Saharan African Trade and Economic Cooperation Forum (in this section referred to as the ''Forum'').

(c) REQUIREMENTS.—In creating the Forum, the President shall meet the following requirements:

(1) FIRST MEETING.—The President shall direct the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative to invite their counterparts from interested sub-Saharan African governments and representatives of appropriate regional organizations to participate in the first annual meeting to discuss expanding trade and investment relations between the United States and sub-Saharan Africa.

(2) NONGOVERNMENTAL ORGANIZATIONS.—

(A) IN GENERAL.—The President, in consultation with Congress, shall invite United States nongovernmental organizations to host meetings with their counterparts from sub-Saharan Africa in conjunction with meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(B) PRIVATE SECTOR.—The President, in consultation with Congress, shall invite United States representatives of the private sector to host meetings with their counterparts from sub-Saharan Africa in conjunction with meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(3) ANNUAL MEETINGS.—As soon as practicable after the date of enactment of this Act, the President shall meet with the heads of the governments of interested sub-Saharan African countries for the purpose of discussing the issues described in paragraph (1).

SEC. 114. UNITED STATES-SUB-SAHARAN AFRICA FREE TRADE AREA.

(a) IN GENERAL.—The President shall examine the feasibility of negotiating a free trade agreement (or agreements) with interested sub-Saharan African countries.

(b) REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the President shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the President's conclusions on the feasibility of negotiating such agreement (or agreements). If the President determines that the negotiation of any such free trade agreement is feasible, the President shall provide a detailed plan for such negotiation that outlines the objectives, timing, any potential benefits to the United States and sub-Saharan Africa, and the likely economic impact of any such agreement.

SEC. 115. REPORTING REQUIREMENT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter for 4 years, the President shall submit a report to Congress on the implementation of this title.

TITLE II—TRADE BENEFITS FOR CARIBBEAN BASIN

Subtitle A—Trade Policy for Caribbean Basin Countries

SEC. 201. SHORT TITLE.

This title may be cited as the ''United States-Caribbean Basin Trade Enhancement Act''.

SEC. 202. FINDINGS AND POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) The Caribbean Basin Economic Recovery Act (referred to in this title as ''CBERA'') represents a permanent commitment by the United States to encourage the development of strong democratic governments and revitalized economies in neighboring countries in the Caribbean Basin.

(2) Thirty-four democratically elected leaders agreed at the 1994 Summit of the Americas to conclude negotiation of a Free Trade Area of the Americas (referred to in this title as ''FTAA'') by the year 2005.

(3) The economic security of the countries in the Caribbean Basin will be enhanced by the completion of the FTAA.

(4) Offering temporary benefits to Caribbean Basin countries will enhance trade between the United States and the Caribbean Basin, encourage development of trade and investment policies that will facilitate participation of Caribbean Basin countries in the FTAA, preserve the United States commitment to Caribbean Basin beneficiary countries, help further economic development in the Caribbean Basin region, and accelerate the trend toward more open economies in the region.

(5) Promotion of the growth of free enterprise and economic opportunity in the Caribbean Basin will enhance the national security interests of the United States.

(6) Increased trade and economic activity between the United States and Caribbean Basin beneficiary countries will create expanding export opportunities for United States businesses and workers.

(b) POLICY.—It is the policy of the United States to—

(1) offer Caribbean Basin beneficiary countries willing to prepare to become a party to the FTAA or a comparable trade agreement, tariff treatment essentially equivalent to that accorded to products of NAFTA countries for certain products not currently eligible for duty-free treatment under the CBERA; and

(2) seek the participation of Caribbean Basin beneficiary countries in the FTAA or a trade agreement comparable to the FTAA at the earliest possible date, with the goal of achieving full participation in such agreement not later than 2005.

SEC. 203. DEFINITIONS.

In this title:

(1) BENEFICIARY COUNTRY.—The term ''beneficiary country'' has the meaning given the term in section 212(a)(1)(A) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)(1)(A)).

(2) CBTEA.—The term ''CBTEA'' means the United States-Caribbean Basin Trade Enhancement Act.

(3) NAFTA.—The term ''NAFTA'' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

(4) NAFTA COUNTRY.—The term ''NAFTA country'' means any country with respect to which the NAFTA is in force.

(5) WTO AND WTO MEMBER.—The terms ''WTO'' and ''WTO member'' have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

Subtitle B—Trade Benefits for Caribbean Basin Countries

SEC. 211. TEMPORARY PROVISIONS TO PROVIDE ADDITIONAL TRADE BENEFITS TO CERTAIN BENEFICIARY COUNTRIES.

(a) TEMPORARY PROVISIONS.—Section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) is amended to read as follows:

''(b) IMPORT-SENSITIVE ARTICLES.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (5), the duty-free treatment provided under this title does not apply to—

''(A) textile and apparel articles which were not eligible articles for purposes of this title on January 1, 1994, as this title was in effect on that date;

''(B) footwear not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

''(C) tuna, prepared or preserved in any manner, in airtight containers;

''(D) petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS;

''(E) watches and watch parts (including cases, bracelets, and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply; or

''(F) articles to which reduced rates of duty apply under subsection (h).

''(2) TRANSITION PERIOD TREATMENT OF CERTAIN TEXTILE AND APPAREL ARTICLES.—

''(A) PRODUCTS COVERED.—During the transition period, the preferential treatment described in subparagraph (B) shall apply to the following products:

''(i) APPAREL ARTICLES ASSEMBLED IN A CBTEA BENEFICIARY COUNTRY.—Apparel articles assembled in a CBTEA beneficiary country from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States that are—

''(I) entered under subheading 9802.00.80 of the HTS; or

''(II) entered under chapter 61 or 62 of the HTS, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the HTS but for the fact that the articles were subjected to stonewashing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, or other similar processes.

''(ii) APPAREL ARTICLES CUT AND ASSEMBLED IN A CBTEA BENEFICIARY COUNTRY.—Apparel articles cut in a CBTEA beneficiary country from fabric wholly formed in the United States from yarns wholly formed in the United States, if such articles are assembled in such country with thread formed in the United States.

''(iii) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of a CBTEA beneficiary country identified under subparagraph (C) that is certified as such by the competent authority of such beneficiary country.

''(iv) TEXTILE LUGGAGE.—Textile luggage—

''(I) assembled in a CBTEA beneficiary country from fabric wholly formed and cut in the United States, from yarns wholly formed in the United States, that is entered under subheading 9802.00.80 of the HTS; or

''(II) assembled from fabric cut in a CBTEA beneficiary country from fabric wholly formed in the United States from yarns wholly formed in the United States, if such luggage is assembled in such country with thread formed in the United States.

''(B) PREFERENTIAL TREATMENT.—Except as provided in subparagraph (E), during the transition period, the articles described in subparagraph (A) shall enter the United States free of duty and free of any quantitative limitations.

''(C) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES DEFINED.—For purposes of subparagraph (A)(iii), the President, after consultation with the CBTEA beneficiary country concerned, shall determine which, if any, particular textile and apparel goods of

the country shall be treated as being handloomed, handmade, or folklore goods of a kind described in section 2.3 (a), (b), or (c) or Appendix 3.1.B.11 of the Annex.

''(D) PENALTIES FOR TRANSSHIPMENTS.—

''(i) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment with respect to textile or apparel products from a CBTEA beneficiary country, then the President shall deny all benefits under this title to such exporter, and any successor of such exporter, for a period of 2 years.

''(ii) PENALTIES FOR COUNTRIES.—Whenever the President finds, based on sufficient evidence, that transshipment has occurred, the President shall request that the CBTEA beneficiary country or countries through whose territory the transshipment has occurred take all necessary and appropriate actions to prevent such transshipment. If the President determines that a country is not taking such actions, the President shall reduce the quantities of textile and apparel articles that may be imported into the United States from such country by the quantity of the transshipped articles multiplied by 3.

''(iii) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this subparagraph has occurred when preferential treatment for a textile or apparel article under subparagraph (B) has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this clause, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under subparagraph (B).

''(E) BILATERAL EMERGENCY ACTIONS.—

''(i) IN GENERAL.—The President may take bilateral emergency tariff actions of a kind described in section 4 of the Annex with respect to any apparel article imported from a CBTEA beneficiary country if the application of tariff treatment under subparagraph (B) to such article results in conditions that would be cause for the taking of such actions under such section 4 with respect to a like article described in the same 8-digit subheading of the HTS that is imported from Mexico.

''(ii) RULES RELATING TO BILATERAL EMERGENCY ACTION.—For purposes of applying bilateral emergency action under this subparagraph—

''(I) the requirements of paragraph (5) of section 4 of the Annex (relating to providing compensation) shall not apply;

''(II) the term 'transition period' in section 4 of the Annex shall have the meaning given that term in paragraph (5)(D) of this subsection; and

''(III) the requirements to consult specified in section 4 of the Annex shall be treated as satisfied if the President requests consultations with the beneficiary country in question and the country does not agree to consult within the time period specified under section 4.

''(3) TRANSITION PERIOD TREATMENT OF CERTAIN OTHER ARTICLES ORIGINATING IN BENEFICIARY COUNTRIES.—

''(A) EQUIVALENT TARIFF TREATMENT.—

''(i) IN GENERAL.—Subject to clause (ii), the tariff treatment accorded at any time during the transition period to any article referred to in any of subparagraphs (B) through (F) of paragraph (1) that originates in the territory of a CBTEA beneficiary country shall be identical to the tariff treatment that is accorded at such time under Annex 302.2 of the NAFTA to an article described in the same 8-digit subheading of the HTS that is a good of Mexico and is imported into the United States.

''(ii) EXCEPTION.—Clause (i) does not apply to any article accorded duty-free treatment under U.S. Note 2(b) to subchapter II of chapter 98 of the HTS.

''(B) RELATIONSHIP TO SUBSECTION (h) DUTY REDUCTIONS.—If at any time during the transition period the rate of duty that would (but for action taken under subparagraph (A)(i) in regard to such period) apply with respect to any article under subsection (h) is a rate of duty that is lower than the rate of duty resulting from such action, then such lower rate of duty shall be applied for the purposes of implementing such action.

''(4) CUSTOMS PROCEDURES.—

''(A) IN GENERAL.—

''(i) REGULATIONS.—Any importer that claims preferential treatment under paragraph (2) or (3) shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

''(ii) DETERMINATION.—

''(I) IN GENERAL.—In order to qualify for the preferential treatment under paragraph (2) or (3) and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that each country described in subclause (II)—

''(aa) has implemented and follows, or

''(bb) is making substantial progress toward implementing and following,

procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

''(II) COUNTRY DESCRIBED.—A country is described in this subclause if it is a CBTEA beneficiary country—

''(aa) from which the article is exported, or

''(bb) in which materials used in the production of the article originate or in which the article or such materials undergo production that contributes to a claim that the article is eligible for preferential treatment.

''(B) CERTIFICATE OF ORIGIN.—The Certificate of Origin that otherwise would be required pursuant to the provisions of subparagraph (A) shall not be required in the case of an article imported under paragraph (2) or (3) if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

''(5) DEFINITIONS AND SPECIAL RULES.—for purposes of this subsection—

''(A) ANNEX.—The term 'the Annex' means Annex 300–B of the NAFTA.

''(B) CBTEA BENEFICIARY COUNTRY.—

''(i) IN GENERAL.—The term 'CBTEA beneficiary country' means any 'beneficiary country', as defined by section 212(a)(1)(A) of this title, which the President determines has demonstrated a commitment to—

''(I) undertake its obligations under the WTO on or ahead of schedule;

''(II) participate in negotiations toward the completion of the FTAA or a comparable trade agreement; and

''(III) undertake other steps necessary for that country to become a party to the FTAA or a comparable trade agreement.

''(ii) CRITERIA FOR DETERMINATION.—In making the determination under clause (i), the President may consider the criteria in section 212 (b) and (c) and other appropriate criteria, including—

''(I) the extent to which the country follows accepted rules of international trade provided for under the agreements listed in section 101(d) of the Uruguay Round Agreements Act;

''(II) the extent to which the country provides protection of intellectual property rights—

''(aa) in accordance with standards established in the Agreement on Trade-Related Aspects of Intellectual Property Rights described in section 101(d)(15) of the Uruguay Round Agreements Act;

''(bb) in accordance with standards established in chapter 17 of the NAFTA; and

''(cc) by granting the holders of copyrights the ability to control the importation and sale of products that embody copyrighted works, extending the period set forth in Article 1711(6) of NAFTA for protecting test data for agricultural chemicals to 10 years, protecting trademarks regardless of their subsequent designation as geographic indications, and providing enforcement against the importation of infringing products at the border;

''(III) the extent to which the country provides protections to investors and investments of the United States substantially equivalent to those set forth in chapter 11 of the NAFTA;

''(IV) the extent to which the country provides the United States and other WTO members nondiscriminatory, equitable, and reasonable market access with respect to the products for which benefits are provided under paragraphs (2) and (3), and in other relevant product sectors as determined by the President;

''(V) the extent to which the country provides internationally recognized worker rights, including—

''(aa) the right of association,

''(bb) the right to organize and bargain collectively,

''(cc) prohibition on the use of any form of coerced or compulsory labor,

''(dd) a minimum age for the employment of children, and

''(ee) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

''(VI) whether the country has met the counter-narcotics certification criteria set forth in section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) for eligibility for United States assistance;

''(VII) the extent to which the country becomes a party to and implements the Inter-American Convention Against Corruption, and becomes party to a convention regarding the extradition of its nationals;

''(VIII) the extent to which the country—

''(aa) supports the multilateral and regional objectives of the United States with respect to government procurement, including the negotiation of government procurement provisions as part of the FTAA and conclusion of a WTO transparency agreement as provided in the declaration of the WTO Ministerial Conference held in Singapore on December 9 through 13, 1996, and

''(bb) applies transparent and competitive procedures in government procurement equivalent to those contained in the WTO Agreement on Government Procurement (described in section 101(d)(17) of the Uruguay Round Agreements Act);

''(IX) the extent to which the country follows the rules on customs valuation set forth in the WTO Agreement on Implementation of Article VII of the GATT 1994 (described in

section 101(d)(8) of the Uruguay Round Agreements Act);

''(X) the extent to which the country affords to products of the United States which the President determines to be of commercial importance to the United States with respect to such country, and on a nondiscriminatory basis to like products of other WTO members, tariff treatment that is no less favorable than the most favorable tariff treatment provided by the country to any other country pursuant to any free trade agreement to which such country is a party, other than the Central American Common Market or the Caribbean Community and Common Market.

''(C) CBTEA ORIGINATING GOOD.—

''(i) IN GENERAL.—The term 'CBTEA originating good' means a good that meets the rules of origin for a good set forth in chapter 4 of the NAFTA as implemented pursuant to United States law.

''(ii) APPLICATION OF CHAPTER 4.—In applying chapter 4 with respect to a CBTEA beneficiary country for purposes of this subsection—

''(I) no country other than the United States and a CBTEA beneficiary country may be treated as being a party to the NAFTA;

''(II) any reference to trade between the United States and Mexico shall be deemed to refer to trade between the United States and a CBTEA beneficiary country;

''(III) any reference to a party shall be deemed to refer to a CBTEA beneficiary country or the United States; and

''(IV) any reference to parties shall be deemed to refer to any combination of CBTEA beneficiary countries or to the United States and a CBTEA beneficiary country (or any combination thereof).

''(D) TRANSITION PERIOD.—The term 'transition period' means, with respect to a CBTEA beneficiary country, the period that begins on October 1, 2000, and ends on the earlier of—

''(i) December 31, 2004, or

''(ii) the date on which the FTAA or a comparable trade agreement enters into force with respect to the United States and the CBTEA beneficiary country.

''(E) CBTEA.—The term 'CBTEA' means the United States-Caribbean Basin Trade Enhancement Act.

''(F) FTAA.—The term 'FTAA' means the Free Trade Area of the Americas.''.

(b) DETERMINATION REGARDING RETENTION OF DESIGNATION.—Section 212(e) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(e)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting ''(A)'' after ''(1)'';

(C) by striking ''would be barred'' and all that follows through the end period and inserting: ''no longer satisfies one or more of the conditions for designation as a beneficiary country set forth in subsection (b) or such country fails adequately to meet one or more of the criteria set forth in subsection (c).''; and

(D) by adding at the end the following:

''(B) The President may, after the requirements of subsection (a)(2) and paragraph (2) have been met—

''(i) withdraw or suspend the designation of any country as a CBTEA beneficiary country, or

''(ii) withdraw, suspend, or limit the application of preferential treatment under section 213(b) (2) and (3) to any article of any country, if, after such designation, the President determines that as a result of changed circumstances, the performance of such country is not satisfactory under the criteria set forth in section 213(b)(5)(B).''; and

(2) by adding after paragraph (2) the following new paragraph:

''(3) If preferential treatment under section 213(b) (2) and (3) is withdrawn, suspended, or limited with respect to a CBTEA beneficiary country, such country shall not be deemed to be a 'party' for the purposes of applying section 213(b)(5)(C) to imports of articles for which preferential treatment has been withdrawn, suspended, or limited with respect to such country.''.

(c) REPORTING REQUIREMENTS.—

(1) Section 212(f) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(f)) is amended to read as follows:

''(f) REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—Not later than December 31, 2001, and every 2 years thereafter during the period this title is in effect, the United States Trade Representative shall submit to Congress a report regarding the operation of this title, including—

''(A) with respect to subsections (b) and (c), the results of a general review of beneficiary countries based on the considerations described in such subsections; and

''(B) the performance of each beneficiary country or CBTEA beneficiary country, as the case may be, under the criteria set forth in section 213(b)(5)(B)(ii).

''(2) PUBLIC COMMENT.—Before submitting the report described in paragraph (1), the United States Trade Representative shall publish a notice in the Federal Register requesting public comments on whether beneficiary countries are meeting the criteria listed in section 213(b)(5)(B)(i), and on the performance of each beneficiary country or CBTEA beneficiary country, as the case may be, with respect to the criteria listed in section 213(b)(5)(B)(ii).''.

(2) Section 203(f) of the Andean Trade Preference Act (19 U.S.C. 3202(f)) is amended—

(A) by striking ''TRIENNIAL REPORT'' in the heading and inserting ''REPORT''; and

(B) by striking ''On or before'' and all that follows through ''enactment of this title'' and inserting ''Not later than January 31, 2001''.

(d) INTERNATIONAL TRADE COMMISSION REPORTS.—

(1) Section 215(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2704(a)) is amended to read as follows:

''(a) REPORTING REQUIREMENT.—

''(1) IN GENERAL.—The United States International Trade Commission (in this section referred to as the 'Commission') shall submit to Congress and the President biennial reports regarding the economic impact of this title on United States industries and consumers and on the economy of the beneficiary countries.

''(2) FIRST REPORT.—The first report shall be submitted not later than September 30, 2001.

''(3) TREATMENT OF PUERTO RICO, ETC.—For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States are considered to be United States industries.''.

(2) Section 206(a) of the Andean Trade Preference Act (19 U.S.C. 3204(a)) is amended to read as follows:

''(a) REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—The United States International Trade Commission (in this section referred to as the 'Commission') shall submit to Congress and the President biennial reports regarding the economic impact of this title on United States industries and consumers, and, in conjunction with other agencies, the effectiveness of this title in promoting drug-related crop eradication and crop substitution efforts of the beneficiary countries.

''(2) SUBMISSION.—During the period that this title is in effect, the report required by paragraph (1) shall be submitted on December 31 of each year that the report required by section 215 of the Caribbean Basin Economic Recovery Act is not submitted.

''(3) TREATMENT OF PUERTO RICO, ETC.—For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States are considered to be United States industries.''.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—

(A) Section 211 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701) is amended by inserting ''(or other preferential treatment)'' after ''treatment''.

(B) Section 213(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)(1)) is amended by inserting ''and except as provided in subsection (b) (2) and (3),'' after ''Tax Reform Act of 1986,''.

(2) DEFINITIONS.—Section 212(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)(1)) is amended by adding at the end the following new subparagraphs:

''(D) The term 'NAFTA' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

''(E) The terms 'WTO' and 'WTO member' have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).''.

SEC. 212. ADEQUATE AND EFFECTIVE PROTECTION FOR INTELLECTUAL PROPERTY RIGHTS.

Section 212(c) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(c)) is amended by adding at the end the following flush sentence:

''Notwithstanding any other provision of law, the President may determine that a country is not providing adequate and effective protection of intellectual property rights under paragraph (9), even if the country is in compliance with the country's obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights described in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)).''.

Subtitle C—Cover Over of Tax on Distilled Spirits

SEC. 221. SUSPENSION OF LIMITATION ON COVER OVER OF TAX ON DISTILLED SPIRITS.

(a) IN GENERAL.—Section 7652(f) of the Internal Revenue Code of 1986 (relating to limitation on cover over of tax on distilled spirits) is amended by adding at the end the following new flush sentence:

''The preceding sentence shall not apply to articles that are tax-determined after June 30, 1999, and before October 1, 1999.''

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to articles that are tax-determined after June 30, 1999.

(2) SPECIAL RULE.—

(A) IN GENERAL.—The treasury of Puerto Rico shall make a Conservation Trust Fund transfer within 30 days after the date of each cover over payment (made to such treasury under section 7652(e) of the Internal Revenue Code of 1986) to which section 7652(f) of such Code does not apply by reason of the last sentence thereof.

(B) CONSERVATION TRUST FUND TRANSFER.—

(i) IN GENERAL.—For purposes of this paragraph, the term ''Conservation Trust Fund transfer'' means a transfer to the Puerto Rico Conservation Trust Fund of an amount equal to 50 cents per proof gallon of the taxes imposed under section 5001 or section 7652 of such Code on distilled spirits that are covered over to the treasury of Puerto Rico under section 7652(e) of such Code.

(ii) TREATMENT OF TRANSFER.—Each Conservation Trust Fund transfer shall be treated as principal for an endowment, the income from which to be available for use by the Puerto Rico Conservation Trust Fund for the purposes for which the Trust Fund was established.

(iii) RESULT OF NONTRANSFER.—

(I) IN GENERAL.—Upon notification by the Secretary of the Interior that a Conservation Trust Fund transfer has not been made by the treasury of Puerto Rico as required by subparagraph (A), the Secretary of the Treasury shall, except as provided in subclause (II), deduct and withhold from the next cover over payment to be made to the treasury of Puerto Rico under section 7652(e) of such Code an amount equal to the appropriate Conservation Trust Fund transfer and interest thereon at the underpayment rate established under section 6621 of such Code as of the due date of such transfer. The Secretary of the Treasury shall transfer such amount deducted and withheld, and the interest thereon, directly to the Puerto Rico Conservation Trust Fund.

(II) GOOD CAUSE EXCEPTION.—If the Secretary of the Interior finds, after consultation with the Governor of Puerto Rico, that the failure by the treasury of Puerto Rico to make a required transfer was for good cause, and notifies the Secretary of the Treasury of the finding of such good cause before the due date of the next cover over payment following the notification of nontransfer, then the Secretary of the Treasury shall not deduct the amount of such nontransfer from any cover over payment.

(C) PUERTO RICO CONSERVATION TRUST FUND.—For purposes of this paragraph, the term ''Puerto Rico Conservation Trust Fund'' means the fund established pursuant to a Memorandum of Understanding between the United States Department of the Interior and the Commonwealth of Puerto Rico, dated December 24, 1968.

TITLE III—GENERALIZED SYSTEM OF PREFERENCES

SEC. 301. EXTENSION OF DUTY-FREE TREATMENT UNDER GENERALIZED SYSTEM OF PREFERENCES.

(a) IN GENERAL.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking ''June 30, 1999'' and inserting ''June 30, 2004''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section applies to articles entered on or after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(A) GENERAL RULE.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (3), any entry—

(i) of an article to which duty-free treatment under title V of the Trade Act of 1974 would have applied if such entry had been made on June 30, 1999, and

(ii) that was made—

(I) after June 30, 1999, and

(II) before the date of enactment of this Act,

shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(B) ENTRY.—As used in this paragraph, the term ''entry'' includes a withdrawal from warehouse for consumption.

(3) REQUESTS.—Liquidation or reliquidation may be made under paragraph (2) with respect to an entry only if a request therefore is filed with the Customs Service, within 180 days after the date of enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry, or

(B) to reconstruct the entry if it cannot be located.

SEC. 302. ENTRY PROCEDURES FOR FOREIGN TRADE ZONE OPERATIONS.

(a) IN GENERAL.—Section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) is amended by adding at the end the following new subsection:

''(i) SPECIAL RULE FOR FOREIGN TRADE ZONE OPERATIONS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law and except as provided in paragraph (3), all merchandise (including merchandise of different classes, types, and categories), withdrawn from a foreign trade zone during any 7-day period, shall, at the option of the operator or user of the zone, be the subject of a single estimated entry or release filed on or before the first day of the 7-day period in which the merchandise is to be withdrawn from the zone. The estimated entry or release shall be treated as a single entry and a single release of merchandise for purposes of section 13031(a)(9)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)(A)) and all fee exclusions and limitations of such section 13031 shall apply, including the maximum and minimum fee amounts provided for under subsection (b)(8)(A)(i) of such section. The entry summary for the estimated entry or release shall cover only the merchandise actually withdrawn from the foreign trade zone during the 7-day period.

''(2) OTHER REQUIREMENTS.— The Secretary of the Treasury may require that the operator or user of the zone—

''(A) use an electronic data interchange approved by the Customs Service—

''(i) to file the entries described in paragraph (1); and

''(ii) to pay the applicable duties, fees, and taxes with respect to the entries; and

''(B) satisfy the Customs Service that accounting, transportation, and other controls over the merchandise are adequate to protect the revenue and meet the requirements of other Federal agencies.

''(3) EXCEPTION.—The provisions of paragraph (1) shall not apply to merchandise the entry of which is prohibited by law or merchandise for which the filing of an entry summary is required before the merchandise is released from customs custody.

''(4) FOREIGN TRADE ZONE; ZONE.—In this subsection, the terms 'foreign trade zone' and 'zone' mean a zone established pursuant to the Act of June 18, 1934, commonly known as the Foreign Trade Zones Act (19 U.S.C. 81a et seq.).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date that is 60 days after the date of enactment of this Act.

TITLE IV—TRADE ADJUSTMENT ASSISTANCE

SEC. 401. TRADE ADJUSTMENT ASSISTANCE.

(a) ASSISTANCE FOR WORKERS.—Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended—

(1) in subsection (a), by striking ''June 30, 1999'' and inserting ''September 30, 2001''; and

(2) in subsection (b), by striking ''June 30, 1999'' and inserting ''September 30, 2001''.

(b) NAFTA TRANSITIONAL PROGRAM.—Section 250(d)(2) of the Trade Act of 1974 (19 U.S.C. 2331(d)(2)) is amended by striking ''the period beginning October 1, 1998, and ending June 30, 1999, shall not exceed $15,000,000'' and inserting ''the period beginning October 1, 1998, and ending September 30, 2001, shall not exceed $30,000,000 for any fiscal year''.

(c) ADJUSTMENT FOR FIRMS.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking ''June 30, 1999'' and inserting ''September 30, 2001''.

(d) TERMINATION.—Section 285(c) of the Trade Act of 1974 (19 U.S.C. 2271 note preceding) is amended by striking ''June 30, 1999'' each place it appears and inserting ''September 30, 2001''.

(e) EFFECTIVE DATE.—The amendments made by this section take effect on July 1, 1999.

TITLE V—REVENUE PROVISIONS

SEC. 501. MODIFICATION OF INSTALLMENT METHOD AND REPEAL OF INSTALLMENT METHOD FOR ACCRUAL METHOD TAXPAYERS.

(a) REPEAL OF INSTALLMENT METHOD FOR ACCRUAL BASIS TAXPAYERS.—

(1) IN GENERAL.—Subsection (a) of section 453 of the Internal Revenue Code of 1986 (relating to installment method) is amended to read as follows:

''(a) USE OF INSTALLMENT METHOD.—

''(1) IN GENERAL.—Except as otherwise provided in this section, income from an installment sale shall be taken into account for purposes of this title under the installment method.

''(2) ACCRUAL METHOD TAXPAYER.—The installment method shall not apply to income from an installment sale if such income would be reported under an accrual method of accounting without regard to this section. The preceding sentence shall not apply to a disposition described in subparagraph (A) or (B) of subsection (1)(2).''.

(2) CONFORMING AMENDMENTS.—Sections 453(d)(1), 453(i)(1), and 453(k) are each amended by striking ''(a)'' each place it appears and inserting ''(a)(1)''.

(b) MODIFICATION OF PLEDGE RULES.—Paragraph (4) of section 453A(d) of the Internal Revenue Code of 1986 (relating to pledges, etc., of installment obligations) is amended by adding at the end the following: ''A payment shall be treated as directly secured by an interest in an installment obligation to the extent an arrangement allows the taxpayer to satisfy all or a portion of the indebtedness with the installment obligation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or other dispositions occurring on or after the date of the enactment of this Act.

SEC. 502. LIMITATIONS ON WELFARE BENEFIT FUNDS OF 10 OR MORE EMPLOYER PLANS.

(a) BENEFITS TO WHICH EXCEPTION APPLIES.—Section 419A(f)(6)(A) of the Internal Revenue Code of 1986 (relating to exception for 10 or more employer plans) is amended to read as follows:

''(A) IN GENERAL.—This subpart shall not apply to a welfare benefit fund which is part of a 10 or more employer plan if the only benefits provided through the fund are one or more of the following:

''(i) Medical benefits.

''(ii) Disability benefits.

''(iii) Group term life insurance benefits which do not provide directly or indirectly

for any cash surrender value or other money that can be paid, assigned, borrowed, or pledged for collateral for a loan.

The preceding sentence shall not apply to any plan which maintains experience-rating arrangements with respect to individual employers.''.

(b) LIMITATION ON USE OF AMOUNTS FOR OTHER PURPOSES.—Section 4976(b) of the Internal Revenue Code of 1986 (defining disqualified benefit) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR 10 OR MORE EMPLOYER PLANS EXEMPTED FROM PREFUNDING LIMITS.—For purposes of paragraph (1)(C), if—

''(A) subpart D of part I of subchapter D of chapter 1 does not apply by reason of section 419A(f)(6) to contributions to provide one or more welfare benefits through a welfare benefit fund under a 10 or more employer plan, and

''(B) any portion of the welfare benefit fund attributable to such contributions is used for a purpose other than that for which the contributions were made,

then such portion shall be treated as reverting to the benefit of the employers maintaining the fund.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions paid or accrued after June 9, 1999, in taxable years ending after such date.

SEC. 503. TREATMENT OF GAIN FROM CONSTRUCTIVE OWNERSHIP TRANSACTIONS.

(a) IN GENERAL.—Part IV of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to special rules for determining capital gains and losses) is amended by inserting after section 1259 the following new section:

''SEC. 1260. GAINS FROM CONSTRUCTIVE OWNERSHIP TRANSACTIONS.

''(a) IN GENERAL.—If the taxpayer has gain from a constructive ownership transaction with respect to any financial asset and such gain would (without regard to this section) be treated as a long-term capital gain—

''(1) such gain shall be treated as ordinary income to the extent that such gain exceeds the net underlying long-term capital gain, and

''(2) to the extent such gain is treated as a long-term capital gain after the application of paragraph (1), the determination of the capital gain rate (or rates) applicable to such gain under section 1(h) shall be determined on the basis of the respective rate (or rates) that would have been applicable to the net underlying long-term capital gain.

''(b) INTEREST CHARGE ON DEFERRAL OF GAIN RECOGNITION.—

''(1) IN GENERAL.—If any gain is treated as ordinary income for any taxable year by reason of subsection (a)(1), the tax imposed by this chapter for such taxable year shall be increased by the amount of interest determined under paragraph (2) with respect to each prior taxable year during any portion of which the constructive ownership transaction was open. Any amount payable under this paragraph shall be taken into account in computing the amount of any deduction allowable to the taxpayer for interest paid or accrued during such taxable year.

''(2) AMOUNT OF INTEREST.—The amount of interest determined under this paragraph with respect to a prior taxable year is the amount of interest which would have been imposed under section 6601 on the underpayment of tax for such year which would have resulted if the gain (which is treated as ordinary income by reason of subsection (a)(1)) had been included in gross income in the taxable years in which it accrued (determined by treating the income as accruing at a constant rate equal to the applicable Federal rate as in effect on the day the transaction closed). The period during which such interest shall accrue shall end on the due date (without extensions) for the return of tax imposed by this chapter for the taxable year in which such transaction closed.

''(3) APPLICABLE FEDERAL RATE.—For purposes of paragraph (2), the applicable Federal rate is the applicable Federal rate determined under 1274(d) (compounded semiannually) which would apply to a debt instrument with a term equal to the period the transaction was open.

''(4) NO CREDITS AGAINST INCREASE IN TAX.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining—

''(A) the amount of any credit allowable under this chapter, or

''(B) the amount of the tax imposed by section 55.

''(c) FINANCIAL ASSET.—For purposes of this section—

''(1) IN GENERAL.—The term 'financial asset' means—

''(A) any equity interest in any pass-thru entity, and

''(B) to the extent provided in regulations—

''(i) any debt instrument, and

''(ii) any stock in a corporation which is not a pass-thru entity.

''(2) PASS-THRU ENTITY.—For purposes of paragraph (1), the term 'pass-thru entity' means—

''(A) a regulated investment company,

''(B) a real estate investment trust,

''(C) an S corporation,

''(D) a partnership,

''(E) a trust,

''(F) a common trust fund,

''(G) a passive foreign investment company (as defined in section 1297 without regard to subsection (e) thereof),

''(H) a foreign personal holding company,

''(I) a foreign investment company (as defined in section 1246(b)), and

''(J) a REMIC.

''(d) CONSTRUCTIVE OWNERSHIP TRANSACTION.—For purposes of this section—

''(1) IN GENERAL.—The taxpayer shall be treated as having entered into a constructive ownership transaction with respect to any financial asset if the taxpayer—

''(A) holds a long position under a notional principal contract with respect to the financial asset,

''(B) enters into a forward or futures contract to acquire the financial asset,

''(C) is the holder of a call option, and is the grantor of a put option, with respect to the financial asset and such options have substantially equal strike prices and substantially contemporaneous maturity dates, or

''(D) to the extent provided in regulations prescribed by the Secretary, enters into one or more other transactions (or acquires one or more positions) that have substantially the same effect as a transaction described in any of the preceding subparagraphs.

''(2) EXCEPTION FOR POSITIONS WHICH ARE MARKED TO MARKET.—This section shall not apply to any constructive ownership transaction if all of the positions which are part of such transaction are marked to market under any provision of this title or the regulations thereunder.

''(3) LONG POSITION UNDER NOTIONAL PRINCIPAL CONTRACT.—A person shall be treated as holding a long position under a notional principal contract with respect to any financial asset if such person—

''(A) has the right to be paid (or receive credit for) all or substantially all of the investment yield (including appreciation) on such financial asset for a specified period, and

''(B) is obligated to reimburse (or provide credit for) all or substantially all of any decline in the value of such financial asset.

''(4) FORWARD CONTRACT.—The term 'forward contract' means any contract to acquire in the future (or provide or receive credit for the future value of) any financial asset.

''(e) NET UNDERLYING LONG-TERM CAPITAL GAIN.—For purposes of this section, in the case of any constructive ownership transaction with respect to any financial asset, the term 'net underlying long-term capital gain' means the aggregate net capital gain that the taxpayer would have had if—

''(1) the financial asset had been acquired for fair market value on the date such transaction was opened and sold for fair market value on the date such transaction was closed, and

''(2) only gains and losses that would have resulted from the deemed ownership under paragraph (1) were taken into account.

The amount of the net underlying long-term capital gain with respect to any financial asset shall be treated as zero unless the amount thereof is established by clear and convincing evidence.

''(f) SPECIAL RULE WHERE TAXPAYER TAKES DELIVERY.—Except as provided in regulations prescribed by the Secretary, if a constructive ownership transaction is closed by reason of taking delivery, this section shall be applied as if the taxpayer had sold all the contracts, options, or other positions which are part of such transaction for fair market value on the closing date. The amount of gain recognized under the preceding sentence shall not exceed the amount of gain treated as ordinary income under subsection (a). Proper adjustments shall be made in the amount of any gain or loss subsequently realized for gain recognized and treated as ordinary income under this subsection.

''(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations—

''(1) to permit taxpayers to mark to market constructive ownership transactions in lieu of applying this section, and

''(2) to exclude certain forward contracts which do not convey substantially all of the economic return with respect to a financial asset.''.

(b) CLERICAL AMENDMENT.—The table of sections for part IV of subchapter P of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 1260. Gains from constructive ownership transactions.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after July 11, 1999.

SEC. 504. LIMITATION ON USE OF NONACCRUAL EXPERIENCE METHOD OF ACCOUNTING.

(a) IN GENERAL.—Section 448(d)(5) of the Internal Revenue Code of 1986 (relating to special rule for services) is amended—

(1) by inserting ''in fields described in paragraph (2)(A)'' after ''services by such person'', and

(2) by inserting ''CERTAIN PERSONAL'' before ''SERVICES'' in the heading.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such first taxable year.

SEC. 505. ALLOCATION OF BASIS ON TRANSFERS OF INTANGIBLES IN CERTAIN NONRECOGNITION TRANSACTIONS.

(a) TRANSFERS TO CORPORATIONS.—Section 351 of the Internal Revenue Code of 1986 (relating to transfer to corporation controlled by transferor) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) TREATMENT OF TRANSFERS OF INTANGIBLE PROPERTY.—

''(1) TRANSFERS OF LESS THAN ALL SUBSTANTIAL RIGHTS.

''(A) IN GENERAL.—A transfer of an interest in intangible property (as defined in section 936(h)(3)(B)) shall be treated under this section as a transfer of property even if the transfer is of less than all of the substantial rights of the transferor in the property.

''(B) ALLOCATION OF BASIS.—In the case of a transfer of less than all of the substantial rights of the transferor in the intangible property, the transferor's basis immediately before the transfer shall be allocated among the rights retained by the transferor and the rights transferred on the basis of their respective fair market values.

''(2) NONRECOGNITION NOT TO APPLY TO INTANGIBLE PROPERTY DEVELOPED FOR TRANSFEREE.—This section shall not apply to a transfer of intangible property developed by the transferor or any related person if such development was pursuant to an arrangement with the transferee.''.

(b) TRANSFERS TO PARTNERSHIPS.—Subsection (d) of section 721 of the Internal Revenue Code of 1986 is amended to read as follows:

''(d) TRANSFERS OF INTANGIBLE PROPERTY.—

''(1) IN GENERAL.—Rules similar to the rules of section 351(h) shall apply for purposes of this section.

''(2) TRANSFERS TO FOREIGN PARTNERSHIPS.—For regulatory authority to treat intangibles transferred to a partnership as sold, see section 367(d)(3).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers on or after the date of the enactment of this Act.

SEC. 506. INCREASE IN ELECTIVE WITHHOLDING RATE FOR NONPERIODIC DISTRIBUTIONS FROM DEFERRED COMPENSATION PLANS.

(a) IN GENERAL.—Section 3405(b)(1) of the Internal Revenue Code of 1986 (relating to withholding) is amended by striking ''10 percent'' and inserting ''15 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to distributions after December 30, 2000.

Amend the title so as to read: ''To authorize a new trade and investment policy for sub-Saharan Africa, expand trade benefits to the countries in the Caribbean Basin, renew the generalized system of preferences, and reauthorize the trade adjustment assistance programs.''.

LOTT AMENDMENT NO. 2334

Mr. LOTT proposed an amendment to the motion to recommit proposed by him to the bill, H.R. 434, supra; as follows:

At the end of the instructions, add the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Trade and Development Act of 1999''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—EXTENSION OF CERTAIN TRADE BENEFITS TO SUB-SAHARAN AFRICA

Subtitle A—Trade Policy for Sub-Saharan Africa

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Statement of policy.
Sec. 104. Sub-Saharan Africa defined.

Subtitle B—Extension of Certain Trade Benefits to Sub-Saharan Africa

Sec. 111. Eligibility for certain benefits.
Sec. 112. Treatment of certain textiles and apparel.
Sec. 113. United States-sub-Saharan African trade and economic cooperation forum.
Sec. 114. United States-sub-Saharan Africa free trade area.
Sec. 115. Reporting requirement.

TITLE II—TRADE BENEFITS FOR CARIBBEAN BASIN

Subtitle A—Trade Policy for Caribbean Basin Countries

Sec. 201. Short title.
Sec. 202. Findings and policy.
Sec. 203. Definitions.

Subtitle B—Trade Benefits for Caribbean Basin Countries

Sec. 211. Temporary provisions to provide additional trade benefits to certain beneficiary countries.
Sec. 212. Adequate and effective protection for intellectual property rights.

Subtitle C—Cover Over of Tax on Distilled Spirits

Sec. 221. Suspension of limitation on cover over of tax on distilled spirits.

TITLE III—GENERALIZED SYSTEM OF PREFERENCES

Sec. 301. Extension of duty-free treatment under generalized system of preferences.
Sec. 302. Entry procedures for foreign trade zone operations.

TITLE IV—TRADE ADJUSTMENT ASSISTANCE

Sec. 401. Trade adjustment assistance.

TITLE V—REVENUE PROVISIONS

Sec. 501. Modification of installment method and repeal of installment method for accrual method taxpayers.
Sec. 502. Limitations on welfare benefit funds of 10 or more employer plans.
Sec. 503. Treatment of gain from constructive ownership transactions.
Sec. 504. Limitation on use of nonaccrual experience method of accounting.
Sec. 505. Allocation of basis on transfers of intangibles in certain nonrecognition transactions.
Sec. 506. Increase in elective withholding rate for nonperiodic distributions from deferred compensation plans.

TITLE I—EXTENSION OF CERTAIN TRADE BENEFITS TO SUB-SAHARAN AFRICA

Subtitle A—Trade Policy for Sub-Saharan Africa

SEC. 101. SHORT TITLE.

This title may be cited as the ''African Growth and Opportunity Act''.

SEC. 102. FINDINGS.

Congress finds that—

(1) it is in the mutual interest of the United States and the countries of sub-Saharan Africa to promote stable and sustainable economic growth and development in sub-Saharan Africa;

(2) the 48 countries of sub-Saharan Africa form a region richly endowed with both natural and human resources;

(3) sub-Saharan Africa represents a region of enormous economic potential and of enduring political significance to the United States;

(4) the region has experienced a rise in both economic development and political freedom as countries in sub-Saharan Africa have taken steps toward liberalizing their economies and encouraged broader participation in the political process;

(5) the countries of sub-Saharan Africa have made progress toward regional economic integration that can have positive benefits for the region;

(6) despite those gains, the per capita income in sub-Saharan Africa averages less than $500 annually;

(7) United States foreign direct investment in the region has fallen in recent years and the sub-Saharan African region receives only minor inflows of direct investment from around the world;

(8) trade between the United States and sub-Saharan Africa, apart from the import of oil, remains an insignificant part of total United States trade;

(9) trade and investment, as the American experience has shown, can represent powerful tools both for economic development and for building a stable political environment in which political freedom can flourish;

(10) increased trade and investment flows have the greatest impact in an economic environment in which trading partners eliminate barriers to trade and capital flows and encourage the development of a vibrant private sector that offers individual African citizens the freedom to expand their economic opportunities and provide for their families;

(11) offering the countries of sub-Saharan Africa enhanced trade preferences will encourage both higher levels of trade and direct investment in support of the positive economic and political developments under way throughout the region; and

(12) encouraging the reciprocal reduction of trade and investment barriers in Africa will enhance the benefits of trade and investment for the region as well as enhance commercial and political ties between the United States and sub-Saharan Africa.

SEC. 103. STATEMENT OF POLICY.

Congress supports—

(1) encouraging increased trade and investment between the United States and sub-Saharan Africa;

(2) reducing tariff and nontariff barriers and other obstacles to sub-Saharan African and United States trade;

(3) expanding United States assistance to sub-Saharan Africa's regional integration efforts;

(4) negotiating reciprocal and mutually beneficial trade agreements, including the possibility of establishing free trade areas that serve the interests of both the United States and the countries of sub-Saharan Africa;

(5) focusing on countries committed to accountable government, economic reform, and the eradication of poverty;

(6) strengthening and expanding the private sector in sub-Saharan Africa;

(7) supporting the development of civil societies and political freedom in sub-Saharan Africa; and

(8) establishing a United States-Sub-Saharan African Economic Cooperation Forum.

SEC. 104. SUB-SAHARAN AFRICA DEFINED.

In this title, the terms ''sub-Saharan Africa'', ''sub-Saharan African country'', ''country in sub-Saharan Africa'', and ''countries in sub-Saharan Africa'' refer to the following:

(1) Republic of Angola (Angola).
(2) Republic of Botswana (Botswana).
(3) Republic of Burundi (Burundi).
(4) Republic of Cape Verde (Cape Verde).
(5) Republic of Chad (Chad).
(6) Democratic Republic of Congo.
(7) Republic of the Congo (Congo).
(8) Republic of Djibouti (Djibouti).
(9) State of Eritrea (Eritrea).
(10) Gabonese Republic (Gabon).
(11) Republic of Ghana (Ghana).
(12) Republic of Guinea-Bissau (Guinea-Bissau).
(13) Kingdom of Lesotho (Lesotho).
(14) Republic of Madagascar (Madagascar).
(15) Republic of Mali (Mali).
(16) Republic of Mauritius (Mauritius).
(17) Republic of Namibia (Namibia).
(18) Federal Republic of Nigeria (Nigeria).
(19) Democratic Republic of Sao Tome and Principe (Sao Tome and Principe).
(20) Republic of Sierra Leone (Sierra Leone).
(21) Somalia.
(22) Kingdom of Swaziland (Swaziland).
(23) Republic of Togo (Togo).
(24) Republic of Zimbabwe (Zimbabwe).
(25) Republic of Benin (Benin).
(26) Burkina Faso (Burkina).
(27) Republic of Cameroon (Cameroon).
(28) Central African Republic.
(29) Federal Islamic Republic of the Comoros (Comoros).
(30) Republic of Cote d'Ivoire (Cote d'Ivoire).
(31) Republic of Equatorial Guinea (Equatorial Guinea).
(32) Ethiopia.
(33) Republic of the Gambia (Gambia).
(34) Republic of Guinea (Guinea).
(35) Republic of Kenya (Kenya).
(36) Republic of Liberia (Liberia).
(37) Republic of Malawi (Malawi).
(38) Islamic Republic of Mauritania (Mauritania).
(39) Republic of Mozambique (Mozambique).
(40) Republic of Niger (Niger).
(41) Republic of Rwanda (Rwanda).
(42) Republic of Senegal (Senegal).
(43) Republic of Seychelles (Seychelles).
(44) Republic of South Africa (South Africa).
(45) Republic of Sudan (Sudan).
(46) United Republic of Tanzania (Tanzania).
(47) Republic of Uganda (Uganda).
(48) Republic of Zambia (Zambia).

Subtitle B—Extension of Certain Trade Benefits to Sub-Saharan Africa

SEC. 111. ELIGIBILITY FOR CERTAIN BENEFITS.

(a) IN GENERAL.—Title V of the Trade Act of 1974 is amended by inserting after section 506 the following new section:

''SEC. 506A. DESIGNATION OF SUB-SAHARAN AFRICAN COUNTRIES FOR CERTAIN BENEFITS.

''(a) AUTHORITY TO DESIGNATE.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the President is authorized to designate a country listed in section 104 of the African Growth and Opportunity Act as a beneficiary sub-Saharan African country eligible for the benefits described in subsection (b), if the President determines that the country—

''(A) has established, or is making continual progress toward establishing—

''(i) a market-based economy, where private property rights are protected and the principles of an open, rules-based trading system are observed;

''(ii) a democratic society, where the rule of law, political freedom, participatory democracy, and the right to due process and a fair trial are observed;

''(iii) an open trading system through the elimination of barriers to United States trade and investment and the resolution of bilateral trade and investment disputes; and

''(iv) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, and promote the establishment of private enterprise;

''(B) does not engage in gross violations of internationally recognized human rights or provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violations and terrorist activities; and

''(C) subject to the authority granted to the President under section 502 (a), (d), and (e), otherwise satisfies the eligibility criteria set forth in section 502.

''(2) MONITORING AND REVIEW OF CERTAIN COUNTRIES.—The President shall monitor and review the progress of each country listed in section 104 of the African Growth and Opportunity Act in meeting the requirements described in paragraph (1) in order to determine the current or potential eligibility of each country to be designated as a beneficiary sub-Saharan African country for purposes of subsection (a). The President shall include the reasons for the President's determinations in the annual report required by section 115 of the African Growth and Opportunity Act.

''(3) CONTINUING COMPLIANCE.—If the President determines that a beneficiary sub-Saharan African country is not making continual progress in meeting the requirements described in paragraph (1), the President shall terminate the designation of that country as a beneficiary sub-Saharan African country for purposes of this section, effective on January 1 of the year following the year in which such determination is made.

''(b) PREFERENTIAL TARIFF TREATMENT FOR CERTAIN ARTICLES.—

''(1) IN GENERAL.—The President may provide duty-free treatment for any article described in section 503(b)(1) (B) through (G) (except for textile luggage) that is the growth, product, or manufacture of a beneficiary sub-Saharan African country described in subsection (a), if, after receiving the advice of the International Trade Commission in accordance with section 503(e), the President determines that such article is not import-sensitive in the context of imports from beneficiary sub-Saharan African countries.

''(2) RULES OF ORIGIN.—The duty-free treatment provided under paragraph (1) shall apply to any article described in that paragraph that meets the requirements of section 503(a)(2), except that—

''(A) if the cost or value of materials produced in the customs territory of the United States is included with respect to that article, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (A) of section 503(a)(2); and

''(B) the cost or value of the materials included with respect to that article that are produced in one or more beneficiary sub-Saharan African countries shall be applied in determining such percentage.

''(c) BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES, ETC.—For purposes of this title, the terms 'beneficiary sub-Saharan African country' and 'beneficiary sub-Saharan African countries' mean a country or countries listed in section 104 of the African Growth and Opportunity Act that the President has determined is eligible under subsection (a) of this section.''.

(b) WAIVER OF COMPETITIVE NEED LIMITATION.—Section 503(c)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2463(c)(2)(D)) is amended to read as follows:

''(D) LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRIES AND BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Subparagraph (A) shall not apply to any least-developed beneficiary developing country or any beneficiary sub-Saharan African country.''.

(c) TERMINATION.—Title V of the Trade Act of 1974 is amended by inserting after section 506A, as added by subsection (a), the following new section:

''SEC. 506B. TERMINATION OF BENEFITS FOR SUB-SAHARAN AFRICAN COUNTRIES.

''In the case of a country listed in section 104 of the African Growth and Opportunity Act that is a beneficiary developing country, duty-free treatment provided under this title shall remain in effect through September 30, 2006.''.

(d) CLERICAL AMENDMENTS.—The table of contents for title V of the Trade Act of 1974 is amended by inserting after the item relating to section 505 the following new items:

''506A. Designation of sub-Saharan African countries for certain benefits.
''506B. Termination of benefits for sub-Saharan African countries.''.

(e) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2000.

SEC. 112. TREATMENT OF CERTAIN TEXTILES AND APPAREL.

(a) PREFERENTIAL TREATMENT.—Notwithstanding any other provision of law, textile and apparel articles described in subsection (b) (including textile luggage) imported from a beneficiary sub-Saharan African country, described in section 506A(c) of the Trade Act of 1974, shall enter the United States free of duty and free of any quantitative limitations, if—

(1) the country adopts an efficient visa system to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and

(2) the country enacts legislation or promulgates regulations that would permit United States Customs Service verification teams to have the access necessary to investigate thoroughly allegations of transshipment through such country.

(b) PRODUCTS COVERED.—The preferential treatment described in subsection (a) shall apply only to the following textile and apparel products:

(1) APPAREL ARTICLES ASSEMBLED IN BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Apparel articles assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States that are—

(A) entered under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States; or

(B) entered under chapter 61 or 62 of the Harmonized Tariff Schedule of the United States, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States but for the fact that the articles were subjected to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, or other similar processes.

(2) APPAREL ARTICLES CUT AND ASSEMBLED IN BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Apparel articles cut in one or more beneficiary sub-Saharan African countries from fabric wholly formed in the United States from yarns wholly formed in the United States, if such articles are assembled in one or more beneficiary sub-Saharan African countries with thread formed in the United States.

(3) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of a beneficiary sub-Saharan African country or countries that is certified as such by the competent authority of such beneficiary country or countries. For purposes of this paragraph, the President, after consultation with the beneficiary sub-Saharan African country or countries concerned, shall determine which, if any, particular textile and apparel goods of the country (or countries) shall be treated as being handloomed, handmade, or folklore goods.

(c) PENALTIES FOR TRANSSHIPMENTS.—

(1) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment with respect to textile or apparel products from a beneficiary sub-Saharan African country, then the President shall deny all benefits under this section and section 506A of the Trade Act of 1974 to such exporter, any successor of such exporter, and any other entity owned or operated by the principal of the exporter for a period of 2 years.

(2) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this subsection has occurred when preferential treatment for a textile or apparel article under subsection (a) has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this paragraph, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under subsection (a).

(d) TECHNICAL ASSISTANCE.—The Customs Service shall provide technical assistance to the beneficiary sub-Saharan African countries for the implementation of the requirements set forth in subsection (a) (1) and (2).

(e) MONITORING AND REPORTS TO CONGRESS.—The Customs Service shall monitor and the Commissioner of Customs shall submit to Congress, not later than March 31 of each year that this section is in effect, a report on the effectiveness of the anti-circumvention systems described in this section and on measures taken by countries in sub-Saharan Africa which export textiles or apparel to the United States to prevent circumvention as described in article 5 of the Agreement on Textiles and Clothing.

(f) SAFEGUARD.—The President shall have the authority to impose appropriate remedies, including restrictions on or the removal of quota-free and duty-free treatment provided under this section, in the event that textile and apparel articles from a beneficiary sub-Saharan African country are being imported in such increased quantities as to cause serious damage, or actual threat thereof, to the domestic industry producing like or directly competitive articles. The President shall exercise his authority under this subsection consistent with the Agreement on Textiles and Clothing.

(g) DEFINITIONS.—In this section:

(1) AGREEMENT ON TEXTILES AND CLOTHING.—The term ''Agreement on Textiles and Clothing'' means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(2) BENEFICIARY SUB-SAHARAN AFRICAN COUNTRY, ETC.—The terms ''beneficiary sub-Saharan African country'' and ''beneficiary sub-Saharan African countries'' have the same meaning as such terms have under section 506A(c) of the Trade Act of 1974.

(3) CUSTOMS SERVICE.—The term ''Customs Service'' means the United States Customs Service.

(h) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2000 and shall remain in effect through September 30, 2006.

SEC. 113. UNITED STATES-SUB-SAHARAN AFRICAN TRADE AND ECONOMIC COOPERATION FORUM.

(a) DECLARATION OF POLICY.—The President shall convene annual meetings between senior officials of the United States Government and officials of the governments of sub-Saharan African countries in order to foster close economic ties between the United States and sub-Saharan Africa.

(b) ESTABLISHMENT.—Not later than 12 months after the date of enactment of this Act, the President, after consulting with the officials of interested sub-Saharan African governments, shall establish a United States-Sub-Saharan African Trade and Economic Cooperation Forum (in this section referred to as the ''Forum'').

(c) REQUIREMENTS.—In creating the Forum, the President shall meet the following requirements:

(1) FIRST MEETING.—The President shall direct the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative to invite their counterparts from interested sub-Saharan African governments and representatives of appropriate regional organizations to participate in the first annual meeting to discuss expanding trade and investment relations between the United States and sub-Saharan Africa.

(2) NONGOVERNMENTAL ORGANIZATIONS.—

(A) IN GENERAL.—The President, in consultation with Congress, shall invite United States nongovernmental organizations to host meetings with their counterparts from sub-Saharan Africa in conjunction with meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(B) PRIVATE SECTOR.—The President, in consultation with Congress, shall invite United States representatives of the private sector to host meetings with their counterparts from sub-Saharan Africa in conjunction with meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(3) ANNUAL MEETINGS.—As soon as practicable after the date of enactment of this Act, the President shall meet with the heads of the governments of interested sub-Saharan African countries for the purpose of discussing the issues described in paragraph (1).

SEC. 114. UNITED STATES-SUB-SAHARAN AFRICA FREE TRADE AREA.

(a) IN GENERAL.—The President shall examine the feasibility of negotiating a free trade agreement (or agreements) with interested sub-Saharan African countries.

(b) REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the President shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the President's conclusions on the feasibility of negotiating such agreement (or agreements). If the President determines that the negotiation of any such free trade agreement is feasible, the President shall provide a detailed plan for such negotiation that outlines the objectives, timing, any potential benefits to the United States and sub-Saharan Africa, and the likely economic impact of any such agreement.

SEC. 115. REPORTING REQUIREMENT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter for 4 years, the President shall submit a report to Congress on the implementation of this title.

TITLE II—TRADE BENEFITS FOR CARIBBEAN BASIN

Subtitle A—Trade Policy for Caribbean Basin Countries

SEC. 201. SHORT TITLE.

This title may be cited as the ''United States-Caribbean Basin Trade Enhancement Act''.

SEC. 202. FINDINGS AND POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) The Caribbean Basin Economic Recovery Act (referred to in this title as ''CBERA'') represents a permanent commitment by the United States to encourage the development of strong democratic governments and revitalized economies in neighboring countries in the Caribbean Basin.

(2) Thirty-four democratically elected leaders agreed at the 1994 Summit of the Americas to conclude negotiation of a Free Trade Area of the Americas (referred to in this title as ''FTAA'') by the year 2005.

(3) The economic security of the countries in the Caribbean Basin will be enhanced by the completion of the FTAA.

(4) Offering temporary benefits to Caribbean Basin countries will enhance trade between the United States and the Caribbean Basin, encourage development of trade and investment policies that will facilitate participation of Caribbean Basin countries in the FTAA, preserve the United States commitment to Caribbean Basin beneficiary countries, help further economic development in the Caribbean Basin region, and accelerate the trend toward more open economies in the region.

(5) Promotion of the growth of free enterprise and economic opportunity in the Caribbean Basin will enhance the national security interests of the United States.

(6) Increased trade and economic activity between the United States and Caribbean

Basin beneficiary countries will create expanding export opportunities for United States businesses and workers.

(b) POLICY.—It is the policy of the United States to—

(1) offer Caribbean Basin beneficiary countries willing to prepare to become a party to the FTAA or a comparable trade agreement, tariff treatment essentially equivalent to that accorded to products of NAFTA countries for certain products not currently eligible for duty-free treatment under the CBERA; and

(2) seek the participation of Caribbean Basin beneficiary countries in the FTAA or a trade agreement comparable to the FTAA at the earliest possible date, with the goal of achieving full participation in such agreement not later than 2005.

SEC. 203. DEFINITIONS.

In this title:

(1) BENEFICIARY COUNTRY.—The term ''beneficiary country'' has the meaning given the term in section 212(a)(1)(A) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)(1)(A)).

(2) CBTEA.—The term ''CBTEA'' means the United States-Caribbean Basin Trade Enhancement Act.

(3) NAFTA.—The term ''NAFTA'' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

(4) NAFTA COUNTRY.—The term ''NAFTA country'' means any country with respect to which the NAFTA is in force.

(5) WTO AND WTO MEMBER.—The terms ''WTO'' and ''WTO member'' have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

Subtitle B—Trade Benefits for Caribbean Basin Countries

SEC. 211. TEMPORARY PROVISIONS TO PROVIDE ADDITIONAL TRADE BENEFITS TO CERTAIN BENEFICIARY COUNTRIES.

(a) TEMPORARY PROVISIONS.—Section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) is amended to read as follows:

''(b) IMPORT-SENSITIVE ARTICLES.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (5), the duty-free treatment provided under this title does not apply to—

''(A) textile and apparel articles which were not eligible articles for purposes of this title on January 1, 1994, as this title was in effect on that date;

''(B) footwear not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

''(C) tuna, prepared or preserved in any manner, in airtight containers;

''(D) petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS;

''(E) watches and watch parts (including cases, bracelets, and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply; or

''(F) articles to which reduced rates of duty apply under subsection (h).

''(2) TRANSITION PERIOD TREATMENT OF CERTAIN TEXTILE AND APPAREL ARTICLES.—

''(A) PRODUCTS COVERED.—During the transition period, the preferential treatment described in subparagraph (B) shall apply to the following products:

''(i) APPAREL ARTICLES ASSEMBLED IN A CBTEA BENEFICIARY COUNTRY.—Apparel articles assembled in a CBTEA beneficiary country from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States that are—

''(I) entered under subheading 9802.00.80 of the HTS; or

''(II) entered under chapter 61 or 62 of the HTS, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the HTS but for the fact that the articles were subjected to stonewashing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, or other similar processes.

''(ii) APPAREL ARTICLES CUT AND ASSEMBLED IN A CBTEA BENEFICIARY COUNTRY.—Apparel articles cut in a CBTEA beneficiary country from fabric wholly formed in the United States from yarns wholly formed in the United States, if such articles are assembled in such country with thread formed in the United States.

''(iii) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of a CBTEA beneficiary country identified under subparagraph (C) that is certified as such by the competent authority of such beneficiary country.

''(iv) TEXTILE LUGGAGE.—Textile luggage—

''(I) assembled in a CBTEA beneficiary country from fabric wholly formed and cut in the United States, from yarns wholly formed in the United States, that is entered under subheading 9802.00.80 of the HTS; or

''(II) assembled from fabric cut in a CBTEA beneficiary country from fabric wholly formed in the United States from yarns wholly formed in the United States, if such luggage is assembled in such country with thread formed in the United States.

''(B) PREFERENTIAL TREATMENT.—Except as provided in subparagraph (E), during the transition period, the articles described in subparagraph (A) shall enter the United States free of duty and free of any quantitative limitations.

''(C) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES DEFINED.—For purposes of subparagraph (A)(iii), the President, after consultation with the CBTEA beneficiary country concerned, shall determine which, if any, particular textile and apparel goods of the country shall be treated as being handloomed, handmade, or folklore goods of a kind described in section 2.3 (a), (b), or (c) or Appendix 3.1.B.11 of the Annex.

''(D) PENALTIES FOR TRANSSHIPMENTS.—

''(i) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment with respect to textile or apparel products from a CBTEA beneficiary country, then the President shall deny all benefits under this title to such exporter, and any successor of such exporter, for a period of 2 years.

''(ii) PENALTIES FOR COUNTRIES.—Whenever the President finds, based on sufficient evidence, that transshipment has occurred, the President shall request that the CBTEA beneficiary country or countries through whose territory the transshipment has occurred take all necessary and appropriate actions to prevent such transshipment. If the President determines that a country is not taking such actions, the President shall reduce the quantities of textile and apparel articles that may be imported into the United States from such country by the quantity of the transshipped articles multiplied by 3.

''(iii) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this subparagraph has occurred when preferential treatment for a textile or apparel article under subparagraph (B) has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this clause, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under subparagraph (B).

''(E) BILATERAL EMERGENCY ACTIONS.—

''(i) IN GENERAL.—The President may take bilateral emergency tariff actions of a kind described in section 4 of the Annex with respect to any apparel article imported from a CBTEA beneficiary country if the application of tariff treatment under subparagraph (B) to such article results in conditions that would be cause for the taking of such actions under such section 4 with respect to a like article described in the same 8-digit subheading of the HTS that is imported from Mexico.

''(ii) RULES RELATING TO BILATERAL EMERGENCY ACTION.—For purposes of applying bilateral emergency action under this subparagraph—

''(I) the requirements of paragraph (5) of section 4 of the Annex (relating to providing compensation) shall not apply;

''(II) the term 'transition period' in section 4 of the Annex shall have the meaning given that term in paragraph (5)(D) of this subsection; and

''(III) the requirements to consult specified in section 4 of the Annex shall be treated as satisfied if the President requests consultations with the beneficiary country in question and the country does not agree to consult within the time period specified under section 4.

''(3) TRANSITION PERIOD TREATMENT OF CERTAIN OTHER ARTICLES ORIGINATING IN BENEFICIARY COUNTRIES.—

''(A) EQUIVALENT TARIFF TREATMENT.—

''(i) IN GENERAL.—Subject to clause (ii), the tariff treatment accorded at any time during the transition period to any article referred to in any of subparagraphs (B) through (F) of paragraph (1) that originates in the territory of a CBTEA beneficiary country shall be identical to the tariff treatment that is accorded at such time under Annex 302.2 of the NAFTA to an article described in the same 8-digit subheading of the HTS that is a good of Mexico and is imported into the United States.

''(ii) EXCEPTION.—Clause (i) does not apply to any article accorded duty-free treatment under U.S. Note 2(b) to subchapter II of chapter 98 of the HTS.

''(B) RELATIONSHIP TO SUBSECTION (h) DUTY REDUCTIONS.—If at any time during the transition period the rate of duty that would (but for action taken under subparagraph (A)(i) in regard to such period) apply with respect to any article under subsection (h) is a rate of duty that is lower than the rate of duty resulting from such action, then such lower rate of duty shall be applied for the purposes of implementing such action.

''(4) CUSTOMS PROCEDURES.—

''(A) IN GENERAL.—

''(i) REGULATIONS.—Any importer that claims preferential treatment under paragraph (2) or (3) shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

''(ii) DETERMINATION.—

''(I) IN GENERAL.—In order to qualify for the preferential treatment under paragraph (2) or (3) and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that each country described in subclause (II)—

''(aa) has implemented and follows, or

''(bb) is making substantial progress toward implementing and following,

procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

''(II) COUNTRY DESCRIBED.—A country is described in this subclause if it is a CBTEA beneficiary country—

''(aa) from which the article is exported, or

''(bb) in which materials used in the production of the article originate or in which the article or such materials undergo production that contributes to a claim that the article is eligible for preferential treatment.

''(B) CERTIFICATE OF ORIGIN.—The Certificate of Origin that otherwise would be required pursuant to the provisions of subparagraph (A) shall not be required in the case of an article imported under paragraph (2) or (3) if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

''(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ANNEX.—The term 'the Annex' means Annex 300–B of the NAFTA.

''(B) CBTEA BENEFICIARY COUNTRY.—

''(i) IN GENERAL.—The term 'CBTEA beneficiary country' means any 'beneficiary country', as defined by section 212(a)(1)(A) of this title, which the President determines has demonstrated a commitment to—

''(I) undertake its obligations under the WTO on or ahead of schedule;

''(II) participate in negotiations toward the completion of the FTAA or a comparable trade agreement; and

''(III) undertake other steps necessary for that country to become a party to the FTAA or a comparable trade agreement.

''(ii) CRITERIA FOR DETERMINATION.—In making the determination under clause (i), the President may consider the criteria in section 212 (b) and (c) and other appropriate criteria, including—

''(I) the extent to which the country follows accepted rules of international trade provided for under the agreements listed in section 101(d) of the Uruguay Round Agreements Act;

''(II) the extent to which the country provides protection of intellectual property rights—

''(aa) in accordance with standards established in the Agreement on Trade-Related Aspects of Intellectual Property Rights described in section 101(d)(15) of the Uruguay Round Agreements Act;

''(bb) in accordance with standards established in chapter 17 of the NAFTA; and

''(cc) by granting the holders of copyrights the ability to control the importation and sale of products that embody copyrighted works, extending the period set forth in Article 1711(6) of NAFTA for protecting test data for agricultural chemicals to 10 years, protecting trademarks regardless of their subsequent designation as geographic indications, and providing enforcement against the importation of infringing products at the border;

''(III) the extent to which the country provides protections to investors and investments of the United States substantially equivalent to those set forth in chapter 11 of the NAFTA;

''(IV) the extent to which the country provides the United States and other WTO members nondiscriminatory, equitable, and reasonable market access with respect to the products for which benefits are provided under paragraphs (2) and (3), and in other relevant product sectors as determined by the President;

''(V) the extent to which the country provides internationally recognized worker rights, including—

''(aa) the right of association,

''(bb) the right to organize and bargain collectively,

''(cc) prohibition on the use of any form of coerced or compulsory labor,

''(dd) a minimum age for the employment of children, and

''(ee) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

''(VI) whether the country has met the counter-narcotics certification criteria set forth in section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) for eligibility for United States assistance;

''(VII) the extent to which the country becomes a party to and implements the Inter-American Convention Against Corruption, and becomes party to a convention regarding the extradition of its nationals;

''(VIII) the extent to which the country—

''(aa) supports the multilateral and regional objectives of the United States with respect to government procurement, including the negotiation of government procurement provisions as part of the FTAA and conclusion of a WTO transparency agreement as provided in the declaration of the WTO Ministerial Conference held in Singapore on December 9 through 13, 1996, and

''(bb) applies transparent and competitive procedures in government procurement equivalent to those contained in the WTO Agreement on Government Procurement (described in section 101(d)(17) of the Uruguay Round Agreements Act);

''(IX) the extent to which the country follows the rules on customs valuation set forth in the WTO Agreement on Implementation of Article VII of the GATT 1994 (described in section 101(d)(8) of the Uruguay Round Agreements Act);

''(X) the extent to which the country affords to products of the United States which the President determines to be of commercial importance to the United States with respect to such country, and on a nondiscriminatory basis to like products of other WTO members, tariff treatment that is no less favorable than the most favorable tariff treatment provided by the country to any other country pursuant to any free trade agreement to which such country is a party, other than the Central American Common Market or the Caribbean Community and Common Market.

''(C) CBTEA ORIGINATING GOOD.—

''(i) IN GENERAL.—The term 'CBTEA originating good' means a good that meets the rules of origin for a good set forth in chapter 4 of the NAFTA as implemented pursuant to United States law.

''(ii) APPLICATION OF CHAPTER 4.—In applying chapter 4 with respect to a CBTEA beneficiary country for purposes of this subsection—

''(I) no country other than the United States and a CBTEA beneficiary country may be treated as being a party to the NAFTA;

''(II) any reference to trade between the United States and Mexico shall be deemed to refer to trade between the United States and a CBTEA beneficiary country;

''(III) any reference to a party shall be deemed to refer to a CBTEA beneficiary country or the United States; and

''(IV) any reference to parties shall be deemed to refer to any combination of CBTEA beneficiary countries or to the United States and a CBTEA beneficiary country (or any combination thereof).

''(D) TRANSITION PERIOD.—The term 'transition period' means, with respect to a CBTEA beneficiary country, the period that begins on October 1, 2000, and ends on the earlier of—

''(i) December 31, 2004, or

''(ii) the date on which the FTAA or a comparable trade agreement enters into force with respect to the United States and the CBTEA beneficiary country.

''(E) CBTEA.—The term 'CBTEA' means the United States-Caribbean Basin Trade Enhancement Act.

''(F) FTAA.—The term 'FTAA' means the Free Trade Area of the Americas.''.

(b) DETERMINATION REGARDING RETENTION OF DESIGNATION.—Section 212(e) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(e)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting ''(A)'' after ''(1)'';

(C) by striking ''would be barred'' and all that follows through the end period and inserting: ''no longer satisfies one or more of the conditions for designation as a beneficiary country set forth in subsection (b) or such country fails adequately to meet one or more of the criteria set forth in subsection (c).''; and

(D) by adding at the end the following:

''(B) The President may, after the requirements of subsection (a)(2) and paragraph (2) have been met—

''(i) withdraw or suspend the designation of any country as a CBTEA beneficiary country, or

''(ii) withdraw, suspend, or limit the application of preferential treatment under section 213(b) (2) and (3) to any article of any country, if, after such designation, the President determines that as a result of changed circumstances, the performance of such country is not satisfactory under the criteria set forth in section 213(b)(5)(B).''; and

(2) by adding after paragraph (2) the following new paragraph:

''(3) If preferential treatment under section 213(b) (2) and (3) is withdrawn, suspended, or limited with respect to a CBTEA beneficiary country, such country shall not be deemed to be a 'party' for the purposes of applying section 213(b)(5)(C) to imports of articles for which preferential treatment has been withdrawn, suspended, or limited with respect to such country.''.

(c) REPORTING REQUIREMENTS.—

(1) Section 212(f) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(f)) is amended to read as follows:

''(f) REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—Not later than December 31, 2001, and every 2 years thereafter during the period this title is in effect, the United States Trade Representative shall submit to Congress a report regarding the operation of this title, including—

''(A) with respect to subsections (b) and (c), the results of a general review of beneficiary countries based on the considerations described in such subsections; and

''(B) the performance of each beneficiary country or CBTEA beneficiary country, as the case may be, under the criteria set forth in section 213(b)(5)(B)(ii).

''(2) PUBLIC COMMENT.—Before submitting the report described in paragraph (1), the United States Trade Representative shall publish a notice in the Federal Register requesting public comments on whether beneficiary countries are meeting the criteria listed in section 213(b)(5)(B)(i), and on the performance of each beneficiary country or CBTEA beneficiary country, as the case may be, with respect to the criteria listed in section 213(b)(5)(B)(ii).''.

(2) Section 203(f) of the Andean Trade Preference Act (19 U.S.C. 3202(f)) is amended—

(A) by striking ''TRIENNIAL REPORT'' in the heading and inserting ''REPORT''; and

(B) by striking ''On or before'' and all that follows through ''enactment of this title'' and inserting ''Not later than January 31, 2001''.

(d) INTERNATIONAL TRADE COMMISSION REPORTS.—

(1) Section 215(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2704(a)) is amended to read as follows:

''(a) REPORTING REQUIREMENT.—

''(1) IN GENERAL.—The United States International Trade Commission (in this section referred to as the 'Commission') shall submit to Congress and the President biennial reports regarding the economic impact of this title on United States industries and consumers and on the economy of the beneficiary countries.

''(2) FIRST REPORT.—The first report shall be submitted not later than September 30, 2001.

''(3) TREATMENT OF PUERTO RICO, ETC.—For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States are considered to be United States industries.''.

(2) Section 206(a) of the Andean Trade Preference Act (19 U.S.C. 3204(a)) is amended to read as follows:

''(a) REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—The United States International Trade Commission (in this section referred to as the 'Commission') shall submit to Congress and the President biennial reports regarding the economic impact of this title on United States industries and consumers, and, in conjunction with other agencies, the effectiveness of this title in promoting drug-related crop eradication and crop substitution efforts of the beneficiary countries.

''(2) SUBMISSION.—During the period that this title is in effect, the report required by paragraph (1) shall be submitted on December 31 of each year that the report required by section 215 of the Caribbean Basin Economic Recovery Act is not submitted.

''(3) TREATMENT OF PUERTO RICO, ETC.—For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States are considered to be United States industries.''.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—

(A) Section 211 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701) is amended by inserting ''(or other preferential treatment)'' after ''treatment''.

(B) Section 213(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)(1)) is amended by inserting ''and except as provided in subsection (b) (2) and (3),'' after ''Tax Reform Act of 1986,''.

(2) DEFINITIONS.—Section 212(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)(1)) is amended by adding at the end the following new subparagraphs:

''(D) The term 'NAFTA' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

''(E) The terms 'WTO' and 'WTO member' have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).''.

SEC. 212. ADEQUATE AND EFFECTIVE PROTECTION FOR INTELLECTUAL PROPERTY RIGHTS.

Section 212(c) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(c)) is amended by adding at the end the following flush sentence:

''Notwithstanding any other provision of law, the President may determine that a country is not providing adequate and effective protection of intellectual property rights under paragraph (9), even if the country is in compliance with the country's obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights described in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)).''.

Subtitle C—Cover Over of Tax on Distilled Spirits

SEC. 221. SUSPENSION OF LIMITATION ON COVER OVER OF TAX ON DISTILLED SPIRITS.

(a) IN GENERAL.—Section 7652(f) of the Internal Revenue Code of 1986 (relating to limitation on cover over of tax on distilled spirits) is amended by adding at the end the following new flush sentence:

''The preceding sentence shall not apply to articles that are tax-determined after June 30, 1999, and before October 1, 1999.''

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to articles that are tax-determined after June 30, 1999.

(2) SPECIAL RULE.—

(A) IN GENERAL.—The treasury of Puerto Rico shall make a Conservation Trust Fund transfer within 30 days after the date of each cover over payment (made to such treasury under section 7652(e) of the Internal Revenue Code of 1986) to which section 7652(f) of such Code does not apply by reason of the last sentence thereof.

(B) CONSERVATION TRUST FUND TRANSFER.—

(i) IN GENERAL.—For purposes of this paragraph, the term ''Conservation Trust Fund transfer'' means a transfer to the Puerto Rico Conservation Trust Fund of an amount equal to 50 cents per proof gallon of the taxes imposed under section 5001 or section 7652 of such Code on distilled spirits that are covered over to the treasury of Puerto Rico under section 7652(e) of such Code.

(ii) TREATMENT OF TRANSFER.—Each Conservation Trust Fund transfer shall be treated as principal for an endowment, the income from which to be available for use by the Puerto Rico Conservation Trust Fund for the purposes for which the Trust Fund was established.

(iii) RESULT OF NONTRANSFER.—

(I) IN GENERAL.—Upon notification by the Secretary of the Interior that a Conservation Trust Fund transfer has not been made by the treasury of Puerto Rico as required by subparagraph (A), the Secretary of the Treasury shall, except as provided in subclause (II), deduct and withhold from the next cover over payment to be made to the treasury of Puerto Rico under section 7652(e) of such Code an amount equal to the appropriate Conservation Trust Fund transfer and interest thereon at the underpayment rate established under section 6621 of such Code as of the due date of such transfer. The Secretary of the Treasury shall transfer such amount deducted and withheld, and the interest thereon, directly to the Puerto Rico Conservation Trust Fund.

(II) GOOD CAUSE EXCEPTION.—If the Secretary of the Interior finds, after consultation with the Governor of Puerto Rico, that the failure by the treasury of Puerto Rico to make a required transfer was for good cause, and notifies the Secretary of the Treasury of the finding of such good cause before the due date of the next cover over payment following the notification of nontransfer, then the Secretary of the Treasury shall not deduct the amount of such nontransfer from any cover over payment.

(C) PUERTO RICO CONSERVATION TRUST FUND.—For purposes of this paragraph, the term ''Puerto Rico Conservation Trust Fund'' means the fund established pursuant to a Memorandum of Understanding between the United States Department of the Interior and the Commonwealth of Puerto Rico, dated December 24, 1968.

TITLE III—GENERALIZED SYSTEM OF PREFERENCES

SEC. 301. EXTENSION OF DUTY-FREE TREATMENT UNDER GENERALIZED SYSTEM OF PREFERENCES.

(a) IN GENERAL.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking ''June 30, 1999'' and inserting ''June 30, 2004''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section applies to articles entered on or after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(A) GENERAL RULE.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (3), any entry—

(i) of an article to which duty-free treatment under title V of the Trade Act of 1974 would have applied if such entry had been made on June 30, 1999, and

(ii) that was made—

(I) after June 30, 1999, and

(II) before the date of enactment of this Act,

shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(B) ENTRY.—As used in this paragraph, the term ''entry'' includes a withdrawal from warehouse for consumption.

(3) REQUESTS.—Liquidation or reliquidation may be made under paragraph (2) with respect to an entry only if a request therefore is filed with the Customs Service, within 180 days after the date of enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry, or

(B) to reconstruct the entry if it cannot be located.

SEC. 302. ENTRY PROCEDURES FOR FOREIGN TRADE ZONE OPERATIONS.

(a) IN GENERAL.—Section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) is amended by adding at the end the following new subsection:

''(i) SPECIAL RULE FOR FOREIGN TRADE ZONE OPERATIONS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law and except as provided in paragraph (3), all merchandise (including merchandise of different classes, types, and categories), withdrawn from a foreign trade zone during any 7-day period, shall, at the option of the operator or user of the zone, be

the subject of a single estimated entry or release filed on or before the first day of the 7-day period in which the merchandise is to be withdrawn from the zone. The estimated entry or release shall be treated as a single entry and a single release of merchandise for purposes of section 13031(a)(9)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)(A)) and all fee exclusions and limitations of such section 13031 shall apply, including the maximum and minimum fee amounts provided for under subsection (b)(8)(A)(i) of such section. The entry summary for the estimated entry or release shall cover only the merchandise actually withdrawn from the foreign trade zone during the 7-day period.

''(2) OTHER REQUIREMENTS.— The Secretary of the Treasury may require that the operator or user of the zone—

''(A) use an electronic data interchange approved by the Customs Service—

''(i) to file the entries described in paragraph (1); and

''(ii) to pay the applicable duties, fees, and taxes with respect to the entries; and

''(B) satisfy the Customs Service that accounting, transportation, and other controls over the merchandise are adequate to protect the revenue and meet the requirements of other Federal agencies.

''(3) EXCEPTION.—The provisions of paragraph (1) shall not apply to merchandise the entry of which is prohibited by law or merchandise for which the filing of an entry summary is required before the merchandise is released from customs custody.

''(4) FOREIGN TRADE ZONE; ZONE.—In this subsection, the terms 'foreign trade zone' and 'zone' mean a zone established pursuant to the Act of June 18, 1934, commonly known as the Foreign Trade Zones Act (19 U.S.C. 81a et seq.).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date that is 60 days after the date of enactment of this Act.

TITLE IV—TRADE ADJUSTMENT ASSISTANCE

SEC. 401. TRADE ADJUSTMENT ASSISTANCE.

(a) ASSISTANCE FOR WORKERS.—Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended—

(1) in subsection (a), by striking ''June 30, 1999'' and inserting ''September 30, 2001''; and

(2) in subsection (b), by striking ''June 30, 1999'' and inserting ''September 30, 2001''.

(b) NAFTA TRANSITIONAL PROGRAM.—Section 250(d)(2) of the Trade Act of 1974 (19 U.S.C. 2331(d)(2)) is amended by striking ''the period beginning October 1, 1998, and ending June 30, 1999, shall not exceed $15,000,000'' and inserting ''the period beginning October 1, 1998, and ending September 30, 2001, shall not exceed $30,000,000 for any fiscal year''.

(c) ADJUSTMENT FOR FIRMS.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking ''June 30, 1999'' and inserting ''September 30, 2001''.

(d) TERMINATION.—Section 285(c) of the Trade Act of 1974 (19 U.S.C. 2271 note preceding) is amended by striking ''June 30, 1999'' each place it appears and inserting ''September 30, 2001''.

(e) EFFECTIVE DATE.—The amendments made by this section take effect on July 1, 1999.

TITLE V—REVENUE PROVISIONS

SEC. 501. MODIFICATION OF INSTALLMENT METHOD AND REPEAL OF INSTALLMENT METHOD FOR ACCRUAL METHOD TAXPAYERS.

(a) REPEAL OF INSTALLMENT METHOD FOR ACCRUAL BASIS TAXPAYERS.—

(1) IN GENERAL.—Subsection (a) of section 453 of the Internal Revenue Code of 1986 (relating to installment method) is amended to read as follows:

''(a) USE OF INSTALLMENT METHOD.—

''(1) IN GENERAL.—Except as otherwise provided in this section, income from an installment sale shall be taken into account for purposes of this title under the installment method.

''(2) ACCRUAL METHOD TAXPAYER.—The installment method shall not apply to income from an installment sale if such income would be reported under an accrual method of accounting without regard to this section. The preceding sentence shall not apply to a disposition described in subparagraph (A) or (B) of subsection (l)(2).''.

(2) CONFORMING AMENDMENTS.—Sections 453(d)(1), 453(i)(1), and 453(k) are each amended by striking ''(a)'' each place it appears and inserting ''(a)(1)''.

(b) MODIFICATION OF PLEDGE RULES.—Paragraph (4) of section 453A(d) of the Internal Revenue Code of 1986 (relating to pledges, etc., of installment obligations) is amended by adding at the end the following: ''A payment shall be treated as directly secured by an interest in an installment obligation to the extent an arrangement allows the taxpayer to satisfy all or a portion of the indebtedness with the installment obligation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or other dispositions occurring on or after the date of the enactment of this Act.

SEC. 502. LIMITATIONS ON WELFARE BENEFIT FUNDS OF 10 OR MORE EMPLOYER PLANS.

(a) BENEFITS TO WHICH EXCEPTION APPLIES.—Section 419A(f)(6)(A) of the Internal Revenue Code of 1986 (relating to exception for 10 or more employer plans) is amended to read as follows:

''(A) IN GENERAL.—This subpart shall not apply to a welfare benefit fund which is part of a 10 or more employer plan if the only benefits provided through the fund are one or more of the following:

''(i) Medical benefits.

''(ii) Disability benefits.

''(iii) Group term life insurance benefits which do not provide directly or indirectly for any cash surrender value or other money that can be paid, assigned, borrowed, or pledged for collateral for a loan.

The preceding sentence shall not apply to any plan which maintains experience-rating arrangements with respect to individual employers.''.

(b) LIMITATION ON USE OF AMOUNTS FOR OTHER PURPOSES.—Section 4976(b) of the Internal Revenue Code of 1986 (defining disqualified benefit) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR 10 OR MORE EMPLOYER PLANS EXEMPTED FROM PREFUNDING LIMITS.—For purposes of paragraph (1)(C), if—

''(A) subpart D of part I of subchapter D of chapter 1 does not apply by reason of section 419A(f)(6) to contributions to provide one or more welfare benefits through a welfare benefit fund under a 10 or more employer plan, and

''(B) any portion of the welfare benefit fund attributable to such contributions is used for a purpose other than that for which the contributions were made,

then such portion shall be treated as reverting to the benefit of the employers maintaining the fund.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions paid or accrued after June 9, 1999, in taxable years ending after such date.

SEC. 503. TREATMENT OF GAIN FROM CONSTRUCTIVE OWNERSHIP TRANSACTIONS.

(a) IN GENERAL.—Part IV of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to special rules for determining capital gains and losses) is amended by inserting after section 1259 the following new section:

''SEC. 1260. GAINS FROM CONSTRUCTIVE OWNERSHIP TRANSACTIONS.

''(a) IN GENERAL.—If the taxpayer has gain from a constructive ownership transaction with respect to any financial asset and such gain would (without regard to this section) be treated as a long-term capital gain—

''(1) such gain shall be treated as ordinary income to the extent that such gain exceeds the net underlying long-term capital gain, and

''(2) to the extent such gain is treated as a long-term capital gain after the application of paragraph (1), the determination of the capital gain rate (or rates) applicable to such gain under section 1(h) shall be determined on the basis of the respective rate (or rates) that would have been applicable to the net underlying long-term capital gain.

''(b) INTEREST CHARGE ON DEFERRAL OF GAIN RECOGNITION.—

''(1) IN GENERAL.—If any gain is treated as ordinary income for any taxable year by reason of subsection (a)(1), the tax imposed by this chapter for such taxable year shall be increased by the amount of interest determined under paragraph (2) with respect to each prior taxable year during any portion of which the constructive ownership transaction was open. Any amount payable under this paragraph shall be taken into account in computing the amount of any deduction allowable to the taxpayer for interest paid or accrued during such taxable year.

''(2) AMOUNT OF INTEREST.—The amount of interest determined under this paragraph with respect to a prior taxable year is the amount of interest which would have been imposed under section 6601 on the underpayment of tax for such year which would have resulted if the gain (which is treated as ordinary income by reason of subsection (a)(1)) had been included in gross income in the taxable years in which it accrued (determined by treating the income as accruing at a constant rate equal to the applicable Federal rate as in effect on the day the transaction closed). The period during which such interest shall accrue shall end on the due date (without extensions) for the return of tax imposed by this chapter for the taxable year in which such transaction closed.

''(3) APPLICABLE FEDERAL RATE.—For purposes of paragraph (2), the applicable Federal rate is the applicable Federal rate determined under 1274(d) (compounded semiannually) which would apply to a debt instrument with a term equal to the period the transaction was open.

''(4) NO CREDITS AGAINST INCREASE IN TAX.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining—

''(A) the amount of any credit allowable under this chapter, or

''(B) the amount of the tax imposed by section 55.

''(c) FINANCIAL ASSET.—For purposes of this section—

''(1) IN GENERAL.—The term 'financial asset' means—

''(A) any equity interest in any pass-thru entity, and

''(B) to the extent provided in regulations—

''(i) any debt instrument, and

''(ii) any stock in a corporation which is not a pass-thru entity.

''(2) PASS-THRU ENTITY.—For purposes of paragraph (1), the term 'pass-thru entity' means—

''(A) a regulated investment company,

''(B) a real estate investment trust,

''(C) an S corporation,

''(D) a partnership,

''(E) a trust,

''(F) a common trust fund,

''(G) a passive foreign investment company (as defined in section 1297 without regard to subsection (e) thereof),

''(H) a foreign personal holding company,

''(I) a foreign investment company (as defined in section 1246(b)), and

''(J) a REMIC.

''(d) CONSTRUCTIVE OWNERSHIP TRANSACTION.—For purposes of this section—

''(1) IN GENERAL.—The taxpayer shall be treated as having entered into a constructive ownership transaction with respect to any financial asset if the taxpayer—

''(A) holds a long position under a notional principal contract with respect to the financial asset,

''(B) enters into a forward or futures contract to acquire the financial asset,

''(C) is the holder of a call option, and is the grantor of a put option, with respect to the financial asset and such options have substantially equal strike prices and substantially contemporaneous maturity dates, or

''(D) to the extent provided in regulations prescribed by the Secretary, enters into one or more other transactions (or acquires one or more positions) that have substantially the same effect as a transaction described in any of the preceding subparagraphs.

''(2) EXCEPTION FOR POSITIONS WHICH ARE MARKED TO MARKET.—This section shall not apply to any constructive ownership transaction if all of the positions which are part of such transaction are marked to market under any provision of this title or the regulations thereunder.

''(3) LONG POSITION UNDER NOTIONAL PRINCIPAL CONTRACT.—A person shall be treated as holding a long position under a notional principal contract with respect to any financial asset if such person—

''(A) has the right to be paid (or receive credit for) all or substantially all of the investment yield (including appreciation) on such financial asset for a specified period, and

''(B) is obligated to reimburse (or provide credit for) all or substantially all of any decline in the value of such financial asset.

''(4) FORWARD CONTRACT.—The term 'forward contract' means any contract to acquire in the future (or provide or receive credit for the future value of) any financial asset.

''(e) NET UNDERLYING LONG-TERM CAPITAL GAIN.—For purposes of this section, in the case of any constructive ownership transaction with respect to any financial asset, the term 'net underlying long-term capital gain' means the aggregate net capital gain that the taxpayer would have had if—

''(1) the financial asset had been acquired for fair market value on the date such transaction was opened and sold for fair market value on the date such transaction was closed, and

''(2) only gains and losses that would have resulted from the deemed ownership under paragraph (1) were taken into account.

The amount of the net underlying long-term capital gain with respect to any financial asset shall be treated as zero unless the amount thereof is established by clear and convincing evidence.

''(f) SPECIAL RULE WHERE TAXPAYER TAKES DELIVERY.—Except as provided in regulations prescribed by the Secretary, if a constructive ownership transaction is closed by reason of taking delivery, this section shall be applied as if the taxpayer had sold all the contracts, options, or other positions which are part of such transaction for fair market value on the closing date. The amount of gain recognized under the preceding sentence shall not exceed the amount of gain treated as ordinary income under subsection (a). Proper adjustments shall be made in the amount of any gain or loss subsequently realized for gain recognized and treated as ordinary income under this subsection.

''(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations—

''(1) to permit taxpayers to mark to market constructive ownership transactions in lieu of applying this section, and

''(2) to exclude certain forward contracts which do not convey substantially all of the economic return with respect to a financial asset.''.

(b) CLERICAL AMENDMENT.—The table of sections for part IV of subchapter P of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 1260. Gains from constructive ownership transactions.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after July 11, 1999.

SEC. 504. LIMITATION ON USE OF NONACCRUAL EXPERIENCE METHOD OF ACCOUNTING.

(a) IN GENERAL.—Section 448(d)(5) of the Internal Revenue Code of 1986 (relating to special rule for services) is amended—

(1) by inserting ''in fields described in paragraph (2)(A)'' after ''services by such person'', and

(2) by inserting ''CERTAIN PERSONAL'' before ''SERVICES'' in the heading.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such first taxable year.

SEC. 505. ALLOCATION OF BASIS ON TRANSFERS OF INTANGIBLES IN CERTAIN NONRECOGNITION TRANSACTIONS.

(a) TRANSFERS TO CORPORATIONS.—Section 351 of the Internal Revenue Code of 1986 (relating to transfer to corporation controlled by transferor) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) TREATMENT OF TRANSFERS OF INTANGIBLE PROPERTY.—

''(1) TRANSFERS OF LESS THAN ALL SUBSTANTIAL RIGHTS.

''(A) IN GENERAL.—A transfer of an interest in intangible property (as defined in section 936(h)(3)(B)) shall be treated under this section as a transfer of property even if the transfer is of less than all of the substantial rights of the transferor in the property.

''(B) ALLOCATION OF BASIS.—In the case of a transfer of less than all of the substantial rights of the transferor in the intangible property, the transferor's basis immediately before the transfer shall be allocated among the rights retained by the transferor and the rights transferred on the basis of their respective fair market values.

''(2) NONRECOGNITION NOT TO APPLY TO INTANGIBLE PROPERTY DEVELOPED FOR TRANSFEREE.—This section shall not apply to a transfer of intangible property developed by the transferor or any related person if such development was pursuant to an arrangement with the transferee.''.

(b) TRANSFERS TO PARTNERSHIPS.—Subsection (d) of section 721 of the Internal Revenue Code of 1986 is amended to read as follows:

''(d) TRANSFERS OF INTANGIBLE PROPERTY.—

''(1) IN GENERAL.—Rules similar to the rules of section 351(h) shall apply for purposes of this section.

''(2) TRANSFERS TO FOREIGN PARTNERSHIPS.—For regulatory authority to treat intangibles transferred to a partnership as sold, see section 367(d)(3).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers on or after the date of the enactment of this Act.

SEC. 506. INCREASE IN ELECTIVE WITHHOLDING RATE FOR NONPERIODIC DISTRIBUTIONS FROM DEFERRED COMPENSATION PLANS.

(a) IN GENERAL.—Section 3405(b)(1) of the Internal Revenue Code of 1986 (relating to withholding) is amended by striking ''10 percent'' and inserting ''15 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to distributions after December 29, 2000.

Amend the title so as to read: ''To authorize a new trade and investment policy for sub-Saharan Africa, expand trade benefits to the countries in the Caribbean Basin, renew the generalized system of preferences, and reauthorize the trade adjustment assistance programs.''.

LOTT AMENDMENT NO. 2335

Mr. LOTT proposed an amendment to amendment No. 2334 proposed by him to the bill, H.R. 434, supra; as follows:

Strike all after ''section'' and add the following:

1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Trade and Development Act of 1999''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—EXTENSION OF CERTAIN TRADE BENEFITS TO SUB-SAHARAN AFRICA

Subtitle A—Trade Policy for Sub-Saharan Africa

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Statement of policy.
Sec. 104. Sub-Saharan Africa defined.

Subtitle B—Extension of Certain Trade Benefits to Sub-Saharan Africa

Sec. 111. Eligibility for certain benefits.

Sec. 112. Treatment of certain textiles and apparel.
Sec. 113. United States-sub-Saharan African trade and economic cooperation forum.
Sec. 114. United States-sub-Saharan Africa free trade area.
Sec. 115. Reporting requirement.
TITLE II—TRADE BENEFITS FOR CARIBBEAN BASIN
Subtitle A—Trade Policy for Caribbean Basin Countries
Sec. 201. Short title.
Sec. 202. Findings and policy.
Sec. 203. Definitions.
Subtitle B—Trade Benefits for Caribbean Basin Countries
Sec. 211. Temporary provisions to provide additional trade benefits to certain beneficiary countries.
Sec. 212. Adequate and effective protection for intellectual property rights.
Subtitle C—Cover Over of Tax on Distilled Spirits
Sec. 221. Suspension of limitation on cover over of tax on distilled spirits.
TITLE III—GENERALIZED SYSTEM OF PREFERENCES
Sec. 301. Extension of duty-free treatment under generalized system of preferences.
Sec. 302. Entry procedures for foreign trade zone operations.
TITLE IV—TRADE ADJUSTMENT ASSISTANCE
Sec. 401. Trade adjustment assistance.
TITLE V—REVENUE PROVISIONS
Sec. 501. Modification of installment method and repeal of installment method for accrual method taxpayers.
Sec. 502. Limitations on welfare benefit funds of 10 or more employer plans.
Sec. 503. Treatment of gain from constructive ownership transactions.
Sec. 504. Limitation on use of nonaccrual experience method of accounting.
Sec. 505. Allocation of basis on transfers of intangibles in certain nonrecognition transactions.
Sec. 506. Increase in elective withholding rate for nonperiodic distributions from deferred compensation plans.

TITLE I—EXTENSION OF CERTAIN TRADE BENEFITS TO SUB-SAHARAN AFRICA

Subtitle A—Trade Policy for Sub-Saharan Africa

SEC. 101. SHORT TITLE.

This title may be cited as the ''African Growth and Opportunity Act''.

SEC. 102. FINDINGS.

Congress finds that—

(1) it is in the mutual interest of the United States and the countries of sub-Saharan Africa to promote stable and sustainable economic growth and development in sub-Saharan Africa;

(2) the 48 countries of sub-Saharan Africa form a region richly endowed with both natural and human resources;

(3) sub-Saharan Africa represents a region of enormous economic potential and of enduring political significance to the United States;

(4) the region has experienced a rise in both economic development and political freedom as countries in sub-Saharan Africa have taken steps toward liberalizing their economies and encouraged broader participation in the political process;

(5) the countries of sub-Saharan Africa have made progress toward regional economic integration that can have positive benefits for the region;

(6) despite those gains, the per capita income in sub-Saharan Africa averages less than $500 annually;

(7) United States foreign direct investment in the region has fallen in recent years and the sub-Saharan African region receives only minor inflows of direct investment from around the world;

(8) trade between the United States and sub-Saharan Africa, apart from the import of oil, remains an insignificant part of total United States trade;

(9) trade and investment, as the American experience has shown, can represent powerful tools both for economic development and for building a stable political environment in which political freedom can flourish;

(10) increased trade and investment flows have the greatest impact in an economic environment in which trading partners eliminate barriers to trade and capital flows and encourage the development of a vibrant private sector that offers individual African citizens the freedom to expand their economic opportunities and provide for their families;

(11) offering the countries of sub-Saharan Africa enhanced trade preferences will encourage both higher levels of trade and direct investment in support of the positive economic and political developments under way throughout the region; and

(12) encouraging the reciprocal reduction of trade and investment barriers in Africa will enhance the benefits of trade and investment for the region as well as enhance commercial and political ties between the United States and sub-Saharan Africa.

SEC. 103. STATEMENT OF POLICY.

Congress supports—

(1) encouraging increased trade and investment between the United States and sub-Saharan Africa;

(2) reducing tariff and nontariff barriers and other obstacles to sub-Saharan African and United States trade;

(3) expanding United States assistance to sub-Saharan Africa's regional integration efforts;

(4) negotiating reciprocal and mutually beneficial trade agreements, including the possibility of establishing free trade areas that serve the interests of both the United States and the countries of sub-Saharan Africa;

(5) focusing on countries committed to accountable government, economic reform, and the eradication of poverty;

(6) strengthening and expanding the private sector in sub-Saharan Africa;

(7) supporting the development of civil societies and political freedom in sub-Saharan Africa; and

(8) establishing a United States-Sub-Saharan African Economic Cooperation Forum.

SEC. 104. SUB-SAHARAN AFRICA DEFINED.

In this title, the terms ''sub-Saharan Africa'', ''sub-Saharan African country'', ''country in sub-Saharan Africa'', and ''countries in sub-Saharan Africa'' refer to the following:

(1) Republic of Angola (Angola).
(2) Republic of Botswana (Botswana).
(3) Republic of Burundi (Burundi).
(4) Republic of Cape Verde (Cape Verde).
(5) Republic of Chad (Chad).
(6) Democratic Republic of Congo.
(7) Republic of the Congo (Congo).
(8) Republic of Djibouti (Djibouti).
(9) State of Eritrea (Eritrea).
(10) Gabonese Republic (Gabon).
(11) Republic of Ghana (Ghana).
(12) Republic of Guinea-Bissau (Guinea-Bissau).
(13) Kingdom of Lesotho (Lesotho).
(14) Republic of Madagascar (Madagascar).
(15) Republic of Mali (Mali).
(16) Republic of Mauritius (Mauritius).
(17) Republic of Namibia (Namibia).
(18) Federal Republic of Nigeria (Nigeria).
(19) Democratic Republic of Sao Tome and Principe (Sao Tome and Principe).
(20) Republic of Sierra Leone (Sierra Leone).
(21) Somalia.
(22) Kingdom of Swaziland (Swaziland).
(23) Republic of Togo (Togo).
(24) Republic of Zimbabwe (Zimbabwe).
(25) Republic of Benin (Benin).
(26) Burkina Faso (Burkina).
(27) Republic of Cameroon (Cameroon).
(28) Central African Republic.
(29) Federal Islamic Republic of the Comoros (Comoros).
(30) Republic of Cote d'Ivoire (Cote d'Ivoire).
(31) Republic of Equatorial Guinea (Equatorial Guinea).
(32) Ethiopia.
(33) Republic of the Gambia (Gambia).
(34) Republic of Guinea (Guinea).
(35) Republic of Kenya (Kenya).
(36) Republic of Liberia (Liberia).
(37) Republic of Malawi (Malawi).
(38) Islamic Republic of Mauritania (Mauritania).
(39) Republic of Mozambique (Mozambique).
(40) Republic of Niger (Niger).
(41) Republic of Rwanda (Rwanda).
(42) Republic of Senegal (Senegal).
(43) Republic of Seychelles (Seychelles).
(44) Republic of South Africa (South Africa).
(45) Republic of Sudan (Sudan).
(46) United Republic of Tanzania (Tanzania).
(47) Republic of Uganda (Uganda).
(48) Republic of Zambia (Zambia).

Subtitle B—Extension of Certain Trade Benefits to Sub-Saharan Africa

SEC. 111. ELIGIBILITY FOR CERTAIN BENEFITS.

(a) IN GENERAL.—Title V of the Trade Act of 1974 is amended by inserting after section 506 the following new section:

''SEC. 506A. DESIGNATION OF SUB-SAHARAN AFRICAN COUNTRIES FOR CERTAIN BENEFITS.

''(a) AUTHORITY TO DESIGNATE.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the President is authorized to designate a country listed in section 104 of the African Growth and Opportunity Act as a beneficiary sub-Saharan African country eligible for the benefits described in subsection (b), if the President determines that the country—

''(A) has established, or is making continual progress toward establishing—

''(i) a market-based economy, where private property rights are protected and the principles of an open, rules-based trading system are observed;

''(ii) a democratic society, where the rule of law, political freedom, participatory democracy, and the right to due process and a fair trial are observed;

''(iii) an open trading system through the elimination of barriers to United States trade and investment and the resolution of bilateral trade and investment disputes; and

''(iv) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, and promote the establishment of private enterprise;

''(B) does not engage in gross violations of internationally recognized human rights or provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violations and terrorist activities; and

''(C) subject to the authority granted to the President under section 502 (a), (d), and (e), otherwise satisfies the eligibility criteria set forth in section 502.

''(2) MONITORING AND REVIEW OF CERTAIN COUNTRIES.—The President shall monitor and review the progress of each country listed in section 104 of the African Growth and Opportunity Act in meeting the requirements described in paragraph (1) in order to determine the current or potential eligibility of each country to be designated as a beneficiary sub-Saharan African country for purposes of subsection (a). The President shall include the reasons for the President's determinations in the annual report required by section 115 of the African Growth and Opportunity Act.

''(3) CONTINUING COMPLIANCE.—If the President determines that a beneficiary sub-Saharan African country is not making continual progress in meeting the requirements described in paragraph (1), the President shall terminate the designation of that country as a beneficiary sub-Saharan African country for purposes of this section, effective on January 1 of the year following the year in which such determination is made.

''(b) PREFERENTIAL TARIFF TREATMENT FOR CERTAIN ARTICLES.—

''(1) IN GENERAL.—The President may provide duty-free treatment for any article described in section 503(b)(1) (B) through (G) (except for textile luggage) that is the growth, product, or manufacture of a beneficiary sub-Saharan African country described in subsection (a), if, after receiving the advice of the International Trade Commission in accordance with section 503(e), the President determines that such article is not import-sensitive in the context of imports from beneficiary sub-Saharan African countries.

''(2) RULES OF ORIGIN.—The duty-free treatment provided under paragraph (1) shall apply to any article described in that paragraph that meets the requirements of section 503(a)(2), except that—

''(A) if the cost or value of materials produced in the customs territory of the United States is included with respect to that article, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (A) of section 503(a)(2); and

''(B) the cost or value of the materials included with respect to that article that are produced in one or more beneficiary sub-Saharan African countries shall be applied in determining such percentage.

''(c) BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES, ETC.—For purposes of this title, the terms 'beneficiary sub-Saharan African country' and 'beneficiary sub-Saharan African countries' mean a country or countries listed in section 104 of the African Growth and Opportunity Act that the President has determined is eligible under subsection (a) of this section.''.

(b) WAIVER OF COMPETITIVE NEED LIMITATION.—Section 503(c)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2463(c)(2)(D)) is amended to read as follows:

''(D) LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRIES AND BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Subparagraph (A) shall not apply to any least-developed beneficiary developing country or any beneficiary sub-Saharan African country.''.

(c) TERMINATION.—Title V of the Trade Act of 1974 is amended by inserting after section 506A, as added by subsection (a), the following new section:

''SEC. 506B. TERMINATION OF BENEFITS FOR SUB-SAHARAN AFRICAN COUNTRIES.

''In the case of a country listed in section 104 of the African Growth and Opportunity Act that is a beneficiary developing country, duty-free treatment provided under this title shall remain in effect through September 30, 2006.''.

(d) CLERICAL AMENDMENTS.—The table of contents for title V of the Trade Act of 1974 is amended by inserting after the item relating to section 505 the following new items:

''506A. Designation of sub-Saharan African countries for certain benefits.

''506B. Termination of benefits for sub-Saharan African countries.''.

(e) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2000.

SEC. 112. TREATMENT OF CERTAIN TEXTILES AND APPAREL.

(a) PREFERENTIAL TREATMENT.—Notwithstanding any other provision of law, textile and apparel articles described in subsection (b) (including textile luggage) imported from a beneficiary sub-Saharan African country, described in section 506A(c) of the Trade Act of 1974, shall enter the United States free of duty and free of any quantitative limitations, if—

(1) the country adopts an efficient visa system to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and

(2) the country enacts legislation or promulgates regulations that would permit United States Customs Service verification teams to have the access necessary to investigate thoroughly allegations of transshipment through such country.

(b) PRODUCTS COVERED.—The preferential treatment described in subsection (a) shall apply only to the following textile and apparel products:

(1) APPAREL ARTICLES ASSEMBLED IN BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Apparel articles assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States that are—

(A) entered under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States; or

(B) entered under chapter 61 or 62 of the Harmonized Tariff Schedule of the United States, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States but for the fact that the articles were subjected to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, or other similar processes.

(2) APPAREL ARTICLES CUT AND ASSEMBLED IN BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Apparel articles cut in one or more beneficiary sub-Saharan African countries from fabric wholly formed in the United States from yarns wholly formed in the United States, if such articles are assembled in one or more beneficiary sub-Saharan African countries with thread formed in the United States.

(3) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of a beneficiary sub-Saharan African country or countries that is certified as such by the competent authority of such beneficiary country or countries. For purposes of this paragraph, the President, after consultation with the beneficiary sub-Saharan African country or countries concerned, shall determine which, if any, particular textile and apparel goods of the country (or countries) shall be treated as being handloomed, handmade, or folklore goods.

(c) PENALTIES FOR TRANSSHIPMENTS.—

(1) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment with respect to textile or apparel products from a beneficiary sub-Saharan African country, then the President shall deny all benefits under this section and section 506A of the Trade Act of 1974 to such exporter, any successor of such exporter, and any other entity owned or operated by the principal of the exporter for a period of 2 years.

(2) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this subsection has occurred when preferential treatment for a textile or apparel article under subsection (a) has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this paragraph, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under subsection (a).

(d) TECHNICAL ASSISTANCE.—The Customs Service shall provide technical assistance to the beneficiary sub-Saharan African countries for the implementation of the requirements set forth in subsection (a) (1) and (2).

(e) MONITORING AND REPORTS TO CONGRESS.—The Customs Service shall monitor and the Commissioner of Customs shall submit to Congress, not later than March 31 of each year that this section is in effect, a report on the effectiveness of the anti-circumvention systems described in this section and on measures taken by countries in sub-Saharan Africa which export textiles or apparel to the United States to prevent circumvention as described in article 5 of the Agreement on Textiles and Clothing.

(f) SAFEGUARD.—The President shall have the authority to impose appropriate remedies, including restrictions on or the removal of quota-free and duty-free treatment provided under this section, in the event that textile and apparel articles from a beneficiary sub-Saharan African country are being imported in such increased quantities as to cause serious damage, or actual threat thereof, to the domestic industry producing like or directly competitive articles. The President shall exercise his authority under this subsection consistent with the Agreement on Textiles and Clothing.

(g) DEFINITIONS.—In this section:

(1) AGREEMENT ON TEXTILES AND CLOTHING.—The term ''Agreement on Textiles and Clothing'' means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(2) BENEFICIARY SUB-SAHARAN AFRICAN COUNTRY, ETC.—The terms ''beneficiary sub-Saharan African country'' and ''beneficiary sub-Saharan African countries'' have the

same meaning as such terms have under section 506A(c) of the Trade Act of 1974.

(3) CUSTOMS SERVICE.—The term ''Customs Service'' means the United States Customs Service.

(h) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2000 and shall remain in effect through September 30, 2006.

SEC. 113. UNITED STATES-SUB-SAHARAN AFRICAN TRADE AND ECONOMIC COOPERATION FORUM.

(a) DECLARATION OF POLICY.—The President shall convene annual meetings between senior officials of the United States Government and officials of the governments of sub-Saharan African countries in order to foster close economic ties between the United States and sub-Saharan Africa.

(b) ESTABLISHMENT.—Not later than 12 months after the date of enactment of this Act, the President, after consulting with the officials of interested sub-Saharan African governments, shall establish a United States-Sub-Saharan African Trade and Economic Cooperation Forum (in this section referred to as the ''Forum'').

(c) REQUIREMENTS.—In creating the Forum, the President shall meet the following requirements:

(1) FIRST MEETING.—The President shall direct the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative to invite their counterparts from interested sub-Saharan African governments and representatives of appropriate regional organizations to participate in the first annual meeting to discuss expanding trade and investment relations between the United States and sub-Saharan Africa.

(2) NONGOVERNMENTAL ORGANIZATIONS.—

(A) IN GENERAL.—The President, in consultation with Congress, shall invite United States nongovernmental organizations to host meetings with their counterparts from sub-Saharan Africa in conjunction with meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(B) PRIVATE SECTOR.—The President, in consultation with Congress, shall invite United States representatives of the private sector to host meetings with their counterparts from sub-Saharan Africa in conjunction with meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(3) ANNUAL MEETINGS.—As soon as practicable after the date of enactment of this Act, the President shall meet with the heads of the governments of interested sub-Saharan African countries for the purpose of discussing the issues described in paragraph (1).

SEC. 114. UNITED STATES-SUB-SAHARAN AFRICA FREE TRADE AREA.

(a) IN GENERAL.—The President shall examine the feasibility of negotiating a free trade agreement (or agreements) with interested sub-Saharan African countries.

(b) REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the President shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the President's conclusions on the feasibility of negotiating such agreement (or agreements). If the President determines that the negotiation of any such free trade agreement is feasible, the President shall provide a detailed plan for such negotiation that outlines the objectives, timing, any potential benefits to the United States and sub-Saharan Africa, and the likely economic impact of any such agreement.

SEC. 115. REPORTING REQUIREMENT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter for 4 years, the President shall submit a report to Congress on the implementation of this title.

TITLE II—TRADE BENEFITS FOR CARIBBEAN BASIN

Subtitle A—Trade Policy for Caribbean Basin Countries

SEC. 201. SHORT TITLE.

This title may be cited as the ''United States-Caribbean Basin Trade Enhancement Act''.

SEC. 202. FINDINGS AND POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) The Caribbean Basin Economic Recovery Act (referred to in this title as ''CBERA'') represents a permanent commitment by the United States to encourage the development of strong democratic governments and revitalized economies in neighboring countries in the Caribbean Basin.

(2) Thirty-four democratically elected leaders agreed at the 1994 Summit of the Americas to conclude negotiation of a Free Trade Area of the Americas (referred to in this title as ''FTAA'') by the year 2005.

(3) The economic security of the countries in the Caribbean Basin will be enhanced by the completion of the FTAA.

(4) Offering temporary benefits to Caribbean Basin countries will enhance trade between the United States and the Caribbean Basin, encourage development of trade and investment policies that will facilitate participation of Caribbean Basin countries in the FTAA, preserve the United States commitment to Caribbean Basin beneficiary countries, help further economic development in the Caribbean Basin region, and accelerate the trend toward more open economies in the region.

(5) Promotion of the growth of free enterprise and economic opportunity in the Caribbean Basin will enhance the national security interests of the United States.

(6) Increased trade and economic activity between the United States and Caribbean Basin beneficiary countries will create expanding export opportunities for United States businesses and workers.

(b) POLICY.—It is the policy of the United States to—

(1) offer Caribbean Basin beneficiary countries willing to prepare to become a party to the FTAA or a comparable trade agreement, tariff treatment essentially equivalent to that accorded to products of NAFTA countries for certain products not currently eligible for duty-free treatment under the CBERA; and

(2) seek the participation of Caribbean Basin beneficiary countries in the FTAA or a trade agreement comparable to the FTAA at the earliest possible date, with the goal of achieving full participation in such agreement not later than 2005.

SEC. 203. DEFINITIONS.

In this title:

(1) BENEFICIARY COUNTRY.—The term ''beneficiary country'' has the meaning given the term in section 212(a)(1)(A) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)(1)(A)).

(2) CBTEA.—The term ''CBTEA'' means the United States-Caribbean Basin Trade Enhancement Act.

(3) NAFTA.—The term ''NAFTA'' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

(4) NAFTA COUNTRY.—The term ''NAFTA country'' means any country with respect to which the NAFTA is in force.

(5) WTO AND WTO MEMBER.—The terms ''WTO'' and ''WTO member'' have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

Subtitle B—Trade Benefits for Caribbean Basin Countries

SEC. 211. TEMPORARY PROVISIONS TO PROVIDE ADDITIONAL TRADE BENEFITS TO CERTAIN BENEFICIARY COUNTRIES.

(a) TEMPORARY PROVISIONS.—Section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) is amended to read as follows:

''(b) IMPORT-SENSITIVE ARTICLES.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (5), the duty-free treatment provided under this title does not apply to—

''(A) textile and apparel articles which were not eligible articles for purposes of this title on January 1, 1994, as this title was in effect on that date;

''(B) footwear not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

''(C) tuna, prepared or preserved in any manner, in airtight containers;

''(D) petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS;

''(E) watches and watch parts (including cases, bracelets, and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply; or

''(F) articles to which reduced rates of duty apply under subsection (h).

''(2) TRANSITION PERIOD TREATMENT OF CERTAIN TEXTILE AND APPAREL ARTICLES.—

''(A) PRODUCTS COVERED.—During the transition period, the preferential treatment described in subparagraph (B) shall apply to the following products:

''(i) APPAREL ARTICLES ASSEMBLED IN A CBTEA BENEFICIARY COUNTRY.—Apparel articles assembled in a CBTEA beneficiary country from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States that are—

''(I) entered under subheading 9802.00.80 of the HTS; or

''(II) entered under chapter 61 or 62 of the HTS, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the HTS but for the fact that the articles were subjected to stonewashing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, or other similar processes.

''(ii) APPAREL ARTICLES CUT AND ASSEMBLED IN A CBTEA BENEFICIARY COUNTRY.—Apparel articles cut in a CBTEA beneficiary country from fabric wholly formed in the United States from yarns wholly formed in the United States, if such articles are assembled in such country with thread formed in the United States.

''(iii) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of a CBTEA beneficiary country identified under subparagraph (C) that is certified as such by the competent authority of such beneficiary country.

''(iv) TEXTILE LUGGAGE.—Textile luggage—

''(I) assembled in a CBTEA beneficiary country from fabric wholly formed and cut

in the United States, from yarns wholly formed in the United States, that is entered under subheading 9802.00.80 of the HTS; or

''(II) assembled from fabric cut in a CBTEA beneficiary country from fabric wholly formed in the United States from yarns wholly formed in the United States, if such luggage is assembled in such country with thread formed in the United States.

''(B) PREFERENTIAL TREATMENT.—Except as provided in subparagraph (E), during the transition period, the articles described in subparagraph (A) shall enter the United States free of duty and free of any quantitative limitations.

''(C) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES DEFINED.—For purposes of subparagraph (A)(iii), the President, after consultation with the CBTEA beneficiary country concerned, shall determine which, if any, particular textile and apparel goods of the country shall be treated as being handloomed, handmade, or folklore goods of a kind described in section 2.3 (a), (b), or (c) or Appendix 3.1.B.11 of the Annex.

''(D) PENALTIES FOR TRANSSHIPMENTS.—

''(i) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment with respect to textile or apparel products from a CBTEA beneficiary country, then the President shall deny all benefits under this title to such exporter, and any successor of such exporter, for a period of 2 years.

''(ii) PENALTIES FOR COUNTRIES.—Whenever the President finds, based on sufficient evidence, that transshipment has occurred, the President shall request that the CBTEA beneficiary country or countries through whose territory the transshipment has occurred take all necessary and appropriate actions to prevent such transshipment. If the President determines that a country is not taking such actions, the President shall reduce the quantities of textile and apparel articles that may be imported into the United States from such country by the quantity of the transshipped articles multiplied by 3.

''(iii) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this subparagraph has occurred when preferential treatment for a textile or apparel article under subparagraph (B) has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this clause, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under subparagraph (B).

''(E) BILATERAL EMERGENCY ACTIONS.—

''(i) IN GENERAL.—The President may take bilateral emergency tariff actions of a kind described in section 4 of the Annex with respect to any apparel article imported from a CBTEA beneficiary country if the application of tariff treatment under subparagraph (B) to such article results in conditions that would be cause for the taking of such actions under such section 4 with respect to a like article described in the same 8-digit subheading of the HTS that is imported from Mexico.

''(ii) RULES RELATING TO BILATERAL EMERGENCY ACTION.—For purposes of applying bilateral emergency action under this subparagraph—

''(I) the requirements of paragraph (5) of section 4 of the Annex (relating to providing compensation) shall not apply;

''(II) the term 'transition period' in section 4 of the Annex shall have the meaning given that term in paragraph (5)(D) of this subsection; and

''(III) the requirements to consult specified in section 4 of the Annex shall be treated as satisfied if the President requests consultations with the beneficiary country in question and the country does not agree to consult within the time period specified under section 4.

''(3) TRANSITION PERIOD TREATMENT OF CERTAIN OTHER ARTICLES ORIGINATING IN BENEFICIARY COUNTRIES.—

''(A) EQUIVALENT TARIFF TREATMENT.—

''(i) IN GENERAL.—Subject to clause (ii), the tariff treatment accorded at any time during the transition period to any article referred to in any of subparagraphs (B) through (F) of paragraph (1) that originates in the territory of a CBTEA beneficiary country shall be identical to the tariff treatment that is accorded at such time under Annex 302.2 of the NAFTA to an article described in the same 8-digit subheading of the HTS that is a good of Mexico and is imported into the United States.

''(ii) EXCEPTION.—Clause (i) does not apply to any article accorded duty-free treatment under U.S. Note 2(b) to subchapter II of chapter 98 of the HTS.

''(B) RELATIONSHIP TO SUBSECTION (h) DUTY REDUCTIONS.—If at any time during the transition period the rate of duty that would (but for action taken under subparagraph (A)(i) in regard to such period) apply with respect to any article under subsection (h) is a rate of duty that is lower than the rate of duty resulting from such action, then such lower rate of duty shall be applied for the purposes of implementing such action.

''(4) CUSTOMS PROCEDURES.—

''(A) IN GENERAL.—

''(i) REGULATIONS.—Any importer that claims preferential treatment under paragraph (2) or (3) shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

''(ii) DETERMINATION.—

''(I) IN GENERAL.—In order to qualify for the preferential treatment under paragraph (2) or (3) and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that each country described in subclause (II)—

''(aa) has implemented and follows, or

''(bb) is making substantial progress toward implementing and following,

procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

''(II) COUNTRY DESCRIBED.—A country is described in this subclause if it is a CBTEA beneficiary country—

''(aa) from which the article is exported, or

''(bb) in which materials used in the production of the article originate or in which the article or such materials undergo production that contributes to a claim that the article is eligible for preferential treatment.

''(B) CERTIFICATE OF ORIGIN.—The Certificate of Origin that otherwise would be required pursuant to the provisions of subparagraph (A) shall not be required in the case of an article imported under paragraph (2) or (3) if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

''(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ANNEX.—The term 'the Annex' means Annex 300–B of the NAFTA.

''(B) CBTEA BENEFICIARY COUNTRY.—

''(i) IN GENERAL.—The term 'CBTEA beneficiary country' means any 'beneficiary country', as defined by section 212(a)(1)(A) of this title, which the President determines has demonstrated a commitment to—

''(I) undertake its obligations under the WTO on or ahead of schedule;

''(II) participate in negotiations toward the completion of the FTAA or a comparable trade agreement; and

''(III) undertake other steps necessary for that country to become a party to the FTAA or a comparable trade agreement.

''(ii) CRITERIA FOR DETERMINATION.—In making the determination under clause (i), the President may consider the criteria in section 212 (b) and (c) and other appropriate criteria, including—

''(I) the extent to which the country follows accepted rules of international trade provided for under the agreements listed in section 101(d) of the Uruguay Round Agreements Act;

''(II) the extent to which the country provides protection of intellectual property rights—

''(aa) in accordance with standards established in the Agreement on Trade-Related Aspects of Intellectual Property Rights described in section 101(d)(15) of the Uruguay Round Agreements Act;

''(bb) in accordance with standards established in chapter 17 of the NAFTA; and

''(cc) by granting the holders of copyrights the ability to control the importation and sale of products that embody copyrighted works, extending the period set forth in Article 1711(6) of NAFTA for protecting test data for agricultural chemicals to 10 years, protecting trademarks regardless of their subsequent designation as geographic indications, and providing enforcement against the importation of infringing products at the border;

''(III) the extent to which the country provides protections to investors and investments of the United States substantially equivalent to those set forth in chapter 11 of the NAFTA;

''(IV) the extent to which the country provides the United States and other WTO members nondiscriminatory, equitable, and reasonable market access with respect to the products for which benefits are provided under paragraphs (2) and (3), and in other relevant product sectors as determined by the President;

''(V) the extent to which the country provides internationally recognized worker rights, including—

''(aa) the right of association,

''(bb) the right to organize and bargain collectively,

''(cc) prohibition on the use of any form of coerced or compulsory labor,

''(dd) a minimum age for the employment of children, and

''(ee) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

''(VI) whether the country has met the counter-narcotics certification criteria set forth in section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) for eligibility for United States assistance;

''(VII) the extent to which the country becomes a party to and implements the Inter-American Convention Against Corruption, and becomes party to a convention regarding the extradition of its nationals;

''(VIII) the extent to which the country—

''(aa) supports the multilateral and regional objectives of the United States with respect to government procurement, including the negotiation of government procurement provisions as part of the FTAA and conclusion of a WTO transparency agreement as provided in the declaration of the WTO Ministerial Conference held in Singapore on December 9 through 13, 1996, and

''(bb) applies transparent and competitive procedures in government procurement equivalent to those contained in the WTO Agreement on Government Procurement (described in section 101(d)(17) of the Uruguay Round Agreements Act);

''(IX) the extent to which the country follows the rules on customs valuation set forth in the WTO Agreement on Implementation of Article VII of the GATT 1994 (described in section 101(d)(8) of the Uruguay Round Agreements Act);

''(X) the extent to which the country affords to products of the United States which the President determines to be of commercial importance to the United States with respect to such country, and on a nondiscriminatory basis to like products of other WTO members, tariff treatment that is no less favorable than the most favorable tariff treatment provided by the country to any other country pursuant to any free trade agreement to which such country is a party, other than the Central American Common Market or the Caribbean Community and Common Market.

''(C) CBTEA ORIGINATING GOOD.—

''(i) IN GENERAL.—The term 'CBTEA originating good' means a good that meets the rules of origin for a good set forth in chapter 4 of the NAFTA as implemented pursuant to United States law.

''(ii) APPLICATION OF CHAPTER 4.—In applying chapter 4 with respect to a CBTEA beneficiary country for purposes of this subsection—

''(I) no country other than the United States and a CBTEA beneficiary country may be treated as being a party to the NAFTA;

''(II) any reference to trade between the United States and Mexico shall be deemed to refer to trade between the United States and a CBTEA beneficiary country;

''(III) any reference to a party shall be deemed to refer to a CBTEA beneficiary country or the United States; and

''(IV) any reference to parties shall be deemed to refer to any combination of CBTEA beneficiary countries or to the United States and a CBTEA beneficiary country (or any combination thereof).

''(D) TRANSITION PERIOD.—The term 'transition period' means, with respect to a CBTEA beneficiary country, the period that begins on October 1, 2000, and ends on the earlier of—

''(i) December 31, 2004, or

''(ii) the date on which the FTAA or a comparable trade agreement enters into force with respect to the United States and the CBTEA beneficiary country.

''(E) CBTEA.—The term 'CBTEA' means the United States-Caribbean Basin Trade Enhancement Act.

''(F) FTAA.—The term 'FTAA' means the Free Trade Area of the Americas.''.

(b) DETERMINATION REGARDING RETENTION OF DESIGNATION.—Section 212(e) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(e)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting ''(A)'' after ''(1)'';

(C) by striking ''would be barred'' and all that follows through the end period and inserting: ''no longer satisfies one or more of the conditions for designation as a beneficiary country set forth in subsection (b) or such country fails adequately to meet one or more of the criteria set forth in subsection (c).''; and

(D) by adding at the end the following:

''(B) The President may, after the requirements of subsection (a)(2) and paragraph (2) have been met—

''(i) withdraw or suspend the designation of any country as a CBTEA beneficiary country, or

''(ii) withdraw, suspend, or limit the application of preferential treatment under section 213(b) (2) and (3) to any article of any country, if, after such designation, the President determines that as a result of changed circumstances, the performance of such country is not satisfactory under the criteria set forth in section 213(b)(5)(B).''; and

(2) by adding after paragraph (2) the following new paragraph:

''(3) If preferential treatment under section 213(b) (2) and (3) is withdrawn, suspended, or limited with respect to a CBTEA beneficiary country, such country shall not be deemed to be a 'party' for the purposes of applying section 213(b)(5)(C) to imports of articles for which preferential treatment has been withdrawn, suspended, or limited with respect to such country.''.

(c) REPORTING REQUIREMENTS.—

(1) Section 212(f) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(f)) is amended to read as follows:

''(f) REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—Not later than December 31, 2001, and every 2 years thereafter during the period this title is in effect, the United States Trade Representative shall submit to Congress a report regarding the operation of this title, including—

''(A) with respect to subsections (b) and (c), the results of a general review of beneficiary countries based on the considerations described in such subsections; and

''(B) the performance of each beneficiary country or CBTEA beneficiary country, as the case may be, under the criteria set forth in section 213(b)(5)(B)(ii).

''(2) PUBLIC COMMENT.—Before submitting the report described in paragraph (1), the United States Trade Representative shall publish a notice in the Federal Register requesting public comments on whether beneficiary countries are meeting the criteria listed in section 213(b)(5)(B)(i), and on the performance of each beneficiary country or CBTEA beneficiary country, as the case may be, with respect to the criteria listed in section 213(b)(5)(B)(ii).''.

(2) Section 203(f) of the Andean Trade Preference Act (19 U.S.C. 3202(f)) is amended—

(A) by striking ''TRIENNIAL REPORT'' in the heading and inserting ''REPORT''; and

(B) by striking ''On or before'' and all that follows through ''enactment of this title'' and inserting ''Not later than January 31, 2001''.

(d) INTERNATIONAL TRADE COMMISSION REPORTS.—

(1) Section 215(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2704(a)) is amended to read as follows:

''(a) REPORTING REQUIREMENT.—

''(1) IN GENERAL.—The United States International Trade Commission (in this section referred to as the 'Commission') shall submit to Congress and the President biennial reports regarding the economic impact of this title on United States industries and consumers and on the economy of the beneficiary countries.

''(2) FIRST REPORT.—The first report shall be submitted not later than September 30, 2001.

''(3) TREATMENT OF PUERTO RICO, ETC.—For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States are considered to be United States industries.''.

(2) Section 206(a) of the Andean Trade Preference Act (19 U.S.C. 3204(a)) is amended to read as follows:

''(a) REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—The United States International Trade Commission (in this section referred to as the 'Commission') shall submit to Congress and the President biennial reports regarding the economic impact of this title on United States industries and consumers, and, in conjunction with other agencies, the effectiveness of this title in promoting drug-related crop eradication and crop substitution efforts of the beneficiary countries.

''(2) SUBMISSION.—During the period that this title is in effect, the report required by paragraph (1) shall be submitted on December 31 of each year that the report required by section 215 of the Caribbean Basin Economic Recovery Act is not submitted.

''(3) TREATMENT OF PUERTO RICO, ETC.—For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States are considered to be United States industries.''.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—

(A) Section 211 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701) is amended by inserting ''(or other preferential treatment)'' after ''treatment''.

(B) Section 213(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)(1)) is amended by inserting ''and except as provided in subsection (b) (2) and (3),'' after ''Tax Reform Act of 1986,''.

(2) DEFINITIONS.—Section 212(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)(1)) is amended by adding at the end the following new subparagraphs:

''(D) The term 'NAFTA' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

''(E) The terms 'WTO' and 'WTO member' have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).''.

SEC. 212. ADEQUATE AND EFFECTIVE PROTECTION FOR INTELLECTUAL PROPERTY RIGHTS.

Section 212(c) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(c)) is amended by adding at the end the following flush sentence:

''Notwithstanding any other provision of law, the President may determine that a country is not providing adequate and effective protection of intellectual property rights under paragraph (9), even if the country is in compliance with the country's obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights described in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)).''.

Subtitle C—Cover Over of Tax on Distilled Spirits

SEC. 221. SUSPENSION OF LIMITATION ON COVER OVER OF TAX ON DISTILLED SPIRITS.

(a) IN GENERAL.—Section 7652(f) of the Internal Revenue Code of 1986 (relating to limitation on cover over of tax on distilled spirits) is amended by adding at the end the following new flush sentence:

''The preceding sentence shall not apply to articles that are tax-determined after June 30, 1999, and before October 1, 1999.''

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to articles that are tax-determined after June 30, 1999.

(2) SPECIAL RULE.—

(A) IN GENERAL.—The treasury of Puerto Rico shall make a Conservation Trust Fund transfer within 30 days after the date of each cover over payment (made to such treasury under section 7652(e) of the Internal Revenue Code of 1986) to which section 7652(f) of such Code does not apply by reason of the last sentence thereof.

(B) CONSERVATION TRUST FUND TRANSFER.—

(i) IN GENERAL.—For purposes of this paragraph, the term ''Conservation Trust Fund transfer'' means a transfer to the Puerto Rico Conservation Trust Fund of an amount equal to 50 cents per proof gallon of the taxes imposed under section 5001 or section 7652 of such Code on distilled spirits that are covered over to the treasury of Puerto Rico under section 7652(e) of such Code.

(ii) TREATMENT OF TRANSFER.—Each Conservation Trust Fund transfer shall be treated as principal for an endowment, the income from which to be available for use by the Puerto Rico Conservation Trust Fund for the purposes for which the Trust Fund was established.

(iii) RESULT OF NONTRANSFER.—

(I) IN GENERAL.—Upon notification by the Secretary of the Interior that a Conservation Trust Fund transfer has not been made by the treasury of Puerto Rico as required by subparagraph (A), the Secretary of the Treasury shall, except as provided in subclause (II), deduct and withhold from the next cover over payment to be made to the treasury of Puerto Rico under section 7652(e) of such Code an amount equal to the appropriate Conservation Trust Fund transfer and interest thereon at the underpayment rate established under section 6621 of such Code as of the due date of such transfer. The Secretary of the Treasury shall transfer such amount deducted and withheld, and the interest thereon, directly to the Puerto Rico Conservation Trust Fund.

(II) GOOD CAUSE EXCEPTION.—If the Secretary of the Interior finds, after consultation with the Governor of Puerto Rico, that the failure by the treasury of Puerto Rico to make a required transfer was for good cause, and notifies the Secretary of the Treasury of the finding of such good cause before the due date of the next cover over payment following the notification of nontransfer, then the Secretary of the Treasury shall not deduct the amount of such nontransfer from any cover over payment.

(C) PUERTO RICO CONSERVATION TRUST FUND.—For purposes of this paragraph, the term ''Puerto Rico Conservation Trust Fund'' means the fund established pursuant to a Memorandum of Understanding between the United States Department of the Interior and the Commonwealth of Puerto Rico, dated December 24, 1968.

TITLE III—GENERALIZED SYSTEM OF PREFERENCES

SEC. 301. EXTENSION OF DUTY-FREE TREATMENT UNDER GENERALIZED SYSTEM OF PREFERENCES.

(a) IN GENERAL.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking ''June 30, 1999'' and inserting ''June 30, 2004''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section applies to articles entered on or after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(A) GENERAL RULE.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (3), any entry—

(i) of an article to which duty-free treatment under title V of the Trade Act of 1974 would have applied if such entry had been made on June 30, 1999, and

(ii) that was made—

(I) after June 30, 1999, and

(II) before the date of enactment of this Act,

shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(B) ENTRY.—As used in this paragraph, the term ''entry'' includes a withdrawal from warehouse for consumption.

(3) REQUESTS.—Liquidation or reliquidation may be made under paragraph (2) with respect to an entry only if a request therefore is filed with the Customs Service, within 180 days after the date of enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry, or

(B) to reconstruct the entry if it cannot be located.

SEC. 302. ENTRY PROCEDURES FOR FOREIGN TRADE ZONE OPERATIONS.

(a) IN GENERAL.—Section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) is amended by adding at the end the following new subsection:

''(i) SPECIAL RULE FOR FOREIGN TRADE ZONE OPERATIONS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law and except as provided in paragraph (3), all merchandise (including merchandise of different classes, types, and categories), withdrawn from a foreign trade zone during any 7-day period, shall, at the option of the operator or user of the zone, be the subject of a single estimated entry or release filed on or before the first day of the 7-day period in which the merchandise is to be withdrawn from the zone. The estimated entry or release shall be treated as a single entry and a single release of merchandise for purposes of section 13031(a)(9)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)(A)) and all fee exclusions and limitations of such section 13031 shall apply, including the maximum and minimum fee amounts provided for under subsection (b)(8)(A)(i) of such section. The entry summary for the estimated entry or release shall cover only the merchandise actually withdrawn from the foreign trade zone during the 7-day period.

''(2) OTHER REQUIREMENTS.— The Secretary of the Treasury may require that the operator or user of the zone—

''(A) use an electronic data interchange approved by the Customs Service—

''(i) to file the entries described in paragraph (1); and

''(ii) to pay the applicable duties, fees, and taxes with respect to the entries; and

''(B) satisfy the Customs Service that accounting, transportation, and other controls over the merchandise are adequate to protect the revenue and meet the requirements of other Federal agencies.

''(3) EXCEPTION.—The provisions of paragraph (1) shall not apply to merchandise the entry of which is prohibited by law or merchandise for which the filing of an entry summary is required before the merchandise is released from customs custody.

''(4) FOREIGN TRADE ZONE; ZONE.—In this subsection, the terms 'foreign trade zone' and 'zone' mean a zone established pursuant to the Act of June 18, 1934, commonly known as the Foreign Trade Zones Act (19 U.S.C. 81a et seq.).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date that is 60 days after the date of enactment of this Act.

TITLE IV—TRADE ADJUSTMENT ASSISTANCE

SEC. 401. TRADE ADJUSTMENT ASSISTANCE.

(a) ASSISTANCE FOR WORKERS.—Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended—

(1) in subsection (a), by striking ''June 30, 1999'' and inserting ''September 30, 2001''; and

(2) in subsection (b), by striking ''June 30, 1999'' and inserting ''September 30, 2001''.

(b) NAFTA TRANSITIONAL PROGRAM.—Section 250(d)(2) of the Trade Act of 1974 (19 U.S.C. 2331(d)(2)) is amended by striking ''the period beginning October 1, 1998, and ending June 30, 1999, shall not exceed $15,000,000'' and inserting ''the period beginning October 1, 1998, and ending September 30, 2001, shall not exceed $30,000,000 for any fiscal year''.

(c) ADJUSTMENT FOR FIRMS.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking ''June 30, 1999'' and inserting ''September 30, 2001''.

(d) TERMINATION.—Section 285(c) of the Trade Act of 1974 (19 U.S.C. 2271 note preceding) is amended by striking ''June 30, 1999'' each place it appears and inserting ''September 30, 2001''.

(e) EFFECTIVE DATE.—The amendments made by this section take effect on July 1, 1999.

TITLE V—REVENUE PROVISIONS

SEC. 501. MODIFICATION OF INSTALLMENT METHOD AND REPEAL OF INSTALLMENT METHOD FOR ACCRUAL METHOD TAXPAYERS.

(a) REPEAL OF INSTALLMENT METHOD FOR ACCRUAL BASIS TAXPAYERS.—

(1) IN GENERAL.—Subsection (a) of section 453 of the Internal Revenue Code of 1986 (relating to installment method) is amended to read as follows:

''(a) USE OF INSTALLMENT METHOD.—

''(1) IN GENERAL.—Except as otherwise provided in this section, income from an installment sale shall be taken into account for purposes of this title under the installment method.

''(2) ACCRUAL METHOD TAXPAYER.—The installment method shall not apply to income from an installment sale if such income would be reported under an accrual method of accounting without regard to this section. The preceding sentence shall not apply to a disposition described in subparagraph (A) or (B) of subsection (l)(2).''.

(2) CONFORMING AMENDMENTS.—Sections 453(d)(1), 453(i)(1), and 453(k) are each amended by striking ''(a)'' each place it appears and inserting ''(a)(1)''.

(b) MODIFICATION OF PLEDGE RULES.—Paragraph (4) of section 453A(d) of the Internal Revenue Code of 1986 (relating to pledges, etc., of installment obligations) is amended

by adding at the end the following: ''A payment shall be treated as directly secured by an interest in an installment obligation to the extent an arrangement allows the taxpayer to satisfy all or a portion of the indebtedness with the installment obligation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or other dispositions occurring on or after the date of the enactment of this Act.

SEC. 502. LIMITATIONS ON WELFARE BENEFIT FUNDS OF 10 OR MORE EMPLOYER PLANS.

(a) BENEFITS TO WHICH EXCEPTION APPLIES.—Section 419A(f)(6)(A) of the Internal Revenue Code of 1986 (relating to exception for 10 or more employer plans) is amended to read as follows:

''(A) IN GENERAL.—This subpart shall not apply to a welfare benefit fund which is part of a 10 or more employer plan if the only benefits provided through the fund are one or more of the following:

''(i) Medical benefits.

''(ii) Disability benefits.

''(iii) Group term life insurance benefits which do not provide directly or indirectly for any cash surrender value or other money that can be paid, assigned, borrowed, or pledged for collateral for a loan.

The preceding sentence shall not apply to any plan which maintains experience-rating arrangements with respect to individual employers.''.

(b) LIMITATION ON USE OF AMOUNTS FOR OTHER PURPOSES.—Section 4976(b) of the Internal Revenue Code of 1986 (defining disqualified benefit) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR 10 OR MORE EMPLOYER PLANS EXEMPTED FROM PREFUNDING LIMITS.—For purposes of paragraph (1)(C), if—

''(A) subpart D of part I of subchapter D of chapter 1 does not apply by reason of section 419A(f)(6) to contributions to provide one or more welfare benefits through a welfare benefit fund under a 10 or more employer plan, and

''(B) any portion of the welfare benefit fund attributable to such contributions is used for a purpose other than that for which the contributions were made,

then such portion shall be treated as reverting to the benefit of the employers maintaining the fund.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions paid or accrued after June 9, 1999, in taxable years ending after such date.

SEC. 503. TREATMENT OF GAIN FROM CONSTRUCTIVE OWNERSHIP TRANSACTIONS.

(a) IN GENERAL.—Part IV of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to special rules for determining capital gains and losses) is amended by inserting after section 1259 the following new section:

''SEC. 1260. GAINS FROM CONSTRUCTIVE OWNERSHIP TRANSACTIONS.

''(a) IN GENERAL.—If the taxpayer has gain from a constructive ownership transaction with respect to any financial asset and such gain would (without regard to this section) be treated as a long-term capital gain—

''(1) such gain shall be treated as ordinary income to the extent that such gain exceeds the net underlying long-term capital gain, and

''(2) to the extent such gain is treated as a long-term capital gain after the application of paragraph (1), the determination of the capital gain rate (or rates) applicable to such gain under section 1(h) shall be determined on the basis of the respective rate (or rates) that would have been applicable to the net underlying long-term capital gain.

''(b) INTEREST CHARGE ON DEFERRAL OF GAIN RECOGNITION.—

''(1) IN GENERAL.—If any gain is treated as ordinary income for any taxable year by reason of subsection (a)(1), the tax imposed by this chapter for such taxable year shall be increased by the amount of interest determined under paragraph (2) with respect to each prior taxable year during any portion of which the constructive ownership transaction was open. Any amount payable under this paragraph shall be taken into account in computing the amount of any deduction allowable to the taxpayer for interest paid or accrued during such taxable year.

''(2) AMOUNT OF INTEREST.—The amount of interest determined under this paragraph with respect to a prior taxable year is the amount of interest which would have been imposed under section 6601 on the underpayment of tax for such year which would have resulted if the gain (which is treated as ordinary income by reason of subsection (a)(1)) had been included in gross income in the taxable years in which it accrued (determined by treating the income as accruing at a constant rate equal to the applicable Federal rate as in effect on the day the transaction closed). The period during which such interest shall accrue shall end on the due date (without extensions) for the return of tax imposed by this chapter for the taxable year in which such transaction closed.

''(3) APPLICABLE FEDERAL RATE.—For purposes of paragraph (2), the applicable Federal rate is the applicable Federal rate determined under 1274(d) (compounded semiannually) which would apply to a debt instrument with a term equal to the period the transaction was open.

''(4) NO CREDITS AGAINST INCREASE IN TAX.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining—

''(A) the amount of any credit allowable under this chapter, or

''(B) the amount of the tax imposed by section 55.

''(c) FINANCIAL ASSET.—For purposes of this section—

''(1) IN GENERAL.—The term 'financial asset' means—

''(A) any equity interest in any pass-thru entity, and

''(B) to the extent provided in regulations—

''(i) any debt instrument, and

''(ii) any stock in a corporation which is not a pass-thru entity.

''(2) PASS-THRU ENTITY.—For purposes of paragraph (1), the term 'pass-thru entity' means—

''(A) a regulated investment company,

''(B) a real estate investment trust,

''(C) an S corporation,

''(D) a partnership,

''(E) a trust,

''(F) a common trust fund,

''(G) a passive foreign investment company (as defined in section 1297 without regard to subsection (e) thereof),

''(H) a foreign personal holding company,

''(I) a foreign investment company (as defined in section 1246(b)), and

''(J) a REMIC.

''(d) CONSTRUCTIVE OWNERSHIP TRANSACTION.—For purposes of this section—

''(1) IN GENERAL.—The taxpayer shall be treated as having entered into a constructive ownership transaction with respect to any financial asset if the taxpayer—

''(A) holds a long position under a notional principal contract with respect to the financial asset,

''(B) enters into a forward or futures contract to acquire the financial asset,

''(C) is the holder of a call option, and is the grantor of a put option, with respect to the financial asset and such options have substantially equal strike prices and substantially contemporaneous maturity dates, or

''(D) to the extent provided in regulations prescribed by the Secretary, enters into one or more other transactions (or acquires one or more positions) that have substantially the same effect as a transaction described in any of the preceding subparagraphs.

''(2) EXCEPTION FOR POSITIONS WHICH ARE MARKED TO MARKET.—This section shall not apply to any constructive ownership transaction if all of the positions which are part of such transaction are marked to market under any provision of this title or the regulations thereunder.

''(3) LONG POSITION UNDER NOTIONAL PRINCIPAL CONTRACT.—A person shall be treated as holding a long position under a notional principal contract with respect to any financial asset if such person—

''(A) has the right to be paid (or receive credit for) all or substantially all of the investment yield (including appreciation) on such financial asset for a specified period, and

''(B) is obligated to reimburse (or provide credit for) all or substantially all of any decline in the value of such financial asset.

''(4) FORWARD CONTRACT.—The term 'forward contract' means any contract to acquire in the future (or provide or receive credit for the future value of) any financial asset.

''(e) NET UNDERLYING LONG-TERM CAPITAL GAIN.—For purposes of this section, in the case of any constructive ownership transaction with respect to any financial asset, the term 'net underlying long-term capital gain' means the aggregate net capital gain that the taxpayer would have had if—

''(1) the financial asset had been acquired for fair market value on the date such transaction was opened and sold for fair market value on the date such transaction was closed, and

''(2) only gains and losses that would have resulted from the deemed ownership under paragraph (1) were taken into account.

The amount of the net underlying long-term capital gain with respect to any financial asset shall be treated as zero unless the amount thereof is established by clear and convincing evidence.

''(f) SPECIAL RULE WHERE TAXPAYER TAKES DELIVERY.—Except as provided in regulations prescribed by the Secretary, if a constructive ownership transaction is closed by reason of taking delivery, this section shall be applied as if the taxpayer had sold all the contracts, options, or other positions which are part of such transaction for fair market value on the closing date. The amount of gain recognized under the preceding sentence shall not exceed the amount of gain treated as ordinary income under subsection (a). Proper adjustments shall be made in the amount of any gain or loss subsequently realized for gain recognized and treated as ordinary income under this subsection.

''(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations—

''(1) to permit taxpayers to mark to market constructive ownership transactions in lieu of applying this section, and

''(2) to exclude certain forward contracts which do not convey substantially all of the economic return with respect to a financial asset.''.

(b) CLERICAL AMENDMENT.—The table of sections for part IV of subchapter P of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 1260. Gains from constructive ownership transactions.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after July 11, 1999.

SEC. 504. LIMITATION ON USE OF NONACCRUAL EXPERIENCE METHOD OF ACCOUNTING.

(a) IN GENERAL.—Section 448(d)(5) of the Internal Revenue Code of 1986 (relating to special rule for services) is amended—

(1) by inserting ''in fields described in paragraph (2)(A)'' after ''services by such person'', and

(2) by inserting ''CERTAIN PERSONAL'' before ''SERVICES'' in the heading.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such first taxable year.

SEC. 505. ALLOCATION OF BASIS ON TRANSFERS OF INTANGIBLES IN CERTAIN NONRECOGNITION TRANSACTIONS.

(a) TRANSFERS TO CORPORATIONS.—Section 351 of the Internal Revenue Code of 1986 (relating to transfer to corporation controlled by transferor) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) TREATMENT OF TRANSFERS OF INTANGIBLE PROPERTY.—

''(1) TRANSFERS OF LESS THAN ALL SUBSTANTIAL RIGHTS.

''(A) IN GENERAL.—A transfer of an interest in intangible property (as defined in section 936(h)(3)(B)) shall be treated under this section as a transfer of property even if the transfer is of less than all of the substantial rights of the transferor in the property.

''(B) ALLOCATION OF BASIS.—In the case of a transfer of less than all of the substantial rights of the transferor in the intangible property, the transferor's basis immediately before the transfer shall be allocated among the rights retained by the transferor and the rights transferred on the basis of their respective fair market values.

''(2) NONRECOGNITION NOT TO APPLY TO INTANGIBLE PROPERTY DEVELOPED FOR TRANSFEREE.—This section shall not apply to a transfer of intangible property developed by the transferor or any related person if such development was pursuant to an arrangement with the transferee.''.

(b) TRANSFERS TO PARTNERSHIPS.—Subsection (d) of section 721 of the Internal Revenue Code of 1986 is amended to read as follows:

''(d) TRANSFERS OF INTANGIBLE PROPERTY.—

''(1) IN GENERAL.—Rules similar to the rules of section 351(h) shall apply for purposes of this section.

''(2) TRANSFERS TO FOREIGN PARTNERSHIPS.—For regulatory authority to treat intangibles transferred to a partnership as sold, see section 367(d)(3).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers on or after the date of the enactment of this Act.

SEC. 506. INCREASE IN ELECTIVE WITHHOLDING RATE FOR NONPERIODIC DISTRIBUTIONS FROM DEFERRED COMPENSATION PLANS.

(a) IN GENERAL.—Section 3405(b)(1) of the Internal Revenue Code of 1986 (relating to withholding) is amended by striking ''10 percent'' and inserting ''15 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to distributions after December 28, 2000.

Amend the title so as to read: ''To authorize a new trade and investment policy for sub-Saharan Africa, expand trade benefits to the countries in the Caribbean Basin, renew the generalized system of preferences, and reauthorize the trade adjustment assistance programs.''.

REID AMENDMENT NO. 2336

Mr. REID proposed an amendment to amendment No. 2334 proposed by Mr. LOTT to the bill, H.R. 434, supra; as follows:

At the appropriate place, insert the following new section:

SEC. ___. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS.

Section 1211(d) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended—

(1) in the second sentence, by striking ''180'' and inserting ''30''; and

(2) by adding at the end, the following new sentence: ''The 30-day reporting requirement shall apply to any changes to the composite theoretical performance level for purposes of subsection (a) proposed by the President on or after June 1, 1999.''.

HATCH AMENDMENTS NOS. 2337–2338

(Ordered to lie on the table.)

Mr. HATCH submitted two amendments intended to be proposed by him to amendment No. 2325 proposed by Mr. ROTH to the bill, H.R. 434, supra; as follows:

AMENDMENT NO. 2337

On page 21, between lines 6 and 7, insert the following:

(d) HIV/AIDS EFFECT ON THE SUB-SAHARAN AFRICAN WORKFORCE.—In selecting issues of common interest to the United States-Sub-Saharan African Trade and Economic Cooperation Forum, the President shall instruct the United States delegates to the Forum to promote a review by the Forum of the HIV/AIDS epidemic in each sub-Saharan African country and the effect of the HIV/AIDS epidemic on human and social development in each country.

AMENDMENT NO. 2338

On page 21, at the end of line 23, insert the following: ''The report shall also include the President's recommendations for bilateral debt relief for sub-Saharan African countries and the President's recommendations for new loan, credit, and guarantee programs and procedures for such countries.''.

WELLSTONE AMENDMENT NO. 2339

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, H.R. 434, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. EVALUATION OF OUTCOME OF WELFARE REFORM AND FORMULA FOR BONUSES TO HIGH PERFORMANCE STATES.

(a) ADDITIONAL MEASURES OF STATE PERFORMANCE.—Section 403(a)(4)(C) of the Social Security Act (42 U.S.C. 603(a)(4)(C)) is amended—

(1) by striking ''Not later'' and inserting the following:

''(i) IN GENERAL.—Not later'';

(2) by inserting ''The formula shall provide for the awarding of grants under this paragraph based on criteria contained in clause (ii) and in accordance with clauses (iii) and (iv).'' after the period; and

(3) by adding at the end the following:

''(ii) FORMULA CRITERIA.—The grants awarded under this paragraph shall be based on the following:

''(I) EMPLOYMENT-RELATED MEASURES.—Employment-related measures, including work force entries, job retention, increases in earnings of recipients of assistance under the State program funded under this title, and measures of utilization of resources available under welfare-to-work grants under paragraph (5) and title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including the implementation of programs (as defined in subclause (VII)(bb)) to increase the number of individuals training for, and placed in, nontraditional employment.

''(II) MEASURES OF CHANGES IN INCOME OR NUMBER OF CHILDREN BELOW HALF OF POVERTY.—For a sample of recipients of assistance under the State program funded under this title, longitudinal measures of annual changes in income (or measures of changes in the proportion of children in families with income below ½ of the poverty line), including earnings and the value of benefits received under that State program and food stamps.

''(III) FOOD STAMPS MEASURES.—The change since 1995 in the proportion of children in working poor families that receive food stamps to the total number of children in the State (or, if possible, to the estimated number of children in working families with incomes low enough to be eligible for food stamps).

''(IV) MEDICAID AND SCHIP MEASURES.—The percentage of members of families who are former recipients of assistance under the State program funded under this title (who have ceased to receive such assistance for approximately 6 months) who currently receive medical assistance under the State plan approved under title XIX or the child health assistance under title XXI.

''(V) CHILD CARE MEASURES.—In the case of a State that pays child care rates that are equal to at least the 75th percentile of market rates, based on a market rate survey that is not more than 2 years old, measures of the State's success in providing child care, as measured by the percentage of children in families with incomes below 85 percent of

the State's median income who receive subsidized child care in the State, and by the amount of the State's expenditures on child care subsidies divided by the estimated number of children younger than 13 in families with incomes below 85 percent of the State's median income.

''(VI) MEASURES OF ADDRESSING DOMESTIC VIOLENCE.—In the case of a State that has adopted the option under the State plan relating to domestic violence set forth in section 402(a)(7) and that reports the proportion of eligible recipients of assistance under this title who disclose their status as domestic violence victims or survivors, measures of the State's success in addressing domestic violence as a barrier to economic self-sufficiency, as measured by the proportion of such recipients who are referred to and receive services under a service plan developed by an individual trained in domestic violence pursuant to section 260.55(c) of title 45 of the Code of Federal Regulations.

''(VII) DEFINITIONS.—In this clause:

''(aa) DOMESTIC VIOLENCE.—The term 'domestic violence' has the meaning given the term 'battered or subjected to extreme cruelty' in section 408(a)(7)((C)(iii).

''(bb) IMPLEMENTATION OF PROGRAMS.—The term 'implementation of programs' means activities conducted pursuant to section 134(a)(3)(A)(vi)(II) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(3)(A)(vi)(II)), placement of recipients in nontraditional employment, as reported to the Department of Labor pursuant to section 185(d)(1)(C) of such Act (29 U.S.C. 2935(d)(1)(C)), and the performance of the State on other measures such as the provision of education, training, and career development assistance for nontraditional employment developed pursuant to section 136(b)(2) of such Act (29 U.S.C. 2871(b)(2))).

''(cc) NONTRADITIONAL EMPLOYMENT.—The term 'nontraditional employment' means occupations or fields of work, including careers in computer science, technology, and other emerging high skill occupations, for which individuals from 1 gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

''(dd) WORKING POOR FAMILIES.—The term 'working poor families' means families that receive earnings at least equal to a comparable amount that would be received by an individual working a half-time position for minimum wage.

''(iii) EMPLOYMENT, EARNING, AND INCOME RELATED MEASURES.—$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on the measures of employment, earnings, and income described in subclauses (I), (II), and (V) of clause (ii), including scores for the criteria described in those items.

''(iv) MEASURES OF SUPPORT FOR WORKING FAMILIES.—$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on measures of support for working families, including scores for the criteria described in subclauses (III), (IV) and (VI) of clause (ii).

''(v) LIMITATION ON APPLYING FOR ONLY 1 BONUS.—To qualify under any one of the employment, earnings, food stamp, or health coverage criteria described in subclauses (I), (III), or (IV) of clause (ii), a State must submit the data required to compete for all of the criteria described in those subclauses.

(b) DATA COLLECTION AND REPORTING.—Section 411(a) of the Social Security Act (42 U.S.C. 611(a)) is amended by adding at the end the following:

''(8) REPORT ON OUTCOME OF WELFARE REFORM FOR STATES NOT PARTICIPATING IN BONUS GRANTS UNDER SECTION 403(a)(4).—

''(A) IN GENERAL.—In the case of a State which does not participate in the procedure for awarding grants under section 403(a)(4) pursuant to regulations prescribed by the Secretary, the report required by paragraph (1) for a fiscal quarter shall include data regarding the characteristics and well-being of former recipients of assistance under the State program funded under this title for an appropriate period of time after such recipient has ceased receiving such assistance.

''(B) CONTENTS.—The data required under subparagraph (A) shall consist of information regarding former recipients, including—

''(i) employment status;

''(ii) job retention;

''(iii) changes in income or resources;

''(iv) poverty status, including the number of children in families of such former recipients with income below ½ of the poverty line;

''(v) receipt of food stamps, medical assistance under the State plan approved under title XIX or child health assistance under title XXI, or subsidized child care;

''(vi) accessibility of child care and child care cost;

''(vii) the percentage of families in poverty receiving child care subsidies;

''(viii) measures of hardship, including lack of medical insurance and difficulty purchasing food; and

''(ix) the availability of the option under the State plan in section 402(a)(7)(relating to domestic violence) and the difficulty accessing services for victims of domestic violence.

''(C) SAMPLING.—A State may comply with this paragraph by using a scientifically acceptable sampling method approved by the Secretary.

''(D) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to ensure that—

''(i) data reported under this paragraph is in such a form as to promote comparison of data among States;

''(ii) a State reports, for each measure, changes in data over time and comparisons in data between such former recipients and comparable groups of current recipients; and

''(iii) a State that is already conducting a scientifically acceptable study of former recipients that provides sufficient data required under subparagraph (A) may use the results of such study to satisfy the requirements of this paragraph.''.

(c) REPORT OF CURRENTLY COLLECTED DATA.—

(1) IN GENERAL.—Not later than July 1, 2000, and annually thereafter, the Secretary of Health and Human Services shall transmit to Congress a report regarding characteristics of former and current recipients of assistance under the State program funded under this part, based on information currently being received from States.

(2) CHARACTERISTICS.—For purposes of paragraph (1), the characteristics shall include earnings, employment, and, to the extent possible, income (including earnings, the value of benefits received under the State program funded under this title, and food stamps), the ratio of income to poverty, receipt of food stamps, and other family resources.

(3) BASIS OF REPORT.—The report under paragraph (1) shall be based on longitudinal data of employer reported earnings for a sample of States, which represents at least 80 percent of the population of the United States, including separate data for each of fiscal years 1997 through 2000 regarding—

(A) a sample of former recipients;

(B) a sample of current recipients; and

(C) a sample of food stamp recipients.

(d) REPORT ON DEVELOPMENT OF MEASURES.—Not later than July 1, 2000, the Secretary of Health and Human Services shall transmit to Congress—

(1) a report regarding the development of measures required under subclauses (II) and (V) of section 403(a)(4)(C)(ii) of the Social Security Act (42 U.S.C. 603(a)(4)(C)(ii)), as added by this Act, regarding subsidized child care and changes in income; and

(2) a report, prepared in consultation with domestic violence organizations, regarding the domestic violence criteria required under subclause (VI) of such section.

(e) EFFECTIVE DATES.—

(1) ADDITIONAL MEASURES OF STATE PERFORMANCE.—The amendments made by subsection (a) apply to each of fiscal years 2001 through 2003, except that the income change (or extreme child poverty) criteria described in section 403(a)(4)(C)(ii)(II) of the Social Security Act (42 U.S.C. 603(a)(4)(C)(ii)(II)) shall not apply to grants awarded under section 403(a)(4) of that Act (42 U.S.C. 603(a)(4)) for fiscal year 2001.

(2) DATA COLLECTION AND REPORTING.—The amendment made by subsection (b) shall apply to reports submitted in fiscal years beginning with fiscal year 2001.

ASHCROFT (AND OTHERS) AMENDMENT NO. 2340

Mr. LOTT (for Mr. ASHCROFT (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. BURNS, Mr. BROWNBACK, Mr. GRASSLEY, Mr. INHOFE, Mr. HARKIN, Mr. ROBB, Mr. CRAIG, Mr. DORGAN, Mr. LUGAR, Mr. HELMS, Mr. DURBIN, Mr. INOUYE, Mr. CONRAD, Mr. WYDEN, Mr. GORTON, Mr. THOMAS, Ms. COLLINS, Mr. ROBERTS, Mr. BINGAMAN, Mr. MCCONNELL, Mr. JOHNSON, Mr. FITZGERALD, Mr. GRAMS, Mr. ALLARD, Mr. HUTCHINSON, Mr. BOND, Mr. ENZI, and Mr. CRAPO)) proposed an amendment to amendment No. 2334 proposed by Mr. LOTT to the bill, H.R. 434, supra; as follows:

At the appropriate place, add the following:

SEC. . CHIEF AGRICULTURAL NEGOTIATOR.

(a) ESTABLISHMENT OF A POSITION.—There is established the position of Chief Agricultural Negotiator in the Office of the United States Trade Representative. The Chief Agricultural Negotiator shall be appointed by the President, with the rank of Ambassador, by and with the advice and consent of the Senate.

(b) FUNCTIONS.—The primary function of the Chief Agricultural Negotiator shall be to conduct trade negotiations and to enforce trade agreements relating to U.S. agricultural products and services. The Chief Agricultural Negotiator shall be a vigorous advocate on behalf of U.S. agricultural interests. The Chief Agricultural Negotiator shall perform such other functions as the United States Trade Representative may direct.

(c) COMPENSATION.—The Chief Agricultural Negotiator shall be paid at the highest rate of basic pay payable to a member of the Senior Executive Service.

HATCH AMENDMENTS NOS. 2341–2342

(Ordered to lie on the table.)

Mr. HATCH submitted two amendments intended to be proposed by him to amendment No. 2325 proposed by Mr. ROTH to the bill, H.R. 434, supra; as follows:

AMENDMENT NO. 2341

On page 22, line 5, insert the following: ''The report shall include the President's recommendations regarding bilateral debt relief for sub-Saharan African countries and the President's recommendations for new loan, credit, and guarantee programs and procedures for such countries.''.

AMENDMENT NO. 2342

On page 22, between lines 5 and 6, insert the following new section:

SEC. 116. HIV/AIDS EFFECT ON THE SUB-SAHARAN AFRICAN WORKFORCE.

In selecting issues of common interest to the United States-Sub-Saharan African Trade and Economic Cooperation Forum, the President shall instruct the United States delegates to the Forum to promote a review by the Forum of the HIV/AIDS epidemic in each sub-Saharan African country and the effect of the HIV/AIDS epidemic on human and social development in each country.

REED AMENDMENTS NOS. 2343–2344

(Ordered to lie on the table.)

Mr. REED submitted two amendments intended to be proposed by him to the bill, H.R. 434, supra; as follows:

AMENDMENT NO. 2343

At the appropriate place, insert the following new section:

SEC. ___. MARKING OF IMPORTED JEWELRY.

(a) MARKING REQUIREMENT.—Not later than the date that is 1 year after the date of enactment of this Act, the Secretary of the Treasury shall prescribe and implement regulations that require that all jewelry described in subsection (b) that enters the customs territory of the United States have the English name of the country of origin indelibly marked in a conspicuous place on such jewelry by cutting, die-sinking, engraving, stamping, or some other permanent method to the same extent as such marking is required for Native American-style jewelry under section 134.43 of title 19, Code of Federal Regulations, as in effect on October 1, 1998.

(b) JEWELRY.—The jewelry described in this subsection means any article described in heading 7117 of the Harmonized Tariff Schedule of the United States.

(c) DEFINITION.—As used in this section, the term ''enters the customs territory of the United States'' means enters, or is withdrawn from warehouse for consumption, in the customs territory of the United States.

AMENDMENT NO. 2344

At the appropriate place, insert the following new section:

SEC. ___. MARKING OF IMPORTED JEWELRY BOXES.

(a) MARKING REQUIREMENT.—Not later than the date that is 1 year after the date of enactment of this Act, the Secretary of the Treasury shall prescribe and implement regulations that require that all jewelry boxes described in subsection (b) that enter the customs territory of the United States have the English name of the country of origin indelibly marked in a conspicuous place on such jewelry boxes by cutting, die-sinking, engraving, stamping, or some other permanent method to the same extent as such marking is required for Native American-style jewelry under section 134.43 of title 19, Code of Federal Regulations, as in effect on October 1, 1998.

(b) JEWELRY.—The jewelry boxes referred to in subsection (a) are jewelry boxes provided for in headings 4202.92.60, 4202.92.90, and 4202.99.10 of the Harmonized Tariff Schedule of the United States.

(c) DEFINITION.—As used in this section, the term ''enter the customs territory of the United States'' means enter, or withdrawn from warehouse for consumption, in the customs territory of the United States.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, October 27, 1999, in open session, to consider the nominations of General Joseph W. Ralston, USAF, Vice Chairman of the Joint Chiefs of Staff to be commander-in-chief, U.S. Forces, Europe and Supreme Allied Commander, Europe; General Richard B. Meyers, USAF, commander-in-chief, U.S. Space Command to be Vice Chairman of the Joint Chiefs of Staff; General Thomas A. Schwartz, USA, Commander of U.S. Army Forces to be commander-in-chief, United Nations Command/Combined Forces Command/Commander, U.S. Forces, Korea; and General Ralph E. Eberhart, USAF, commander, Air Combat Command to be commander-in-chief, U.S. Space Command.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, October 27, 1999, to conduct a hearing on ''The Changing Face of Capital Markets: What Is the Impact of ECN's''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, October 27, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 27, 1999 at 10:30 am and 3:00 pm to hold two hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, October 27, 1999 at 9:00 a.m. to mark up pending legislation to be followed by a hearing on the Elementary and Secondary Education Act Reauthorization (ESEA).

The meeting/hearing will be held in room 485, Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a hearing on Wednesday, October 27, 1999 beginning at 10:00 a.m. in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT

Mr. LOTT. Mr. President, the Committee on the Judiciary Subcommittee on Criminal Justice Oversight requests unanimous consent to conduct a hearing on Wednesday, October 27, 1999 beginning at 2:30 p.m. in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet at 2:00 p.m. on Wednesday, October 27, 1999, in open and closed sessions, to receive testimony on the agricultural biological weapons threat to the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HONORING THE LIFE OF JACK LYNCH

• Mr. DODD. Mr. President, earlier today, I learned of the passing of Jack Lynch, the former Prime Minister of Ireland. I was deeply saddened to hear of Prime Minister Lynch's passing and would like to reflect for just a few moments on his life and enormous contributions to peace in Ireland.

While Prime Minister Lynch's achievements were many, he is best remembered for encouraging a more tolerant Irish attitude toward British sovereignty in the Protestant-dominated North; a change in attitude that made the Good Friday peace accords possible. In 1969, during his tenure as Prime Minister, Jack Lynch showed remarkable restraint in his dealings with the North, resisting pressure from his party and many citizens of Ireland to send troops across the border to protect Catholics in Londonderry from attacks by Protestant paramilitaries and

local police forces. This desire for peace further manifested itself in the late 1970s, when Prime Minister Lynch began traveling to Belfast to discuss peace with British officials. These efforts cumulated in a historic dialogue about peace and tolerance with then-British Prime Minister Margaret Thatcher, a dialogue which began the gradual process of trust-building necessary for a lasting peace.

Another reminder of the enduring achievements of Prime Minister Lynch is Irish membership in the European Union. In 1973, Ireland was a country with a failing economy, a high unemployment rate, and rampant emigration. In an effort to rekindle the faltering economy and reconnect Ireland with the European continent, Jack Lynch entered Ireland into the European Economic Community. Today, billions of dollars of European aid and investment have helped Ireland become one of the world's 25 wealthiest nations, unemployment has dropped to half the European Union average, and people are returning to their ancestral homes. It is mainly due to Prime Minister Lynch's foresight in negotiating Irish entry into the E.E.C. that this economic turnaround has occurred.

These accomplishments only begin to illustrate the many professional successes of Peter Lynch. He was a man who was able to look past historic prejudice and heat-of-the-moment emotions to bring individuals with very different viewpoints together in meaningful dialogue. He was a visionary who saw the need for economic modernization and was unafraid to seek help from his European neighbors. And, in the end, he was a leader. As current Irish Prime Minister Bertie Ahern has said, his firm leadership saw Ireland through a period of great turbulence and his outstanding work to gain Irish membership in the E.E.C. changed forever the way Ireland sees itself as a nation. And for this, Mr. President, people of Irish descent, such as myself, thank him.

THE PEOPLE'S CREED

• Mr. BENNETT. Mr. President, I submit for the RECORD the following document, written by one of my constituents, Mr. Terry Harris. The People's Creed, which Mr. Harris hopes will serve as a tool to those learning about the U.S. Constitution, is on display this week in the Utah State Capitol. I ask that it be printed in the RECORD.

The material follows:

THE PEOPLE'S CREED

(By Terry Harris)

The People's Creed, set forth in the United States of America, for the people of the United States of America and all those who desire and respect liberty, freedom, justice and the pursuit of happiness; on Sunday the fourth of July nineteen hundred and ninety-nine.

For this creed was written with the intention to include Every Woman, Man and Child regardless of his or her race, content or creed, For we are all the people of the United States of America.

For together we stand proud as one nation under God, indivisible, with liberty and justice for all.

We the people of the United States of America (every woman, man and child/all nationalities to be included), share a foundation bound by democracy, freedom, justice, liberty and the pursuit of happiness. This foundation has caused us to be united as one nation under God.

We the people of the United States of America have been blessed and recognized with freedom of speech and of the press.

We the people of the United States of America understand that freedom has a price, and we must maintain that which was set forth by the founding fathers of this great country and by those who have paid the ultimate price for freedom.

We the people of the United States of America must respect the laws of this great nation, and when we find ourselves outside of this realm, must act swiftly to make necessary corrections.

We the people of the United States are protected against unreasonable search and seizure.

We the people of the United States of America are all subject to due process of law and equal protection of the law.

We the people of the United States of America are protected against excessive bail and cruel and unusual punishment.

We the people of the United States retain all rights not specifically granted to the States or by the Constitution.

We the people of the United States of America recognize that slavery is wrong and hereby denounce and abolish it.

We the people of the United States of America (woman & man) have been granted the right to vote, regardless of race, color or previous condition of servitude.

We the people of the United States of America understand that this country may not be without faults, yet we will strive to do the best that we can to ensure the right to democracy, freedom, justice, liberty and the pursuit of happiness for all to enjoy.

We the people of the United States of America realize that this country is made up of different cultures, sexes beliefs and religions that may not necessarily be our own; however, we must respect and practice tolerance for one another. For it is diversity that serves as an important link which holds the foundation of this great country together.

We the people of the United States of America hold at the very core of our foundation that democracy is vital and necessary for the people and by the people. For democracy must never be threatened by forces from within or without these United States of America.

From the pages of the Magna Carta, to Puritan New England let liberty ring.

From the Virginia House of Burgesses, to the Washington Monument let liberty ring.

Let liberty ring from Williamsburg to Philadelphia.

From the waters of the Delaware to the Golden Gate Bridge, let liberty ring.

From the sparkling, sandy beaches of Miami to Stone Mountain Georgia, let liberty ring.

From the green pastures of New Hampshire, to the deserts of Arizona, let liberty ring.

From Alabama to Alaska, let liberty ring.

From the Oregon forests to the New Mexico desert, let liberty ring.

From the flat lands of Indiana, to the farm lands of Arkansas, let liberty ring.

From the Colorado Rocky Mountains to the clear Connecticut waters, let liberty ring.

From Seattle to Independence Hall, let liberty ring.

From the Florida Atlantic to the shores of Hawaii, let liberty ring.

From Stone Mountain Georgia to Mt. Rushmore, let liberty ring.

From the Iowa Woodlands to the mighty Missouri River, let liberty ring.

From the Bluegrass Heartlands of Kentucky, to the Flint Hills of Kansas, let liberty ring.

From the potato fields of Idaho, to the dairy lands of Iowa, let liberty ring.

From the golden country side of Kansas to Bourbon Street, let liberty ring

Let Liberty ring from Freedom Trail Boston to Old town Alexandria.

From the cold waters of Maine to the green Montana mountains let liberty ring.

From the great lakes of Michigan to the mighty Mississippi River, let liberty ring

From Historic New Jersey to the Statue of Liberty let liberty ring.

From the sandy mountains of New Mexico to the Alamo, let liberty ring

Let Liberty ring from Industry, Ohio to the steel mills of Pittsburgh.

From the banks of Rhode Island to the historic Carolinas let liberty ring.

From Baltimore's inner harbors to Minnesota's Thousand lakes, let liberty ring.

From the subtly colored sandstones of Wisconsin to Mustang, Wyoming, let liberty ring.

Let liberty ring out from Apollo 13 to the Space Shuttle.

From the heart of Rock-n-roll to the soul of Jazz, let liberty ring.

My Country tis of thee, sweet land of liberty; of thee I sing. Land where my fathers died, land of every one's pride, from every mountain side let liberty ring.

For I am proud to be an American. I will do my best to give my fellow American my honor and my respect. When my fellow American is in need of a helping hand, it is I who must reach out. For it is I who must respect nature that God has placed for all to enjoy, for we must live with nature as one.

May the mercy of liberty, democracy, freedom and the pursuit of happiness echo throughout the world, making this land yours and mine for generations to come.

May God have mercy upon the United States of America and all that lie within.•

IN RECOGNITION OF THE 50TH ANNIVERSARY OF THE MICHIGAN REHABILITATION ASSOCIATION

• Mr. LEVIN. Mr. President, I rise today to pay tribute to the Michigan Rehabilitation Association, a remarkable organization from my home state of Michigan, which will celebrate its 50th Anniversary on November 1, 1999.

Over the past five decades, the Michigan Rehabilitation Association (MRA) has proudly worked to meet the needs of Michigan's disabled community. While beginning as a professional association for rehabilitation practitioners, it has quickly grown into one of Michigan's leading advocates for the welfare and rights of handicapped people.

While its scope and purpose have evolved, its members have remained steadfastly committed to excellence in the delivery of services to the disabled.

Since its inception in 1949 as the country's first state chapter of the National Rehabilitation Association, the MRA's far-reaching hand has helped thousands of Michigan's citizens achieve a higher quality of life. As it celebrates this important milestone, I am sure its staff, friends and supporters will have the opportunity to recall its many successes. I am pleased to join with them in thanking the people of the Michigan Rehabilitation Association for their efforts while applauding all the hard work and determination that have resulted in the MRA's prestigious reputation.

The Michigan Rehabilitation Association can take pride in the many important achievements of its first fifty years. I know my colleagues will join me in saluting the accomplishments of MRA's first half century and in wishing it continued success for the future.●

RED MASS HOMILY

● Mr. ASHCROFT. Mr. President, on Sunday, October 3, 1999, the Most Reverend Raymond J. Boland, Bishop of the Kansas City-St. Joseph area of Missouri, delivered the homily at the Red Mass held at St. Matthew's Cathedral in Washington, DC. The Red Mass traditionally marks the opening of the Supreme Court's new term. In his address, Bishop Boland discusses the idea of having cooperative dialog between the Church and State in their mutual search for justice and respect.

I ask to have printed in the RECORD the text of the homily given by Bishop Raymond J. Boland.

The text follows.

HOMILY: 1999 RED MASS

(St. Matthew's Cathedral, Washington, DC, Sunday, October 3, 1999, Most Reverend Raymond J. Boland, D.D., Bishop of Kansas City-St. Joseph, Missouri)

I am grateful to Cardinal Hickey for his gracious invitation to give the homily at this 47th annual Red Mass. Another legal year, the last of this century, is about to begin and conscious of our fallibilities we gather in prayer to beg God's Spirit to give us understanding, courage, forbearance and, above all else, wisdom. I am also grateful to the John Carroll Society for sponsoring this annual event once again. John Carroll, the first Roman Catholic Bishop of the Republic, played a significant part in defining the role of the church in an infant nation where religion would have freedom but not state sponsorship. John's brother, Daniel, signed the Constitution which gave political and legal shape to what is now the United States.

Because of a certain anniversary which occurs this year, I would like to think that a fuller acceptance of the dignity of the human person may lead to a more productive understanding of the relationship between church and state in this country and elsewhere. It augurs well for our individual freedoms but it is also a delicate balance which may be in jeopardy.

This year marks the 350th Anniversary of the Toleration Act of 1649, a significant development for its time which boldly reaffirmed the right of religious and political freedom in the Maryland colony. Many of you are familiar with the monument at St. Mary's City, the first capital of the future state, which symbolically depicts a man with uplifted countenance emerging from the confining stone from which he is sculpted. At his feet three words are carved, Freedom of Conscience.

The Edict of Toleration provided, ''No person shall from henceforth be in any ways troubled . . . for or in respect of his or her religion nor in the free exercise thereof within this Province nor any way be compelled to the belief or exercise of any other against his will.'' (Their Rights and Liberties, Thomas O'Brien Hanley, S.J. p. 115)

When Jesus enunciated his oft-quoted judgment, ''Give to Caesar what is Caesar's, but give to God what is God's.'' (Luke 20:25) Luke tells us that his response ''completely disconcerted'' his audience ''and reduced them to silence.'' (Luke 20:26) Over the centuries we have not remained silent but we have continued to remain perplexed. Couched in terms of black and white the principle is one for the ages but its complexity intensifies as its application uncovers a multiplicity of details. All people of faith are citizens and most citizens are people of faith. Avowed atheists may not believe in God or any god, as Bishop Fulton Sheen used to quip, ''they have no invisible means of support,'' but it can be argued that their secularized or humanistic self-sufficiency constitutes a belief system of some sort. The predicament is obvious. The church-goer pays taxes. A devout Christian can be passionately patriotic. Among our citizens are Jews, Muslims, Hindus, Buddhists and adherents of many other religions, all of whom wish to practice their faith in freedom and many of whom honor forebears who came to this country precisely for that reason. According to reputable opinion polls the vast majority of Americans believe in God, pray with some frequency and articulate their sincerely-held beliefs by following rituals and disciplines promoted by their respective churches. These same people are also participants in the political process. They vote, they seek political office, they express their opinions, they establish forums to give wider circulation to their political philosophies. There is absolutely no way they can prevent the influence of their religious beliefs from coloring their public attitudes and forming their political convictions. Indeed, churches as a whole, convinced that they have much which is positive to contribute to the public debate, expect their members to bring their cultural and religious values to the various arenas where ideas are being generated and laws being honed. The church, no less than the state, seeks to meet the challenges of a society where sociological and technological change seems to be constantly outpacing our human capacity to keep it within the bounds of comprehension not to mention control.

There is another dimension to this reality which is even more important because it comes closer to the cutting edge. Many citizens, whether they be religious or not, only participate in the public debate in a limited way. But we are concerned with the other end of the spectrum—the lawyers, the judges, the legislators who devote their lives to enacting and interpreting laws and who will naturally do so within the context of their own inherited and acquired religious convictions. When they enter statehouses and courtrooms they cannot leave their consciences along with their coats in the cloakroom. Not all matters are charged with ethical or moral overtones but those which are of most concern to our populace—rights and liberties, life and death, war and peace, affluence and poverty, personal freedom and the common good—are so interlaced with cultural, religious, scientific and legal implications that wisdom in all its personifications is called for.

Is it possible to hope that, as we enter a new millennium, church and state in our land, and even the international world, may all subscribe to a synthesis of basic principles which guarantee freedom for all while equally protecting the rights of believers and unbelievers? Have we been moving in that direction? Surely such an outcome is desirable. Church and state have a lot in common in their mutual search for justice, in promoting respect for all just laws, in their concern for the common good and this, of necessity, includes such important areas as education, health care and social services.

It is difficult to assess what influence Maryland's Edict of Toleration had on the framers of the Constitution. The Establishment Clause and, later on, the Free Exercise Clause have achieved a hallowed place in our national psyche even though many modern scholars detect inconsistencies in their application and some straying from their authors' intention in their interpretation. History certainly indicates that Congress adopted the two religion clauses as protection for religion, not protection from religion. English teachers constantly warn their students that analogies and metaphors should not be pushed too far. Thomas Jefferson's famous ''Wall of Separation'' metaphor may have suffered this over extension, something certainly not supported by a complete examination of his legal philosophy nor of the Constitution itself. The phrase has become a mantra. How high the wall? How impenetrable? Nobody denies the need for separation but such does not exclude cooperation. This vital area of constitutional law has experienced many twists and turns in its two centuries of history and more cases are winding their way upwards from lower courts. Maybe we need the equivalent of what manufacturers call R and D, Research and Development, to discover where we've been and to propose new ways of legally facilitating those who work with Caesar and walk with God. Instead of tanks and guns and land mines, maybe we have a great opportunity to offer the world a legal system which guarantees elementary human rights and yes, religious rights, and as a result, the potential for peace, justice and economic growth. We may even get to the stage when the words of Deuteronomy will be applied to us, ''this great nation is truly a wise and intelligent people.'' (Deut. 4:6).

In the last century the Church has made extraordinary strides in its own understanding of pluralism, religious freedom and political liberty. It was not easy because theocracies dominated the scene in the western world for so many centuries. The demise of the Holy Roman Empire and the disappearance of the Papal States gave the Church both an opportunity and a challenge to speak to the world with moral authority unfettered and unprotected by armies, navies or nuclear weapons.

The high point of this new attitude was enshrined in one of the shortest documents of the Second Vatican Council, that world-wide

meeting of Catholic Bishops in Rome in the mid-sixties. The document, known as Dignitatis Humanae, the Declaration on Religious Liberty, was promulgated by Pope Paul VI in December, 1965 after five drafts and two years of vigorous debate. Called by the Pope ''one of the major texts of the Council'' it began with the felicitous observation, ''contemporary man is becoming increasingly conscious of the dignity of the human person'' (Dignitatis Humanae, 1). It is no secret that one of the most influential framers of this document was the American Jesuit, John Courtney Murray, who brought with him to the Vatican a deep understanding and a genuine admiration for the guarantees established by the United States Constitution and Bill of Rights. It may have been indirect but there is no doubt that the American experience, dating back to the Toleration Act of 1649, found a responsive echo in St. Peter's Basilica.

If there was any question about this new initiative it was resoundingly dispelled by our new Pope, John Paul II, in 1979 during the very first year of his pontificate. Here was a man whose only fellow seminarian was snatched in the night and executed by the Gestapo precisely because he was a Catholic seminarian. Here was a priest and bishop who later prevailed over the disabilities imposed upon him and his flock by an atheistic Communist regime.

In his papal letter Redemptor Hominis, John Paul II would recall and reaffirm that Vatican Council document and again declare that the right to religious freedom together with the right to freedom of conscience is not only a theological concept but is one also ''reached from the point of view of natural law, that is to say, from the purely human position, on the basis of the premises given by man's own experience, his reason and his sense of human dignity.'' (Redemptor Hominis, 17)

For over 20 years, on every continent, again and again the Holy Father has stressed that the human dignity of each individual is the basis for all law.

Within the last year, in his New Year's message, addressing people of good will everywhere the Pope reiterated his conviction that ''when the promotion of the dignity of the human person is the guiding principle and when the search for the common good is the overriding commitment'' (World Day of Peace Message, 1999, 1) the right to life, to religious freedom, of citizens to participate in the life of their community, the right of ethnic groups and national minorities to exist along with those rights to self-fulfilment covering educational, economic and peace issues become possible.

The Universal Declaration of Human Rights, intimately associated with the United Nations Charter, affirms the innate dignity of all members of the human family along with the equality and inalienability of their rights. Even though these ideals are being blatantly ignored in many places across the globe, here in this land we must not ignore the unique opportunity we have to solidify the principle enunciated and developed by our leaders of both church and state that ''human rights stem from the inherent dignity and worth of the human person.'' (Cf. In particular the Vienna Declaration, 1993 Preamble 2).

Crafting principles is easy in comparison to applying them to the extraordinary complexities of modern life. Mistakes have been made in the past. On the part of the Church there have been excesses of evangelistic zeal: in the halls of justice nobody seems proud of the Dred Scott decision. We live in an imperfect world and we are not all pious God-fearing and timid law-abiding clones.

There will always be tension between church and state. This tension, in many ways, creates a safety valve. It is, after all, when this tension disappears that we should worry.

In the enactment and administration of civil laws, people of faith do not expect privileges but they do expect fairness. George Orwell in his classic, Animal Farm, coined the phrase that ''all animals are created equal but some are more equal than others.'' Is there a danger that the devotees of secularism are ''more equal'' than those who are proud of the faith they profess? Do secular symbols enjoy more protection than religious symbols? In every age there are some who would like to have religion disappear. As religion has proven itself remarkably durable, the next line of attack is the attempt to trivialize it into insignificance. It seems incredible but now and again there are those who maintain that believers have no right to engage in the public debate.

''To accept the separation of the church from the state did not mean accepting a passive or marginal status for the Church in society''. (Responsibilities and Temptations of Power: A Catholic View. J. Bryan Hehir, Georgetown University.)

The church by definition has a theological foundation but it is also a voluntary association within our society with much to say about social policies. It should be accorded the same rights in the public debate as associations which profess no theological leanings.

Even Pope John Paul II expressed his apprehension on this matter when he accepted the credentials of one of the esteemed John Carroll Society members, Lindy Boggs, as the United States Ambassador to the Holy See, a year ago. On that occasion he declared, ''It would truly be a sad thing if the religious and moral convictions upon which the American experiment was founded could now somehow be considered a danger to free society, such that those who would bring these convictions to bear upon your nation's public life would be denied a voice in debating and resolving issues of public policy. The original separation of church and state in the United States was certainly not an effort to ban all religious conviction from the public sphere, a kind of banishment of God from civil society. Indeed, the vast majority of Americans, regardless of their religious persuasion, are convinced that religious conviction and religiously informed moral argument have a vital role in public life.''

Religion will endure. Christianity, for one, has its own inner guarantees revolving around the presence of God's Spirit and the promises of Christ. They are doomed to disappointment who constantly predict that the unfolding discoveries of the many scientific disciplines will make religion obsolete or, at best, the hollow consolation of the feeble-minded. On the contrary, the more we reveal the mysteries of the universe in which we live, and decipher the minutiae of human existence, the more we come face to face with the creativity of God. We can partially answer the ''hows'' and the ''whens'' and the ''whats'' but at the end of the day, there is still the ''why''?

My accent always betrays my origins and on July 12, 1965 I became an American citizen in the court house of Upper Marlboro, Maryland, which, coincidentally, is the town where John Carroll was born. I willingly promised to uphold the laws of the United States and I acquired the freedom and, indeed, the expectation to be part of the process which monitors, implements and sometimes modifies those laws. During these past thirty something years of my citizenship I have observed the Constitution endure some severe pressures and, by and large, I agree with the national consensus that ''the system works''. There is no substitute for the rule of law.

Across the impressive facade of the Supreme Court Building are the words ''Equal Justice Under Law.'' If I were the architect I would have been tempted to add two further words, ''For All.'' Criminals should fear the law: good people whose means are meager should not be intimidated by either the law itself or the wealth of those who can retain a bevy of high-profile lawyers. Claims are sometimes made that those on the lowest rungs of the economic ladder rarely have access to adequate legal representation. It is for this reason that I wish to commend those legal firms and individual lawyers who, through various pro bono networks, seek to alleviate this shortcoming. They bring a nobility to their profession which is beyond value and it is often the only antidote to the popular cynicism which is foisted upon lawyers in general.

As we usher in a new millennium, and as the world shrinks around us, we have much to learn from each other. The Church and the state must protect the freedom and the integrity of one another within their respective spheres of competence, and where there is overlapping, the dialogue must be marked by, as one scholar suggested, (J. Bryan Hehir) technical competency, civil intelligibility and political courtesy. In this way the 350 year old vision of the Toleration Act of 1649 will endure.●

IN TRIBUTE TO RONALD DOBIES' INDUCTION TO THE NEW JERSEY ELECTED OFFICIALS HALL OF FAME

● Mr. TORRICELLI. Mr. President, I rise today to recognize Mayor Ronald Dobies of Middlesex Borough on his induction into the New Jersey Elected Officials Hall of Fame. After nearly 30 years in public service Mayor Dobies was inducted last January. He was first elected Mayor in 1979, and he has been re-elected four times since. Prior to this service, Mayor Dobies was a member of the school board for six years, as well as a four-year member of the Borough Council.

Through these years, Mayor Dobies' administrations have grappled with some basic suburban dilemmas, such as preserving open space while attracting development and keeping municipal services up and taxes down. Among his accomplishments, Mayor Dobies has secured flood-control measures and ongoing road projects, increased park and recreation areas, and overseen the construction of the borough's Senior Citizen Housing complex.

Mayor Dobies is originally from Scranton, Pennsylvania, and attended the University of Scranton. He graduated with a degree in chemistry and philosophy, and ultimately joined basic training at Fort Gordon in Augusta, Georgia. After serving in the military

police corps overseas, Ronald and his wife Blanche returned to the United States.

Mayor Dobies has added to his impressive record of community service by demonstrating his abilities in the business world as well. He is currently the Director of Analytical Research for Wyeth-Ayerst Research in Pearl River, New York. While this job is a full-time one, he still finds the time to devote between 30 and 40 hours each week to his responsibilities as Mayor. Each Friday night, Mayor Dobies hosts meetings with his constituents, a tradition he began during his first term. Mayor Dobies has won the respect of both Republicans and Democrats in his borough, and his non-contentious style has promoted a successful bipartisan spirit at all levels of government in Middlesex Borough. This December, Mayor Dobies will conclude his fifth term, and he hopes to return for a sixth next year. I look forward to his continued service in this office, and I extend my congratulations to him on his honor by the New Jersey Elected Officials Hall of Fame.●

WORKER SAFETY AWARD FOR FORT JAMES MILL OF OLD TOWN

● Ms. SNOWE. Mr. President, I am pleased to announce that this past June 2, 1999, the Fort James Corporation Paper Mills 2 was recognized for its impressive safety record of performance for the entire year of 1998. The award was presented by the Pulp & Paper Association, which honored the St. James Mill at its Awards Banquet at the Association's annual Professional Development Conference in St. Petersburg, Florida.

The award is the highest honor given for safety performance throughout the paper industry, and reflects the most improved safety record in the class of 56 mills working between one and to two million hours per year. Mr. President, the mill logged over 1.3 million work hours with an extremely low incidence of Occupational Safety and Health Administration (OSHA) recordable work injuries—only 21, yielding an exemplary incident rate of 3.2. This incident rate reflects that very few employees required any type of medical attention while carrying out their demanding jobs.

Further, in light of their accomplishments on behalf of the safety of the community and its people, the City of Old Town issued a resolution to the Fort James Corporation honoring its employees for their outstanding commitment. And at a follow-up picnic, mill employees were given a true Maine ''thank you'' as mill management, along with corporate environmental and safety leaders as well as local officials, helped out in cooking and serving a Celebration Picnic to all of the mill's employees. Each employee was also presented with a gift in recognition of the worker safety accomplishments.

To the entire workforce and management at the Fort James Mill, I would like to add my congratulations and a sincere Maine thank you as well for their efforts in worker safety that have culminated in this well deserved award, and I thank the Chair.●

10TH ANNIVERSARY OF THE VERMONT DEVELOPMENT CREDIT UNION

● Mr. LEAHY. Mr. President, 10 years ago, Caryl Stewart, Executive Director of the Vermont Development Credit Union, had a dream for a grass roots community development ''bank'' to serve low and moderate income people in Burlington, Vermont. Who would have guessed them that her dream would become a growing credit union with over $10 million in assets and 5,000 members in 175 Vermont towns?

Through it all, the credit union, with Caryl at its helm, has stayed true to its vision of serving lower income families and small business entrepreneurs in Vermont. Not just with loans, but also with the personal attention and counseling needed to ensure that loan recipients succeed, whatever their goals. It is that commitment to Vermonters and the communities they live in that has won the Credit Union the support and patronage of so many Vermont businesses and organizations.

It has also won the organization support from far beyond Vermont's borders. From Fannie Mae to the Community Development Financial Institutions program the Vermont Development Credit Union has received funding and won national recognition for its innovative lending and support programs.

Vermont Development came from very small beginnings in a very small city of our very small State. But like that State, it had very big ideas and has earned its place as a model for organizations providing credit and financial assistance to low and moderate income people throughout the country.

Happy Birthday, Vermont Development Credit Union and congratulations on 10 years of bringing hope and opportunity to thousands of Vermonters.●

THE CONSTITUTION IN TODAY'S CLASSROOM

● Mr. CRAIG. Mr. President, I rise today to discuss an important matter brought to my attention by one of my constituents. I recently received a letter from G. Ross Darnell, and he pointed out the importance of educating our students about the Constitution. In his letter, though, he also mentioned that our educational system has not been performing well in this area. I agree with Mr. Darnell on both points.

The importance of education in preserving our liberties has been realized since the founding of our Republic. In 1787, Thomas Jefferson wrote to James Madison with his reflections on the new Constitution. In that letter he said, ''I hope the education of the common people will be attended to; convinced that on their good sense we may rely with the most security for the preservation of a due degree of liberty.'' Jefferson knew if the people were not aware of the freedoms guaranteed by the Constitution they would be powerless to stop any encroachments upon them. I'm sure Mr. Jefferson would be quite alarmed at the state of ignorance today.

While it is a cliche that a generation always finds faults with the one which follows, there is no denying that in terms of constitutional knowledge, the level of ignorance is severe. A poll of teenagers last year illustrates this. Only forty-one percent could name the constitutionally ordained branches of our government, only twenty-one percent could say that there were one hundred senators, and only thirty-six percent knew one of the most important phrases in our nation's history: ''We the People . . .'' These teenagers are moving into adulthood, but they are not taking with them a knowledge of our nation's Constitution.

It is undeniable that our educational system has failed to address this deficiency. Many experts have documented the fact that most textbooks do not devote a sufficient amount of space to exploring the Constitution and the ideas and personalities which shaped it. Even the national history standards proposed a few years ago failed to address adequately the importance of this document. The Constitution, along with the Declaration of Independence, is the very foundation upon which our nation is built. To not devote sufficient space in textbooks or time in class to it is a tragedy not only for students but also for the nation.

It's also troubling to note that when constitutional history is discussed today, the Founding Fathers are portrayed as racist, sexist elitists. This caricature of the Founders, which fails to take into account how the Constitutional Convention tried to balance the idealism of the Declaration of Independence with the political realities of the day, is only abetted by the shallowness of the constitutional teaching in our schools. How can students weigh the competing claims in this important debate when they don't even know what is in the Constitution?

How should this deficiency be addressed? I'm not here to suggest another federal program which would impose standards on the state and local school districts. I have long believed that curriculum is best determined by local school boards which are much closer to the people than we are here in

Washington, D.C. Instead, I am today using this opportunity in the United States Senate to urge my colleagues to support states, school districts, and teachers beginning a wholesale effort to renew in our youth a respect and knowledge for the Constitution. Our young people need to know the rights guaranteed by this seminal document. As Thomas Jefferson said, our liberties may depend on it.●

CLEANER GASOLINE AND CLEANER AIR FOR CHICAGO

● Mr. DURBIN. Mr. President, I want to take this opportunity to applaud BP/Amoco for its decision to provide cleaner gasoline to the Chicago Metropolitan Area. BP/Amoco recently announced that it will begin offering lower sulfur premium gasoline immediately and that it intends to provide lower sulfur gasoline in all three grades by 2001—three years ahead of the requirement for lower sulfur gasoline proposed by EPA.

The average sulfur content of gasoline sold in Chicago today is approximately 300 ppm. BP/Amoco's decision will reduce the sulfur content in its gasolines to 30 ppm. As a cosponsor of legislation to cap the sulfur content of gasoline—S. 172, the Clean Gasoline Act of 1999—I believe reducing sulfur levels in gasoline is an extremely cost-effective way to improve our nation's air quality.

It is estimated that when fully implemented, lower-sulfur gasoline offered by BP/Amoco will reduce nitrogen oxide emissions—one of the precursors to the formation of ozone—by about 3 tons per day. That is the equivalent of removing 70,000 cars from Chicago's highways every day.

BP/Amoco's decision to voluntarily reduce the sulfur content of gasoline sold in Chicago means cleaner, healthier air for the residents of the Chicago metropolitan area. It demonstrates again that when we work together we can ensure continued economic growth and protect our environment.●

GOVERNOR'S COMMISSION ON WOMEN 35TH ANNIVERSARY CELEBRATION

● Mr. JEFFORDS. Mr. President, today I rise to celebrate women in my home state of Vermont. It gives me great pleasure to speak in recognition of the Governor's Commission on Women of Vermont and to acknowledge their 35th anniversary.

Over the last 35 years, the Governor's Commission on Women has accrued a long list of achievements in the state of Vermont. It is a vibrant and healthy organization, dedicated to ensuring that women's rights, health, life choices, careers and community service are in sharp focus for policymakers and citizens alike. Commission members know how to use their strength of advocacy to empower women and raise the profile and scope of key issues. To highlight a recent endeavor, the Commission made it a priority to give all Vermonters a better understanding of their health benefits by offering a series of educational materials on managed care plans.

I have often said that community service is the cornerstone of democracy and I believe that each citizen has a responsibility to contribute to their community. The Governor's Commission on Women does just this, by addressing the pressing matters of concern throughout the state, such as poverty, child care and pay equity. For over three decades the Commission has taken on the ''tough to tackle'' issues. I was very pleased to partner with women's groups across Vermont, including the Commission, in the fight to ratify the Equal Rights Amendment. Although we suffered defeat on this particular issue, we knew we were successful in championing the message of equal rights.

Through a combination of their hard work, commitment and vision, the Vermont Commission has surpassed all expectations and created new, and I believe lasting, community partnerships. I am proud of what they have been able to achieve and I hope that others throughout the state and nation will look to the Commission's accomplishments and be inspired to act as resourcefully.

I have made it a personal priority to support the Commission's efforts to reach their goals and, because I am committed to raising awareness at the federal level about the needs of women, I rely upon them for guidance. From a woman's right to make her own reproductive health choices, to supporting efforts to thwart domestic violence, to addressing the life quality issue of retirement security, I have had the opportunity to listen, to learn and to act on each of these issues in Congress. I encourage my colleagues to forge the same relationship of mutual reliance with any organization representing women in their respective states. I firmly believe that we can never shy away from efforts to understand, and eventually ameliorate the impacts of discrimination, low wages and lack of opportunities.

I extend my best wishes to the Governor's Commission on Women and to honor their very notable accomplishments over the past 35 years.●

CHILDREN WITH BRACHIAL PLEXUS INJURIES

● Mr. GRASSLEY. Mr. President, I rise today to discuss an issue which affects children across the country.

Brachial plexus injuries (BPI), also known as Erb's palsy, occur when the nerves which control the muscles in the shoulders, arms and hands are injured. Any or all of the nerves which run from the spine to the arms and hands may be paralyzed. Often this injury is caused when an infant's brachial plexus nerves are stretched in the birth canal.

What is devastating about BPI is that the children will have paralyzed arms and hands which may be misshapen or extending out from the body at unnatural angles. This can retard a child's physical development, making everyday tasks such as coloring, drawing, dressing and going to the bathroom, which their peers can perform with no trouble, almost impossible. The feeling in the children's arms and hands is similar to how a non-paralyzed person's arm feels when he or she sleeps on it. This numbness leads to more serious injuries—toddlers and young children will accidentally or purposely burn or mutilate themselves because they lack feeling in their extremities. Some children can undergo expensive surgery and therapy and, though never fully recovering, can regain some normal function of their arms and hands. However, many children suffer permanent, debilitating paralysis from which they never fully recover.

On Thursday, October 21, I sponsored a meeting between members of the United Brachial Plexus Network (UBPN), surgeons, occupational therapists and experts from the Social Security Administration to discuss why so many families with children with brachial plexus injuries were being turned down for Supplemental Security Income despite seeming to meet the qualifications for such payments as laid out in the Social Security Administration handbook.

The Social Security Administration gave a presentation explaining the statutory qualifications for receiving SSI. Their presentations were followed by presentations by surgeons and therapists explaining how children with BPI function and why they feel children paralyzed by BPI should be eligible for SSI payments because of their disability.

Most moving were the presentations made by children with BPI and parents of BPI children. These courageous people talked about their daily lives and the difficulties children with BPI must endure in attempting to perform everyday tasks.

I want to commend UBPN board member Kathleen Kennedy from my home state of Iowa, Iowa State Senator Kitty Rehberg and Sharon Gavagan, who also sits on the board for UBPN, for their hard work and dedication in organizing the meeting between the UBPN and the Social Security Administration. I want to thank the surgeons and therapists who traveled from Texas to make presentations. I also want to

commend Susan Daniels, Kenneth Nibali of the Social Security Administration and the experts from SSA for their willingness to travel from Baltimore to participate in the meeting. I am encouraged by their willingness to consider issuing new guidelines to the personnel in the SSA field offices regarding brachial plexus injuries.

We must work to ensure that everyone who meets the guidelines for receiving SSI has the opportunity to apply for the benefits and be given a fair hearing. I look forward to seeing the new guidelines from SSA, and I am eager to continue working with the Social Security Administration on this issue.●

SEQUENTIAL REFERRALS—S. 225 AND S. 400

Mr. CRAIG. Mr. President, I ask unanimous consent that S. 225 and S. 400 be sequentially referred to the Committee on Banking, Housing, and Urban Affairs. I further ask consent that if these bills are not reported out of the Banking Committee by November 2, the bills then be automatically discharged from the committee and placed on the calendar.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. CRAIG. I ask unanimous consent that a letter to Senator LOTT relative to the two bills, S. 225 and S. 400, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, October 26, 1999.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: We respectfully request that unanimous consent be sought so that the Committee on Banking, Housing, and Urban Affairs may be granted a sequential referral of the ''Native American Housing Assistance and Self-Determination Act Amendments of 1999'' (S. 400) and the ''Native American Housing Assistance and Self-Determination Act Amendments of 1999'' (S. 255). These bills have been referred to the Committee on Indian Affairs, although they contain housing provisions which are under the express jurisdiction of the Banking Committee.

If S. 400 and S. 225 are not reported out by the Committee on Banking, Housing and Urban Affairs by November 2, 1999, such bills will be automatically discharged from the Committee.

Thank you for your consideration.

PHIL GRAMM,
Chairman, Committee on Banking, Housing and Urban Affairs.

WAYNE ALLARD,
Chairman, Subcommittee on Housing and Transportation.

BEN NIGHTHORSE CAMPBELL,
Chairman, Committee on Indian Affairs.

PAUL SARBANES,
Ranking Member, Committee on Banking, Housing and Urban Affairs.

JOHN F. KERRY,
Ranking Member, Subcommittee on Housing and Transportation.

DANIEL INOUYE,
Vice Chairman, Committee on Indian Affairs.

MULTIDISTRICT, MULTIPARTY, MULTIFORUM TRIAL JURISDICTION ACT OF 1999

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 341, H.R. 2112.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2112) to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and to provide for Federal jurisdiction of certain multiparty, multiforum civil actions.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Multidistrict Jurisdiction Act of 1999''.

SEC. 2. MULTIDISTRICT LITIGATION.

Section 1407 of title 28, United States Code, is amended—

(1) in the third sentence of subsection (a), by inserting ''or ordered transferred to the transferee or other district under subsection (i)'' after ''terminated''; and

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

''(i)(1) Subject to paragraph (2), any action transferred under this section by the panel may be transferred, for trial purposes, by the judge or judges of the transferee district to whom the action was assigned to the transferee or other district in the interest of justice and for the convenience of the parties and witnesses.

''(2) Any action transferred for trial purposes under paragraph (1) shall be remanded by the panel for the determination of compensatory damages to the district court from which it was transferred, unless the court to which the action has been transferred for trial purposes also finds, for the convenience of the parties and witnesses and in the interests of justice, that the action should be retained for the determination of compensatory damages.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to any civil action pending on or brought on or after the date of the enactment of this Act.

Mr. LEAHY. Mr. President, I am pleased that the Senate is about to pass S. 1748, the Multi-District Jurisdiction Act of 1999, and H.R. 2112, as amended by the Hatch-Leahy substitute during its consideration in the Senate Judiciary Committee. Our substitute amendment is the text of S. 1748, the Multi-District Jurisdiction Act of 1999, which the distinguished Chairman of the Senate Judiciary Committee and I, along with Senators GRASSLEY, TORRICELLI, KOHL, and SCHUMER, introduced last week. Our bipartisan legislation is needed by Federal judges across the country to restore their power to promote the fair and efficient administration of justice in multi-district litigation.

Current law authorizes the Judicial Panel on Multi-District Litigation to transfer related cases, pending in multiple Federal judicial districts, to a single district for coordinated or consolidated pretrial proceedings. This makes good sense because transfers by the Judicial Panel on Multi-District Litigation are based on centralizing those cases to serve the convenience of the parties and witnesses and to promote efficient judicial management.

For nearly 30 years, many transferee judges, following circuit and district court case law, retained these multidistrict cases for trial because the transferee judge and the parties were already familiar with each other and the facts of the case through the pretrial proceedings. The Supreme Court in Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach, 523 U.S. 26 (1998), however, found that this well-established practice was not authorized by the general venue provisions in the United States Code. Following the Lexecon ruling, the Judicial Panel on Multi-District Litigation must now remand each transferred case to its original district at the conclusion of the pretrial proceedings, unless the case is already settled or otherwise terminated. This new process is costly, inefficient and time consuming.

The Multi-District Jurisdiction Act of 1999 seeks to restore the power of transferee judges to resolve multi-district cases as expeditiously and fairly as possible. Our bipartisan bill amends section 1407 of title 28 of the United States Code to allow a transferee judge to retain cases for trial or transfer those cases to another judicial district for trial in the interests of justice and for the convenience of parties and witnesses. The legislation provides transferee judges the flexibility they need to administer justice quickly and efficiently. Indeed, our legislation is supported by the Administrative Office of the U.S. Courts, the Judicial Conference of the United States and the Department of Justice.

In addition, we have included a section in our bill to ensure fairness during the determination of compensatory damages by adding the presumption that the case will be remanded to the transferor court for this phase of the trial. Specifically, this provision provides that to the extent a case is tried

outside of the transferor forum, it would be solely for the purpose of a consolidated trial on liability, and if appropriate, punitive damages, and that the case must be remanded to the transferor court for the purposes of trial on compensatory damages, unless the court to which the action has been transferred for trial purposes also finds, for the convenience of the parties and witnesses and in the interests of justice, that the action should be retained for the determination of compensatory damages. This section is identical to a bipartisan amendment proposed by Representative Berman and accepted by the House Judiciary Committee during its consideration of similar legislation earlier this year.

Multi-district litigation generally involves some of the most complex fact-specific cases, which affect the lives of citizens across the nation. For example, multi-district litigation entails such national legal matters as asbestos, silicone gel breast implants, diet drugs like fen-phen, hemophiliac blood products, Norplant contraceptives and all major airplane crashes. In fact, as of February 1999, approximately 140 transferee judges were supervising about 160 groups of multi-district cases, with each group composed of hundreds, or even thousands, of cases in various stages of trial development.

But the efficient case management of these multi-district cases is a risk after the Lexecon ruling. Judge John F. Nangle, Chairman of the Judicial Panel on Multi-District Litigation, recently testified before Congress that: ''Since Lexecon, significant problems have arisen that have hindered the sensible conduct of multi-district litigation. Transferee judges throughout the United States have voiced their concern to me about the urgent need to enact this legislation.''

Mr. President, Congress should listen to the concerned voices of our Federal Judiciary and swiftly send the Multi-District Jurisdiction Act of 1999 to the President for his signature into law.

Mr. CRAIG. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee substitute was agreed to.

The bill (H.R. 2112), as amended, was read the third time and passed.

ORDERS FOR THURSDAY, OCTOBER 28, 1999

Mr. CRAIG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, October 28. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business, with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator DURBIN, or designee, 9:30 to 10 a.m.; Senator THOMAS, or designee, 10 to 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CRAIG. Mr. President, for the information of all Senators, the Senate will be in a period of morning business from 9:30 to 10:30 a.m. Following morning business, the Senate will resume consideration of the African trade bill. As a reminder, cloture has been filed on the substitute amendment to the trade bill and, therefore, all first-degree amendments must be filed to the substitute by 1 p.m. tomorrow. Also, pursuant to rule XXII, that cloture vote will occur 1 hour after the Senate convenes on Friday, unless an agreement is made between the two leaders.

Currently, Senator ASHCROFT's amendment to establish the position of chief agriculture negotiator is pending. It is hoped that an agreement regarding further amendments can be made so the Senate can complete action on this important legislation.

The Senate may also consider any legislative or executive items cleared for action during tomorrow's session of the Senate.

ORDER FOR ADJOURNMENT

Mr. CRAIG. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of the Senator from Oregon, Mr. WYDEN.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Reserving the right to object. I say to my colleague from Idaho, I believe the junior Senator from Washington also wishes to make a statement after the Senator from Oregon. And I wish to make a statement after the junior Senator from Washington.

Mr. CRAIG. Mr. President, I amend my unanimous consent request and ask unanimous consent that following the comments of the Senator from Oregon, Senator MURRAY from the State of Washington be allowed to speak, followed by the Senator from Florida, who would make the final remarks of the evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Oregon.

Mr. WYDEN. I thank the Chair.

MEDICARE COVERAGE FOR PRESCRIPTION DRUGS

Mr. WYDEN. Mr. President, and colleagues, this is the seventh time I have come to the floor of the Senate in recent days to talk about the issue of Medicare coverage for prescription drugs. The reason I do so is I think it is so important that before we wrap up our work in this session of Congress, we take action on this matter, given how many vulnerable senior citizens there are in this country who simply cannot afford their prescriptions.

There is just one bipartisan bill with respect to prescription drug coverage now before the Senate. It is a piece of legislation known as the SPICE Act, the Senior Prescription Insurance Coverage Equity Act.

It is a bipartisan bill on which I have teamed with Senator OLYMPIA SNOWE of Maine; and it is one that the two of us are very hopeful this Congress will act on before we conclude our work.

There are some who think this issue is too controversial and too difficult to tackle before the next election. I would note that it is going to be more than a year until the next election. We are going to have a lot of senior citizens who are walking on an economic tightrope, every week balancing their food costs against their fuel costs, and their fuel costs against their medical bills, who are not going to be able to pay for their prescriptions and their necessities if the Senate decides to duck this issue and put it off until after the next election. I think the reason we are sent here is to tackle issues and not just put them off until after the election.

Over the last few months, Senator SNOWE and I have worked with senior citizen groups; we have worked with people in the pharmaceutical sector, in the insurance sector, various public- and private-sector organizations; and we believe the SPICE legislation that we have crafted is the kind of bill that Members of the Senate can support.

In fact, as part of the budget, Senator SNOWE and I teamed up, and we offered a specific funding plan. And 54 Members of the Senate are now on record—they are now specifically on record—with respect to the SNOWE-WYDEN funding plan for paying for prescription drug benefits. So we are now in a position, it seems to me, colleagues, to take specific action.

One of the reasons I have come to the floor tonight is my hope that we can really show how urgent this need is.

What I have done, as the poster next to me says, is urge senior citizens to send in copies of their prescription drug bills, directly to their Senator, U.S. Senate, Washington, DC. I have decided I am going to, in my discussions on the floor each evening, read a

portion of the letters I am receiving from seniors at home in Oregon.

I read about one group in the newspaper the other day who said it is not really that urgent a need. More than 20 percent of the Nation's senior citizens are spending over $1,000 a year out of pocket for their prescription medicine.

I read a couple of nights ago about an elderly woman from southern Oregon whose income is just over $1,000 a month in Social Security. She spends more than half of it on her prescriptions.

Those are the kinds of accounts we are hearing again and again and again. The fact is, our senior citizens are getting shellacked twice. First, Medicare doesn't cover prescriptions. That is the way the program began in 1965. I was director of the Gray Panthers at home for about 7 years before I was elected to Congress. The need was very acute back then for prescription drug coverage. But today it is even more important, for two reasons.

First, the senior citizen, who not only gets no Medicare coverage for their prescriptions, is now subsidizing the big buyers such as the health maintenance organizations that are in a position to negotiate big discounts. These big buyers, the health maintenance organizations, have real bargaining power and clout. They go out and negotiate a discount; they get a break. If you are a senior citizen, for example, in Myrtle Creek, OR, or Philomath—I will read from those letters in a moment—you end up subsidizing those big buyers. I don't think that is right.

In addition, since the days when we began to push, with the Gray Panthers, for prescription drug coverage, a lot of the new, important prescriptions are preventive in nature. I described several days ago an important anticoagulant drug that can help with a variety of ailments relating to strokes. The cost of that anticoagulant drug is in the vicinity of about $1,000 a year. You have a full-scale stroke that can come about if you don't get the medicine, and the cost can be $100,000 a year.

When people ask me, can this country afford to cover prescription drugs under Medicare, my view is, our country cannot afford not to do it. As part of this campaign we have launched in the Senate to have seniors send in, as this poster says, copies of their prescription drug bills, Senator SNOWE and I have teamed up on a bipartisan kind of plan. I am going to read from these letters. I will take just a couple of minutes for that tonight.

Just a couple of days ago, I heard from a woman in Philomath, OR, who wrote me about her mother. Her mother had recently spent more than $2,220 on prescription drugs. The daughter said—this was particularly poignant, in my view—the only way her mother was able to, in effect, cover her prescription needs was that her mother was getting samples from the doctor. The fact that she spent more than $2,220 on prescription drugs and the year isn't even over yet is dramatized by the fact that the cost would be much greater were it not for the fact that she was getting samples to supplement what she was paying for. That is the kind of account we are hearing from seniors in Oregon, as they, as this poster says, send in copies of their prescription drug bills. I hope we will get more of that.

We need to deal with this issue on a bipartisan basis. Senator SNOWE and I have chosen to model our program after the Federal Employees Health Benefit Plan. The SPICE proposal we introduced is sort of a senior citizens version of the Federal Employees Health Benefit Plan. The elderly population, of course, is different from that of the Federal workforce, but the model of trying to offer choices and options and alternatives to make sure there is competition in health care of the kind Senator GRAHAM has advocated in the past is very sensible. If it is good enough for Members of Congress, it certainly ought to be the kind of thing we look at to cover older people. It is especially important because it can be a model that prevents cost shifting on to other groups of citizens.

There are other proposals, for example, that in effect have Medicare sort of buying up all the prescription drugs and taking the lead as the purchaser. What concerns me about that approach is, I think you will have massive cost shifting on to other groups of individuals. Nobody in the Congress intentionally would want to see a proposal developed that would, in effect, give a discount to folks on Medicare and then just have the cost shifted over to somebody who was 27 years old and had a couple of kids and was working hard and doing their best to get ahead in life. We have to use marketplace forces to develop and implement this benefit.

The proposal I have introduced with Senator SNOWE is one that uses those marketplace forces. It would give seniors the kind of bargaining power a health maintenance organization and a big buying group would have, but it wouldn't involve a lot of price controls. It wouldn't involve a lot of micromanagement. It wouldn't be sort of one-size-fits-all health care.

As we go ahead with this bipartisan campaign, the bill on which Senator SNOWE and I have teamed up is, in fact, the only bipartisan measure now before the Senate. I am going to come to this floor as often as I can and urge seniors to send in copies of their prescription drug bills directly to their Senator and just keep bringing to our colleagues' attention the need for action on this issue.

The second letter I want to describe tonight comes from an elderly couple from my hometown in Portland who said they have already spent $1,750-plus on their prescription drug costs so far this year. They wrote: We have saved all our life, never knowing what health problems would befall us. We are glad to pay our fair share, but the cost of prescription drugs is eating up our savings.

Finally, a constituent from Myrtle Creek has written that recently they spent $700 on prescription medicines. This exceeds the so-called average many of the experts in the beltway are talking about as not being that big a deal for senior citizens. This is a bill incurred by an older person from Myrtle Creek. We hear the same thing from Portland, OR. We hear the same thing from Philomath, OR. This is what we are hearing all across this country.

It would be a terrible shame, in my view, for the Senate to say we are not going to act, we are going to let this become a big campaign issue in the 2000 election, and Democrats and Republicans can engage in a lot of finger pointing and, in effect, sort of put out that the other side doesn't care, the other side isn't interested. We will end up seeing this issue drag on well into the next century.

I believe the Snowe-Wyden legislation, the only bipartisan bill now before the Senate on prescription drugs, may not be the last word on this issue. It is not going to be enacted into law with every I dotted and every T crossed, as it has been proposed thus far, but I do believe it can serve as a model.

It is bipartisan. Fifty-four Members in the Senate are already on record as having cast a vote for the specific plan we have to fund this program. And so the opportunity to make the lives of older people in this country better, to help those who are scrimping and not taking their drugs the way they ought to, to be able to do it in a way that uses marketplace kinds of forces and provides choices and options, just the way our families get, seems to be an opportunity we cannot afford to pass up.

I know Senator GRAHAM, who has done good work on the health care issue and the prescription issue as a member of the Finance Committee, is here to talk. The hour is late. But I intend to keep coming to the floor of the U.S. Senate and pushing for action on this issue. There is a bipartisan bill before the Senate now. This would be the kind of issue that could be a legacy for this session of the Congress. I intend to keep coming to the floor of the U.S. Senate, reading from the letters I am getting from home, urging seniors to do as this poster says: Send in copies of your prescription drug bills.

I intend to come back to this floor again and again and again, until we get action on this matter. For years, since the days when I was director of the Oregon Gray Panthers at home, I have

had a dream that the U.S. Congress would make sure that older people who aren't taking their medicines because they can't afford it would be able to get this coverage.

The opportunity to team up with Senator SNOWE has been a real pleasure for me. She has been speaking out on this issue. I will continue to speak out on it, and we are going to do everything we can to make sure the U.S. Senate acts on this question and does it in this session of the Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

IN HONOR OF THEODORE ROOSEVELT AND JOHN CHAFEE

THE NATIONAL PARK SYSTEM

Mr. GRAHAM. Mr. President, I rise today to honor two visionary statesmen—President Theodore Roosevelt and Senator John Chafee. Today, October 27, 1999, we celebrate what would have been President Theodore Roosevelt's 141st birthday. Last Friday, we celebrated John Chafee's 77th—and much to our sadness his last.

Working at opposite ends of the 20th century, these two outstanding leaders contributed greatly to the cause of preserving our precious natural resources for this and especially for future generations.

President Roosevelt was born on October 27, 1858, in New York City. He is remembered as one of our finest Presidents. He is honored as such by being the only 20th century President to join Presidents Washington, Jefferson, and Lincoln at Mount Rushmore.

In 1901, after the assassination of President McKinley, Theodore Roosevelt became America's youngest President. As a child, Roosevelt was faced with poor health and asthma. To escape the pollution of New York City, Roosevelt's father would often take him to Long Island for extended visits. It was there that Roosevelt began his lifelong devotion to the outdoors and to vigorous exercise. His dedication to the ''strenuous life'' was a hallmark of his career.

In 1884, his first wife, Alice Lee Roosevelt, and his mother died on the same day. Roosevelt spent much of the next two years on his ranch, the Elkhorn, located in the Badlands of the Dakota Territory.

Today, a portion of this ranch is included in the national park named in his honor—the Theodore Roosevelt National Park in North Dakota. History shows Roosevelt to be a true visionary as one reviews his many accomplishments. The Panama Canal, one of the world's engineering marvels, would not have been complete without President Roosevelt's tenacious leadership. He is remembered by business and labor as a ''trust buster'' who spearheaded the dissolution of a large railroad monopoly in the Northwest using the Sherman Antitrust Act.

In 1905, Roosevelt won the Nobel Peace Prize for mediating an end to the Russo-Japanese War.

But perhaps his greatest contribution to future generations of Americans was his passionate advocacy of conservationism. The history of our Nation is marked by activism on public lands issues. The beginning of the 19th century was marked by President Thomas Jefferson's purchase of the Louisiana Territory. That one purchase added almost 530 million acres to the United States. The Louisiana Purchase changed America from an eastern coastal Nation to a continental empire.

Roosevelt set the tone for public lands issues at the beginning of the 20th century. His words and his actions created a new call to America's environmental ethic. Theodore Roosevelt said, ''We must ask ourselves if we are leaving for future generations an environment that is as good, or better, than what we found.''

He lived up to his challenge. Mr. President, listen to what Theodore Roosevelt contributed to the public lands legacy of the United States. During his period in the White House, from 1901 to 1909, Theodore Roosevelt designated 150 national forests; the first 51 Federal bird reservations; 5 national parks; the first 18 national monuments; the first 4 national game preserves; and the first 21 reclamation projects.

Theodore Roosevelt also established the National Wildlife Refuge System, beginning with Pelican Island in Florida, which was designated in 1903. Together, these projects equaled Federal protection for almost 230 million acres—a land area equivalent to that of all the east coast States from Maine to Florida and just under one-half of the area of the Louisiana Purchase.

Theodore Roosevelt's contributions to the public land trust cannot be equaled. Perhaps even greater was his contagious passion for the ethic of conservation that he managed to instill for the first time in America's consciousness, the idea of conservation and environmental protection as goals worthy of pursuit.

Mr. President, Senator John Chafee was a leader in the Theodore Roosevelt model. Senator Chafee was a major participant in every piece of environmental legislation that passed the Congress since the early 1980s. He authored the Superfund program, created in 1980 to direct and fund the cleanup of hazardous waste dump sites and leaking underground storage tanks.

In 1982, he sponsored the Coastal Barrier Resources Act, a law that resulted in the preservation of thousands of acres of coastline throughout the Nation.

He led major reform of the Clean Water Act in 1986, introducing more thorough controls on industrial pollution and a new emphasis on non-point source pollution.

He created the National Estuary Program to protect coastal resources and steered the bill to enactment over a Presidential veto in 1987.

In the 1980s, Senator Chafee turned his attention to the air, leading efforts to adopt the Clean Air Act Amendments of 1990, taking steps to control acid rain and toxic chemical emissions.

In 1993, Senator Chafee wrote the law establishing the nation's first indoor air hazard research and response program.

With his clear head, methodical mind, and ability to broker a compromise, Senator Chafee led us through these legislative battles to today's result—a legal infrastructure of environmental law that ensures our own health and safety and preserves the public land trust established by Theodore Roosevelt.

On this day, as we celebrate the 141st anniversary of the birth of Theodore Roosevelt and pay tribute to the work of Senator John Chafee, we must ask ourselves, ''Can we meet the challenge posed by Theodore Roosevelt and leave an environment for future generations that is as good or better than it was when we found it?'' Are we worthy inheritors of the legacy of John Chafee?

Senator Chafee leaves us with his model to follow as a member of this body which took Roosevelt's challenge to heart and led the Environment and Public Works Committee to take actions on the environment that have left us better off than when he arrived in the Senate.

Sadly, I argue that we, the Senate, are struggling with a backlog of neglect and are ill prepared to assure the well being of one of the most prominent examples of America's environmental heritage: our national parks.

In 1916, Congress created the National Park Service ''. . . to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.''

My friend and colleague, the Presiding Officer, and I have the privilege of living in two of our States which have been especially blessed by God and blessed by preceding generations willing to take the steps to protect the beauties of the Yellowstone, or of an Everglades. The challenge that we have is worthy of the standard that has been set by Theodore Roosevelt and the others who have made it possible for us to enjoy those wonders of nature.

Today, the ''unimpaired'' status of our national parks is at-risk.

On April 22, 1999, the National Parks and Conservation Association identified this year's ten-most endangered parks.

In his opening remarks, Mr. Tom Kiernan, president of the NPCA, stated that these parks were chosen not because they are the only parks with endangered resources, but because they demonstrate the resource damages that are occurring at all of our parks.

These parks demonstrate the breadth of the threats facing our park system.

For example, Chaco Culture National Historical Park in Chaco Canyon, New Mexico, contains the remains of thirteen major structures that represent the highest point of Pueblo pre-Columbian civilization.

What is the status of this great world treasure?

In the words of the NPCA, it is ''. . . falling victim to time and neglect.'' Weather damage, inadequate preservation, neglected maintenance, tourism impacts, and potential resource development on adjacent lands threaten the long-term life of these structures.

Another example: All of the parks in the Florida Everglades region were included on the list of the most endangered.

In this area, decades of manipulation of the water system led to loss of significant quantities of Florida's water supply to tide each day, a 90-percent decline in the wading bird population, invasion of non-native plants and animals, and shrinking wildlife habitat.

Mr. President, you will be particularly interested and saddened by what the National Park and Conservation Association calls Yellowstone National Park, the ''poster child for the neglect that has marred our national parks.''

We have all heard Senator THOMAS and others speak about the degradation of the sewage handling and treatment system at Yellowstone National Park—a situation that has caused spills into Yellowstone Lake and nearby meadows, sending more than 225,000 gallons of sewage into Yellowstone's waterways, threatening the water quality of this resource.

I recently had an opportunity to visit yet another example of neglect, Ellis Island National Monument in New York Harbor. The state of the historical resources in this important part of the history and heritage of America—the space through which millions of people first gained their exposure and appreciation and commitment to America—is unconscionable.

While there are a handful of buildings that have been restored to their previous level of majesty, over 30 buildings where immigrants came to the United States lie abandoned, in disrepair, and deteriorating.

Particularly troubling was damage to the hospital buildings, which, when restored, will be a valuable tool in recreating an important era in our nation's history.

The hospital on Ellis Island provided care for immigrants who were detained temporarily for medical reasons.

This marked one of our country's earliest efforts at providing for public health and disease control and prevention.

Broken windows and leaky roofs have allowed the elements to wreak havoc on these buildings and trees are sprouting from the floorboards of what was once an immigrant dormitory.

Lead paint flakes fall from the walls and rats scurry down historic hallways.

There are efforts being made to block further deterioration, but the existing damage is extensive.

Small scale actions to prevent further destruction are wholly inadequate in the face of the extensive damage to these buildings which are so important to our nation's history.

Mr. President, the sad circumstances of Chaco Canyon, of the Everglades, of Yellowstone, of Ellis Island, the sad circumstances of these few examples by no means mean that they are the extent of the challenge of our national parks.

In fact, estimates of the maintenance backlog at our national parks reach as high as $3.5 billion. The National Park Service has now developed a 5-year plan to meet this requirement based on its ability to execute funds and the priorities of the National Park System.

This year the National Park Service requested $194 million in order to commence the process of meeting this accumulated backlog of maintenance needs.

I am pleased to say, Mr. President, that I believe Members of Congress should take some pride in the fact that as a result of this year's appropriations process the House and Senate have modified the National Park Service request of $194 million and increased it to $224.5 million. This is a very commendable step forward.

I am proud of the actions of the appropriations committees. I know that there is likely to be further executive and legislative considerations of the budget of the National Park Service before we complete our action. But I hope that we will continue to maintain this level of commitment to meeting the backlog of urgent maintenance needs in our national parks.

Although these actions demonstrate a willingness to work to meet the needs of the National Park Service, I believe we cannot adequately address the extent of needs, including the needs of natural resources within the Park System and the external threats to those natural resources with a piecemeal approach.

There is a limit to what we can do with the tools we have today. The Senate is working to fund 21st century needs for construction and natural resource preservation using a 19th century, year-to-year annual appropriations process. What the National Park Service needs is a sustained, reliable funding source that will allow it to develop intelligent plans based on a prioritization of needs with confidence that the funds will be available when they are necessary to complete those plans. This approach will allow common sense to prevail when projects are prioritized for funding.

Let me use the example which is closest to me. That is the effort about to be launched for restoration of the Florida Everglades. We are now over half a century into man's major manipulation of the Florida Everglades, a manipulation which has had many positive effects in terms of protecting millions of people from the ravages of flooding but has also very fundamentally changed the character of the Florida Everglades. The Corps of Engineers has presented to the Congress its recommendation of how to remedy the scars that have been imposed on the Everglades. If authorized by this Congress, the Everglades restoration plan of the Corps of Engineers will be the most extensive restoration of an environmental system ever undertaken in our Nation's history and, in all probability, in the history of the world. It will be an effort at the beginning of the 21st century of the scale, boldness, and challenge that the Panama Canal was at the beginning of the 20th century.

This is also going to be a project which will challenge America financially. The estimate is that over the 20 years to complete this project, the total cost will be approximately $8 billion. The State of Florida will pay half; the Federal Government will pay half. The math indicates that for each year for the next 20 years, the average demand on Federal resources for this restoration project will be approximately $200 million.

I think it is critical before we begin this restoration we have the maximum assurance of the resources necessary to complete the restoration. I use the analogy of open-heart surgery. If one is going to open up a system and take a great knife and begin to cleave the changes that have occurred in the Everglades over the last 50 years so that at the conclusion of this operation we will have a healthier, more natural system, it is incumbent upon those who start the surgery to be assured they will have the resources to complete the operation. Failure to have those resources at any stage throughout this 20-year process will certainly result in the death of the patient.

We have taken some steps to attempt to assure a more reliable source of funds for the National Park Service. Your colleague, Senator THOMAS, led the way to reform with his landmark legislation on the National Park Service called Vision 2000. This legislation adopted for the first time both concessions reform and science-based decisionmaking on resource needs within the Park Service. We took a big step forward last year with the extension of

the fee demonstration program. The fee demonstration program allows individual parks to charge entrance fees and to use a portion of the proceeds for maintenance backlog and natural resource projects. This action generated about $100 million annually for the Park System.

Now it is time to take the next step. Earlier this year with Senators REID and my colleague, Senator MACK, we introduced legislation entitled ''The National Park Preservation Act.'' This legislation would provide dedicated funding to the National Park Service to restore and conserve the natural resources within our Park System. This legislation seeks to address the long-term efforts required to truly restore and protect our natural, cultural, and historic resources within the National Park Service.

This legislation would allocate funds derived from the use of a nonrenewable resource, our offshore drilling in the outer continental shelf, to recover the American resource of oil and gas. We would then convert those funds derived from the Federal royalty on offshore oil and gas drilling for a program of restoration and preservation of our natural, cultural, and historic resources within the National Park Service. These funds provided by our bill would assure that each year the National Park Service would have the resources it needed to restore and prevent damages to its resources.

At the beginning of this century, at a time of relative tranquility, President Theodore Roosevelt managed to instill a nation with a tradition of conservation with this simple challenge: Can we leave this world a better place for future generations?

At the end of this century, we honor Senator John Chafee who leaves a legacy of a legal infrastructure that provides a foundation upon which we can continue to meet President Theodore Roosevelt's challenge. Let us keep the vision of these great leaders in mind as we embark together on our efforts to protect the National Park System into the new century.

In the words of President Theodore Roosevelt: Nothing short of defending the country during wartime compares in importance with the great central task of leaving this land even a better land for our descendents than it is for us.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m., Thursday, October 28, 1999.

Thereupon, the Senate, at 8:27 p.m., adjourned until Thursday, October 28, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 27, 1999:

DEPARTMENT OF STATE

JAMES D. BINDENAGEL, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING TENURE OF SERVICE AS SPECIAL ENVOY AND REPRESENTATIVE OF THE SECRETARY OF STATE FOR HOLOCAUST ISSUES.

MARTIN S. INDYK, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL.

EDWARD S. WALKER, JR., OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN ASSISTANT SECRETARY OF STATE (NEAR EASTERN AFFAIRS), VICE MARTIN S. INDYK.

DEPARTMENT OF THE INTERIOR

THOMAS A. FRY III, OF TEXAS, TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT, VICE PATRICK A. SHEA, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be commander

PETER K. OITTINEN, 0000
WILLIAM J. REICKS, 0000
JEFFREY C. GOOD, 0000
RICHARD L. ARNOLD, 0000
STEPHAN P. FINTON, 0000
ROBERT S. HOLZMAN, 0000
NORMAN S. SELLEY, 0000
AUDREY A. MCKINLEY, 0000
SCOTT BURLINGAME, 0000
CHARLES JAGER, 0000
PETER J. BERGERON, 0000
LISA T. HEFFELFINGER, 0000
CHRISTOPHER J. OLIN, 0000
RUSSELL L. HARRIS, 0000
JOSEPH R. JOHNSON, 0000
PHILIP E. ROSS, 0000
GARY C. RASICOT, 0000
WILLIAM L. HUCKE, 0000
MICHAEL D. TOSATTO, 0000
ANDREW P. WHITE, 0000
DONALD G. BRUZDZINSKI, 0000
RICHARD A. BUTTON, 0000
MICHAEL D. DRIEU, 0000
EDWARD W. PARSONS, 0000
THOMAS D. BEISTLE, 0000
RICHARD KERMOND, 0000
GAIL P. KULISCH, 0000
DAVID C. STALFORT, 0000
JAMES P. SOMMER, 0000
CRAIG B. LLOYD, 0000
ROSANNE TRABOCCHI, 0000
LYNN M. HENDERSON, 0000
GEORGE H. BURNS III, 0000
WILLIAM C. DEAL III, 0000
MARCUS E. WOODRING, 0000
ALGERNON J. KEITH, 0000
DREW W. PEARSON, 0000
HERBERT M. HAMILTON III, 0000
ELISABETH A. PEPPER, 0000
NORMAN S. SCHWEIZER, 0000
DOUGLAS E. KAUP, 0000
MICHAEL R. BURNS, 0000
BRADLEY W. BEAN, 0000
MICHAEL ZACK, 0000
PETER N. TROEDSSON, 0000
TIMOTHY M. O'LEARY, 0000
JAMES A. WIERZBICKI, 0000
EDUARDO PINO, 0000
SHARON D. DONALDBAYNES, 0000
JOSEPH T. BAKER, 0000
BRIAN J. PETER, 0000
DENISE L. MATTHEWS, 0000
PAUL E. DEVEAU, 0000
EDGAR B. WENDLANDT, 0000
PAUL F. THOMAS, 0000
CHARLES D. MICHEL, 0000
MICHAEL J. LODGE, 0000
JOHN A. FURMAN, 0000
DAVID S. KLIPP, 0000
PETER J. BROWN, 0000
FREDERICK J. SOMMER, 0000
ROBERT P. WAGNER, 0000
DOUGLAS J. HENKE, 0000
JOSEPH M. VOJVODICH, 0000
CHRIS P. REILLY, 0000
JAMES L. MCCAULEY, 0000
TODD A. SOKALZUK, 0000
CARL B. FRANK, 0000
PETER G. BASIL, 0000
DANIEL C. BURBANK, 0000
DAVID G. THROOP, 0000
JOHN F. PRINCE, 0000
BRADLEY D. NELSON, 0000
TIMOTHY J. QUIRAM, 0000
STEVEN J. ANDERSEN, 0000
JOHN M. KNOX, 0000
MICHELLE L. KANE, 0000
JOHN J. HICKEY, 0000
CHARLES W. MELLO, 0000
EDWARD N. ENG, 0000
WAYNE A. MUILENBURG, 0000
WILLIAM S. KREWSKY, 0000
VINCENT D. DELAURENTIS, 0000
MARK J. HUEBSCHMAN, 0000
ROBERT J. PAULISON, 0000
JERRY C. TOROK, 0000
JOHN P. SIFLING, 0000
KELLY A. SULLIVAN, 0000
KELLY L. HATFIELD, 0000
CHRISTOPHER A. MARTINO, 0000
GREGORY T. NELSON, 0000
JOSEPH M. RE, 0000
JEFFREY R. BRANDT, 0000
LINDA L. FAGAN, 0000
JEFFERY D. LOFTUS, 0000
JOSEPH P. SARGENT, JR., 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

CELIA L. ADOLPHI, 0000
JAMES W. COMSTOCK, 0000
ROBERT M. KIMMITT, 0000
PAUL E. LIMA, 0000
THOMAS J. MATTHEWS, 0000
JON R. ROOT, 0000
JOSEPH L. THOMPSON III, 0000
JOHN R. TINDALL, JR, 0000
GARY C. WATTNEM, 0000

To be brigadier general

ALAN D. BELL, 0000
KRISTINE K. CAMPBELL, 0000
WAYNE M. ERCK, 0000
STEPHEN T. GONCZY, 0000
ROBERT L. HEINE, 0000
PAUL H. HILL, 0000
RODNEY M. KOBAYASHI, 0000
THOMAS P. MANEY, 0000
RONALD S. MANGUM, 0000
RANDALL L. MASON, 0000
PAUL E. MOCK, 0000
COLLIS N. PHILLIPS, 0000
MICHAEL W. SYMANSKI, 0000
THEODORE D. SZAKMARY, 0000
DAVID A. VANKLEECK, 0000
GEORGE H. WALKER, JR, 0000
WILLIAM K. WEDGE, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AND ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be colonel

JOSEPH A. ABBOTT, 0000
PAUL R. ACKERLEY, 0000
DAVID M. ALDRICH, 0000
STEVEN G. ALLEN, 0000
JOHN D. ALLERS, 0000
MICHAEL D. ALTOM, 0000
MARK E. ANDERSEN, 0000
ANDY L. ANDERSON, 0000
HENRY L. ANDREWS, JR., 0000
SALVATORE A. ANGELELLA, 0000
JOHN F. ANTHONY, JR., 0000
TONI A. ARNOLD, 0000
MICHAEL J. ARTESE, 0000
MARCELYN NMI ATWOOD, 0000
STEVEN BAYLOR, 0000
PETER J. BALDETTI, 0000
REGINALD A. BANKS, 0000
KENNETH E. BANKSTON, 0000
DOUGLAS N. BARLOW, 0000
LEE M. BARNBY, 0000
SAMUEL J. BARR, 0000
RONALD E. BAUGHMAN, 0000
RANDALL BAXTER, 0000
RICHARD A. BEAN, 0000
RICHARD D. BEERY, 0000
JAMES A. BEHRING, 0000
THOMAS D. BELL, 0000
CRAIG V. BENDORF, 0000
JOHN W. BENGTSON, 0000
DOUGLAS A. BENJAMIN, 0000
LEONARD F. BENSON, 0000
THOMAS F. BERARDINELLI, 0000
PAUL M. BESSON, 0000
CHRISTINE E. BEUERLEIN, 0000
JEFFERY T. BEYER, 0000
ROGER A. BICK, 0000
WANDA E. BISBAL, 0000
GREGORY A. BISCONE, 0000
SHIRLEY H. BLACK, 0000
DONALD I. BLACKWELDER, 0000
KATHI C. BLEVINS, 0000
ROBERT BLEVINS, 0000
WESTANNA H. BOBBITT, 0000
JOSEPH J. BONIN, 0000
HOWARD A. BOWER, 0000
OLEN E. BOWMAN, 0000
CAMERON S. BOWSER, 0000
JEFFREY D. BRAKE, 0000
ALLEN G. BRANCO, JR., 0000
ROBERT W. BRANDON, 0000
ROBERT W. BROEKING, 0000
TIMOTHY J. BROTHERTON, 0000
CURTIS L. BROWN, JR., 0000
GLENN M. BROWN, 0000
JEFFREY C. BROWN, 0000
JOSEPH LEE BROWN, 0000
GREGORY L. BRUNDIDGE, 0000
JOHN C. BURGESS, JR., 0000
ANNE L. BURMAN, 0000
ROBERT J. BUTLER, JR., 0000
ROBERT F. BYRD, 0000
NONIE C. CABANA, 0000
MICHAEL W. CALLAN, 0000
MARY A. CALLAWAY, 0000
JAMES E. CAMP, 0000
DONALD H. CAMPBELL, 0000
WENDY S. CAMPO, 0000
JOHN E. CAMPS, 0000
JAMES C. CANTRELL III, 0000
MICHAEL A. CAPPELANO, 0000
P. MASON CARPENTER, 0000
KENNETH R. CARSON, 0000
WILLIAM L. CARTER, 0000
STEVEN A. CHABOLLA, 0000
WILLIAM A. CHAMBERS, 0000
EARL S. CHASE, 0000
MARYANN H. CHISHOLM, 0000
LOUIS E. CHRISTENSEN, 0000
STEPHEN M. CLARK, 0000
THERESA R. CLARK, 0000
GARY H. COLE, 0000
LEROY M. COLEMAN, 0000
LANSEN P. CONLEY, 0000
CURTIS L. COOK, 0000
MICHAEL R. COOK, 0000
STEPHEN R. COOPER, 0000
STEVE C. COPPINGER, 0000
KEVIN J. CORCORAN, 0000
REBECCA L. CORDER, 0000
IVAN A. CORRETJER, 0000
ANDREW H. COX, 0000
CHARLES G. CRAWFORD, 0000
JERRY L. CRISSMAN, 0000
THOMAS CRONIN, 0000
THOMAS L. CULLEN, 0000
JOAN M. CUNNINGHAM, 0000
PATRICK R. DALY, 0000
ROBERT J. DAMICO, 0000
RICHARD C. DAVIDAGE, 0000
RUSSELL J. DELUCA, 0000
JOSEPH F. DENT, 0000
LANSING E. DICKINSON, 0000
THERESA C. DIRESTA, 0000
*KATHLEEN DOBBS, 0000
MARK J. DONAHUE, 0000
CHRISTOPHER R. DOOLEY, 0000
DANIEL L. DUNAWAY, 0000
BRUCE A. DUNCAN, 0000
KEVIN W. DUNLEAVY, 0000
JOHN A. DYER, 0000
JOHN C. DYMOND, 0000
ROBERT E. EAST, 0000
ALAN C. EKREM, 0000
MICHAEL S. ENNIS, 0000
SANDRA J. EVANS, 0000
DAVID E. EVERHART, 0000
PETER R. FABER, 0000
IVETTE FALTOHECK, 0000
ESKER J. FARRIS III, 0000
JOHN M. FAULKNER, 0000
ROBERT A. FEDERICO, 0000
TERRENCE A. FEEHAN, 0000
NATHAN S. FELDMAN, 0000
LESTER C. FERGUSON, 0000
ERIC E. FIEL, 0000
DAVID B. FILIPPI, 0000
DANIEL B. FINCHER, 0000
MICHAEL J. FINNEGAN, 0000
MARVIN N. FISHER, 0000
PHILIP B. FITZJARRELL, 0000
RODNEY S. FITZPATRICK, 0000
WILLIAM D. FOOTE, 0000
JAMES A. FORREST, 0000
THOMAS L. FOSSEN, 0000
MARK P. FOSTER, 0000
CRAIG A. FRANKLIN, 0000
DOUGLAS W. FREEMAN, 0000
MICHAEL J. FULLER, 0000
HENRY B. GAITHER, JR., 0000
DAVID M. GALLAGHER, 0000
FRANK GALLEGOS, 0000
MARK E. GARRARD, 0000
LAWRENCE D. GARRISON, JR., 0000
JUNE T. GAVRON, 0000
RICHARD E. GEARING, 0000
FREDERICK R. GEBHART, JR., 0000
DONALD A. GEMEINHARDT, 0000
JOHN M. GIBBONS, 0000
MICHAEL H. GILBERT, 0000
WILL WARNER GILDNER, JR., 0000
DAVID S. GILLETTE, 0000
TOMMY L. GILMORE, 0000
WALTER D. GIVHAN, 0000
CHRISTOPHER L. GLAZE, 0000
SALLY A. GLOVER, 0000
ANTHONY GOINS, 0000
DAVID L. GOLDFEIN, 0000
MARK L. GOSLIN, 0000
STEPHEN K. GOURLEY, 0000
CHRISTOPHER C. GRADY, 0000
PETER W. GRAY, 0000
WILLIAM E. GRAY III, 0000
CHARLES R. GREENWAY, 0000
BRENDA JEAN GREGORY, 0000
JACK I. GREGORY, JR., 0000
JOHN P. GRIMES, JR., 0000
ALAN S. GROSS, 0000
WILLIAM A. GROVES, 0000

THOMAS A. GROZNIK, 0000
RUSSELL R. GRUNCH, 0000
LARRY K. GRUNDHAUSER, 0000
SCOTT L. GRUNWALD, 0000
W. MICHAEL GUILLOT, 0000
KURT D. HACKMEIER, 0000
ERNIE H. HAENDSCHKE, 0000
ROBERT C. HALBERT, 0000
JAMES H. HALL, 0000
THOMAS M. HAMILTON, 0000
GLENN T. HANBEY, 0000
THOMAS S. HANCOCK, 0000
DAVID A. HANDLE, 0000
LEE ANN J. HARFORD, 0000
THOMAS E. HARMAN, JR., 0000
DONALD L. HARPER, 0000
MICHAEL E. HARRIS, 0000
CAROL LINDA HATTRUP, 0000
JOHN L. HAYES, 0000
DOUGLAS C. HAYNER, 0000
PETER J. HEINZ, 0000
STEPHEN R. HILDENBRANDT, 0000
JOHN A. HILL, 0000
WANDA G. HILL, 0000
STEVEN S. HINES, 0000
TOMMY D. HIXON, 0000
STEVEN E. HOARN, 0000
BRIAN P. HOEY, 0000
ROBERT M. HOGAN, 0000
LYNN M. HOLLERBACH, 0000
BRIAN J. HOPKINS, 0000
SCOTT J. HOROWITZ, 0000
ROY E. HORTON III, 0000
CHARLES L. HOWE, 0000
ROMAN N. HRYCAJ, 0000
WILLIAM S. HUGGINS, 0000
THOMAS E. HULL, 0000
BARNEY G. HULSEY, 0000
RICK D. HUSBAND, 0000
JAMES W. HYATT, 0000
JOHN L. INSPRUCKER III, 0000
JACK M. IVY, JR., 0000
LAWRENCE M. JACKSON II, 0000
STEPHEN M. JAMES, 0000
DEBRA J. JATTAR, 0000
DENNIS P. JEANES, 0000
JOHN D. JOGERST, 0000
HARVEY D. JOHNSON, 0000
JEFFREY S. JOHNSON, 0000
KENNETH RAY JOHNSON, 0000
LAFAE JOHNSON, 0000
LARRY JOHNSON, 0000
LOUIS M. JOHNSON, JR., 0000
DANIEL K. JONES, 0000
DAVID T. JONES, 0000
NOEL T. JONES, 0000
DAVID G. JOWERS, 0000
DONALD JUREWICZ, 0000
GEORGE KAILIWAI III, 0000
MICHAEL S. KALNA, 0000
PATRICK C. KEATING, 0000
EDMOND B. KEITH, 0000
CALVIN L. KELLAM, 0000
WAYNE H. KELLENBENCE, 0000
THOMAS G. KELLER, 0000
STEVEN P. KELLEY, 0000
JOHN E. KELLOGG, 0000
DAVID A. KELLY, 0000
PETER M. KICZA, JR., 0000
KATHLEEN D. KIEVER, 0000
CRAIG L. KIMBERLIN, 0000
BRIAN C. KING, 0000
LAWRENCE S. KINGSLEY, 0000
TERRY J. KINNEY, 0000
MARK E. KIPPHUT, 0000
ALLEN KIRKMAN, JR., 0000
DANIEL R. KIRKPATRICK, 0000
FRANK J. KISNER, 0000
LINDA C. KISNER, 0000
BARRY D. KISTLER, 0000
KENNETH P. KNAPP, 0000
JAMES S. KNOX, JR., 0000
MARYANNE KOLESAR, 0000
THOMAS J. KOPF, 0000
ROBERT D. KOPP, 0000
MICHAEL C. KOSTER, 0000
DOUGLAS E. KREULEN, 0000
MICHAEL J. KRIMMER, 0000
BARBARA J. KUENNECKE, 0000
WILLIAM R. KUNZWEILER, 0000
FRANCIS J. LAMIR, 0000
ROCCO J. LAMURO, 0000
JOSEPH A. LANNI, 0000
JOHN K. LARNED, 0000
JULIAN A. LASSITER, JR., 0000
MICHAEL B. LEAHY, 0000
DAVID B. LEE, 0000
JAMES G. LEE, 0000
MICHAEL D. LEE, 0000
DOUGLAS R. LENGENFELDER, 0000
DANIEL P. LENTZ, 0000
LINDA L. LEONG, 0000
JEFFREY L. LEPTRONE, 0000
JAMES K. LEVAN, 0000
RUSSELL V. LEWEY, 0000
SAMUEL A. LIBURDI, 0000
JAMES M. LIEPMAN, JR., 0000
KERRIE G. LINDBERG, 0000
GWEN M. LINDE, 0000
BLAKE F. LINDNER, 0000
STEPHEN S. LISI, 0000
CRAIG Z. LOWERY, 0000
GREGORY E. LOWRIMORE, 0000
DONNA J. LUCCHESE, 0000
CHARLES D. LUTES, 0000
CHARLES W. LYON, 0000
JAMES E. MACKIN, 0000
STEVEN A. MACLAIRD, 0000
OTIS G. MANNON, 0000
JOHN D. MANZI, 0000
ROBERT T. MARLIN, 0000
JOANNE W. MARTIN, 0000
LEEROY A. MARTIN, 0000
SUSAN K. MASHIKO, 0000
THOMAS J. MASIELLO, 0000
ROBERT J. MATTES, 0000
ANTHONY M. MAUER, 0000
BRIAN K. MAZERSKI, 0000
STEVEN A. MCCAIN, 0000
JAMES R. MCCLENDON, 0000
KEITH J. MCDONALD, 0000
KYMBERLE G. MCELWEE, 0000
GORDON B. MCKAY, 0000
STEPHEN E. MCKEAG, 0000
JOHN A. MEDLIN, 0000
GARY M. MELCHOR, 0000
KENNETH D. MERCHANT, 0000
ALMA J. MILLER, 0000
DWIGHT J. MILLER, 0000
JOHN B. MILLER, 0000
WILLIAM S. MILLER, 0000
DAVID L. MINTZ, 0000
EMMETT J. MITCHELL, 0000
RONALD T. MITTENZWEI, 0000
RICHARD L. MODELL, 0000
MICHAEL R. MOELLER, 0000
GRACE A. MOORE, 0000
TIMOTHY B. MOORE, 0000
GREGORY L. MORGAN, 0000
MARK A. MORRIS, 0000
DAVID R. MORTE, 0000
ALPHRONZO MOSELEY, 0000
JOHN R. MOULTON II, 0000
PATRICK D. MULLEN, 0000
JUDYANN L. MUNLEY, 0000
MICHAEL D. MURPHY, 0000
CHARLES H. MURRAY, 0000
MICHAEL J. MUZINICH, 0000
ROC A. MYERS, 0000
DALE A. NAGY, 0000
LOUIS J. NEELEY, 0000
RONALD R. NEWSOM, 0000
DAVID C. NICHOLS, 0000
ARTHUR J. NILSEN, 0000
RANDALL L. NOCERA, 0000
MICHAEL P. NORRIS, 0000
THOMAS R. OBOYLE, 0000
IAN P. OCONNELL, 0000
CHRISTOPHER E. OHARA, 0000
KIMBERLY D. OLSON, 0000
KENNETH D. ORBAN, 0000
WILLIAM E. ORR, JR., 0000
KAREN E. OSBORN, 0000
BENJAMIN F. OSLER, 0000
JERRY W. PADGETT, 0000
DONALD M. PALANDECH, 0000
WILLIAM G. PALMBY, 0000
THOMAS R. PALMER, 0000
CURTIS J. PAPKE, 0000
TERESA A. PARKER, 0000
MICHAEL F. PASQUIN, 0000
EDWARD G. PATRICK, 0000
MARTIN G. PEAVYHOUSE, 0000
DAVID T. PETERS, 0000
HORACE D. PHILLIPS, 0000
ROBERT F. PIACINE, 0000
LAWRENCE E. PITTS, 0000
KATHLEEN E. PIVARSKY, 0000
JAMES L. PLAYFORD, 0000
RODNEY C. POHLMANN, 0000
WILLIAM G. POLOWITZER III, 0000
HARRY D. POLUMBO, JR., 0000
GREGORY M. POSTULKA, 0000
BRIAN E. POWERS, 0000
STEVEN R. PREBECK, 0000
KENNETH G. PRICE, 0000
TERRY G. PRICER, 0000
THOMAS A. PRIOR, 0000
ROBIN RAND, 0000
RICHARD A. RANKIN, 0000
RICHARD L. REASER, JR., 0000
WILLIAM C. REDMOND, 0000
WILLIAM B. REMBER, 0000
JEFFREY N. RENEHAN, 0000
MICHAEL L. RHODES, 0000
MARK H. RICHARDSON III, 0000
CLYDE E. RIDDLE, 0000
JAMES RIGGINS, 0000
JOSEPH R. RINE, JR., 0000
ALBERT A. RINGGENBERG, 0000
ROGER E. ROBB, 0000
JAMES L. RODGERS, 0000
JOSE R. RODRIGUEZ, 0000
JOHN P. ROGERS, JR., 0000
ANTHONY F. ROMANO, 0000
STEVEN E. ROSS, 0000
SUSAN C. ROSS, 0000
JAMES E. ROWLAND, 0000
CHRISTOPHER W. ROY, 0000
PHILIP M. RUHLMAN, 0000
DAVID L. RUSSELL, 0000
TIMOTHY P. RYAN, 0000
PETER J. RYNER, 0000
DAVID W. SCEARSE, 0000
ROWAYNE A. SCHATZ, JR., 0000
WAYNE A. SCHIEFER, 0000
THOMAS J.C. SCHRADER, 0000
HELEN K. SCHREUR, 0000
LANCE J. SCHULTZ, 0000
GREGORY A. SCHULZE, 0000
STEVEN J. SCHUMACHER, 0000
SAMUEL C. SEAGER, JR., 0000
JOSEPH K. SEAWELL, 0000
CRAIG M. SEEBER, 0000
SCOTT V. SELLS, 0000
CHARLES S. SHAW, 0000
PATRICK J. SHEETS, 0000
FRANCIS E. SHELLEY, JR., 0000
LYN D. SHERLOCK, 0000
JOHN J. SHIVNEN, 0000
JERRY I. SIEGEL, 0000
LARRY G. SILLS, 0000
ROBERT F. SIMMONS, 0000
DARRELL L. SIMS, 0000
KIMBERLY A. SINISCALCHI, 0000
J. TAYLOR SINK, 0000
LISA S. SKOPAL, 0000
AUSTON E. SMITH, 0000
CRAIG A. SMITH, 0000
DAVID G. SMITH, 0000
KENNETH R. SMITH, 0000
RICHARD E. SMITH, 0000
MARVIN T. SMOOT, JR., 0000
DAVID E. SNODGRASS, 0000
GARY W. SNYDER, 0000
JEFFREY M. SNYDER, 0000
ROBIN A. SNYDER, 0000
JOSEPH SOKOL, JR., 0000
MARY A. SOLANO, 0000
PAUL W. SOMERS, 0000
THOMAS L. SORRELL, 0000
DAVID A. SOWINSKI, 0000
JOSEPH W. SPALVIERO, 0000
STEVEN J. SPANO, 0000
DAVID A. SPATARO, 0000
ERNEST E. SPECK, JR., 0000
STEPHEN M. SPENCE, 0000
MICHAEL W. SPENCER, 0000
RITA A. SPRINGER, 0000
DAVID E. SPROWLS, 0000
RAINER P. STACHOWITZ, 0000
JEFFREY E. STAMBAUGH, 0000
MARK E. STEBLIN, 0000
DANNY STEELE, 0000
MARK D. STEPHEN, 0000
BRET STEVENS, 0000
MOSES STEWART, JR., 0000
CHARLES W. STILES, 0000
PAUL M. STIPE, 0000
DANIEL L. STOKES, 0000
BRYANT B. STREETT, 0000
JAMES P. STURCH, 0000
JONATHAN P. SUNRAY, 0000
SHELBY L. SYCKES, 0000
CLARENCE E. TAYLOR, JR, 0000
GLENN E. TAYLOR, 0000
KAREN A. TAYLOR, 0000
NELSON W. TAYLOR IV, 0000
LAURIE R. TERNES, 0000
TOMMY T. THOMAS, 0000
DAVID J. THOMPSON, 0000
JACKIE R. TILLERY, 0000
RANDY J. TIMMONS, 0000
GEORGE A. TIRABASSI, JR., 0000
ROBERT W. TIREVOLD, 0000
DAVID A. TOM, 0000
GREGORY J. TOUHILL, 0000
GAYLEN L. TOVREA, 0000
CHARLES G.C. TREADWAY, 0000
KENNETH G. TRUESDALE, 0000
ALEXANDER TRUJILLO, 0000
MARION D. TUNSTALL, 0000
SUSAN J. VOVERIS, 0000
BRIAN M. WAECHTER, 0000
KEITH J. WAGNER, 0000
GUY M. WALSH, 0000
LEROY L. WALTERS, 0000
JOHN E. WARD, JR., 0000
GRACE Q. WASHBURN, 0000
KENNETH R. WAVERING, 0000
DANNY W. WEBB, 0000
JEFFERY B. WEBB, 0000
RICHARD D. WEBSTER, 0000
DONALD C. WECKHORST, 0000
RANDALL S. WEIDENHEIMER, 0000
PHILIP D. WEINBERG, 0000
STEPHEN J. WERNER, 0000
LEE M. WETZELL, 0000
JAMES F. WHIDDEN II, 0000
ARVIL E. WHITE III, 0000
CRAIG C. WHITEHEAD, 0000
KENNETH E. WIECHERT, 0000
KEITH M. WILKINSON, 0000
KEVIN E. WILLIAMS, 0000
ROBERT D. WINIECKI, 0000
JAMES R. WISE, 0000
RICHARD B. WITT, 0000
JOHN M. WOHLEBER II, 0000
GAIL E. WOJTOWICZ, 0000
KRISTAN J.T. WOLF, 0000
GARY R. WOLTERING, 0000
JEFFREY A. WORTHING, 0000
NEIL R. WYSE, 0000
THOMAS D. YANNI, 0000
LANCE S. YOUNG, 0000
MICHAEL A. ZENK, 0000
ROBERT H. ZIELINSKI, 0000
ANTHONY E. ZOMPETTI, 0000
THOMAS J. ZUZACK, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOEL R. RHOADES, 0000

HOUSE OF REPRESENTATIVES—*Wednesday, October 27, 1999*

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 27, 1999.

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

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

PRAYER

The Reverend Dr. George Gray Toole, Towson Presbyterian Church, Baltimore, Maryland, offered the following prayer:

O God, be with our representatives as they govern this Nation. Great and broad are their responsibilities and enough to tax any human being. Without Your guidance, they are at a disadvantage, for who can rightly judge between so many issues and events. Surrounded by those vying for one action over another, it can be so difficult to decide which path to follow. When pressures increase, calm them with Your peace. When confusion builds, grant them Your wisdom. With integrity grounded in allegiance to You, lead them in paths that confirm their best efforts, so that peace, justice and the welfare of all people may be the product of their work. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. CARDIN 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 Ms. McDevitt, one of its clerks, announced that the Senate had passed without amendment a joint resolution and a concurrent resolution of the House of the following titles:

H.J. Res. 62. Joint resolution to grant the consent of Congress to the boundary change between Georgia and South Carolina.

H. Con. Res. 196. Concurrent Resolution permitting the use of the Rotunda of the Capitol for the presentation of the Congressional Gold Medal to President and Mrs. Gerald R. Ford.

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

S. 1235. An act to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training.

S. 1485. An act to amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain foreign-born children adopted by citizens of the United States.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize 15 one-minutes from each side.

WELCOME TO THE REVEREND DR. GEORGE GRAY TOOLE

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

Mr. CARDIN. Mr. Speaker, it is my great honor to welcome Dr. George Toole as our guest chaplain today. He is here along with his wife, Donna. We are certainly honored to have him here with us. He is the senior minister at the Towson Presbyterian Church in Maryland.

His parents were Scottish immigrants. They loved their new country. His father attempted to enlist in the Navy during World War II but was told he was too old. That did not stop his father. He tried two other times and finally was allowed to enlist in the Navy just before the statutory age limit and served his Nation, his new Nation, with distinction because of his love of our Nation. It was that inspiration that has led Dr. Toole to his public service.

Dr. Toole has been very active in community service. In New York as a police commissioner, he helped successfully to convince an armed individual to release his spouse in a hostage situation. And in Maryland he is a familiar face in community service.

We thank Dr. Toole for his public service and for being with us today.

This is a great honor for me to follow Dr. George Toole, the senior minister at Towson Presbyterian Church, one of Maryland's finer churches. Before I begin, I would also like to recognize Dr. Toole's wonderful wife, Donna, who is in the gallery today.

Dr. Toole tells me this is a great day for his family. After hearing his father's story you will understand why.

You see, his parents were Scottish immigrants who fell in love with their new country. So much so that when World War II rolled around, Dr. Toole's father wanted to give back to the country that had opened up a new life of freedom for him and his family. "This is my country and I owed her," he later explained to his son. He went to enlist in the Navy.

But there were a few small problems. Dr. Toole's father was 38 years old. He had a wife. And he had two sons. The U.S. Navy said thanks, but no thanks.

But that didn't stop the elder Toole. Remember: "This is my country and I owed her." So Dr. Toole's father waited and tried again. Same response, thanks but no thanks.

They say the third time's the charm. That certainly proved true in this case. Two weeks before the absolute age disqualification date for service in the Armed Forces, Pentagon brass relented and allowed Dr. Toole's father to join the Navy. He served proudly in the South Pacific and Dr. Toole tells me the younger men on-board his ship called him "Pop." If he treated them half as well as he treated his son who is here with us today, they were probably some happy sailors.

Dr. Toole tells this story as a way of demonstrating what a difference it made to have such a caring and patriotic father. It probably goes a long way to explaining why the Baltimore County Police recognized Ensign Toole's son, today's guest chaplain, several years ago for bravery and community service. Dr. Toole, a former police commissioner in Bath, NY, spent over 4 hours negotiating with an armed man who had taken his wife hostage in their home. The man had been to a service at Dr. Toole's church a few days before the incident and told the police this was the only person he would talk to.

Just like his father refused to give up on the Navy, Dr. Toole refused to give up on this distraught man. The man eventually gave up his gun and released his wife. We are a better country for both of these refusals. Thank you for your remarks today, Dr. Toole, and please keep up the good work in Towson.

REPUBLICAN VIEW ON SOCIAL SECURITY

(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, like the dawn of a new day we should all be pleased that the President has finally come around to seeing the Republican point of view that we should not spend one penny on other government programs from our Social Security trust fund. At the beginning of this year, the President wanted to spend billions of Social Security tax dollars on some big government programs, and I think today is real progress. However, I am concerned that instead of helping us cut bloated Federal bureaucracies to balance the Federal budget, the President wants to increase taxes on working Americans.

Mr. Speaker, we know that the American people are taxed enough. It has only been through our hard work that the Federal budget is now balanced. There is no reason for us to raise one penny on the backs of lower and middle income families to pay for bigger Federal Government. That would be wrong for our hardworking families and for America. I urge the Democratic leadership to drop their plans to raise taxes on working Americans and join us in a bipartisan effort to balance the budget without using Social Security.

I yield back the balance of my time and the President's proposal to raise taxes on Americans.

REGARDING H.R. 2260, PAIN RELIEF PROMOTION ACT

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

Mr. DEFAZIO. ''Do no harm'' is a tenet that underlies the practice of medicine in America. But despite the system we have, the great system for training, licensure, the safeguards that are built in, occasionally someone incompetent, or in this case a group of people totally unqualified in the practice of medicine, does harm to an individual patient or a group of patients.

Today, the United States Congress wishes under the leadership of the gentleman from Illinois (Mr. HYDE) to irrevocably change end-of-life pain care in America. On the one hand the bill that will come up today says you can aggressively treat pain at the end of life even if it causes death, but the other section of the bill says if a death results in the aggressive management of pain, the Drug Enforcement Administration, that well-known bastion of medical lore, will determine the intent of the physician who provided that prescription after the fact. This is an extraordinary intrusion not only into States' rights but into the practice of medicine. Inserting the Drug Enforcement Administration into the patient-doctor relationship is outrageous and it will set back pain management for decades in this country.

LOCKBOX HELD HOSTAGE

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

Mr. BALLENGER. Mr. Speaker, if you turn on the television networks tonight, you will see a new broadcast season under way. There are new shows and new stars on old shows. TV fans had a long wait for a new season, more than 4 months of summer reruns. American seniors have had a long wait as well, a long wait for Congress to implement the lockbox protection for their Social Security. This body passed the lockbox bill on May 26, 153 days ago. Since that time, the other body has failed to act. Every attempt to bring the Social Security lockbox up for a vote has fallen victim to a filibuster threat. For 140 days, the minority party in the other body has held the lockbox bill hostage. That is long enough. This year's fight to stop the raid on Social Security proves our seniors need and deserve lockbox protection for their Social Security. Let us free the Social Security lockbox bill. One hundred forty days held hostage is long enough.

HURRICANE FLOYD

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

Mrs. CLAYTON. Mr. Speaker, the cameras have gone, the news stories have ended, but for the people of eastern North Carolina, the misery and the suffering as a result of Hurricane Floyd is just beginning. The lives of thousands have been disturbed, disrupted and disordered. More than anything, what is now needed is help and hope for those storm-torn communities.

We expect to provide some of that help on Saturday, November 6. On that day, buses will be leaving Capitol Hill for a morning and afternoon of cleanup and an evening rally. We will help our fellow citizens prepare their homes and their communities for rebuilding, and we will join later then to urge them to hold on, to have a sense of hope. I invite my colleagues to go, to get on the bus with us. And if my colleagues are willing to lend their hands, their hearts and their support, I kindly request that they call my office, and I will be glad to provide them the information.

INTERNATIONAL RELATIONS COMMITTEE TO HOLD HEARING TO INVESTIGATE INVOLVEMENT OF CASTRO REGIME IN TORTURING OF POWS

(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, the Committee on International Relations will hold a hearing to investigate the involvement of the Castro regime in the torturing of American prisoners of war in North Vietnam in 1967 and 1968. The atrocities committed by Castro's men in a prison camp known as ''the Zoo'' resulted in the death of Air Force Captain Earl Cobeil, one of the 19 POWs held captive there. The family of Captain Cobeil and the other POW airmen who were part of what was later called the Cuba Program deserve that their government do everything it can to bring the guilty individuals to justice. This hearing is an essential step in the probe and should pave the way for additional investigations by the Department of Defense, the FBI and other Federal agencies.

I want to thank the gentleman from New York (Mr. GILMAN) for his tremendous support during the preliminary phase of this investigation. There should be no statute of limitations when it comes to bringing to justice international war criminals who brutally abused our U.S. military officers. I thank the gentleman from New York for his decision to hold this important hearing. It is a testament to his leadership and to his character.

BRING OLD RELIABLE BACK TO ITS PROPER THRONE

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

Mr. TRAFICANT. Mr. Speaker, a 1992 law designed to save water said that the old standard 3½ gallon toilet must be replaced with a 1½ gallon streamlined job. It sounds good, but Americans have been flushing away ever since. It has gotten so bad there is now a black market on old reliables. It is no joke. Americans are getting potty fatigue flushing their own toilet.

If that is not enough, Members of the other side, to squeeze your Charmin, if you get caught flushing an old reliable in your own home, it is a $2,500 fine.

Beam me up here. I say the nincompoop over at EPA who suggested this policy should go to a proctologist for a brain scan. Flush this.

I yield back all the constipation over this issue and urge us to bring old reliable back to its appropriate throne.

REPUBLICANS DELIVER ON PROMISE TO PROTECT SOCIAL SECURITY

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

Mr. PITTS. Mr. Speaker, I do not understand our friends on the other side of the aisle. They come down here with a phony number saying that Republicans are dipping into the Social Security trust fund by $13 billion. That is

not true, and they know it. Because if it were true, the Democrats would be down here trying to cut $13 billion from the budget to save Social Security. But they are not. Instead, they are actually criticizing us for not spending more money.

So here is the position of our friends on the other side of the aisle in a nutshell. On the one hand, they say we are spending $13 billion more than we should. On the other hand, they are saying we should be spending more. How is that for consistency?

Mr. Speaker, when this process is over, it will be clear to all that we Republicans have delivered on our promise to protect Social Security from being raided by our big-spending friends on the other side of the aisle.

UNMASK THE GOP

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

Mr. CUMMINGS. Mr. Speaker, as we near Halloween weekend, it is clear that the GOP has put on its mask and is ready for a masquerade ball where they can pretend to be who they are not. But masks come off at the end of the ball and will reveal that the true face of the GOP is one of hypocrisy.

Fortunately, unlike the GOP, the Democratic face is that of the American people. The Democratic face wants a budget that protects Social Security and pays our national debt, a prescription drug policy that provides prescription drugs for those who cannot afford them, 100,000 new teachers, 50,000 more police to combat crime.

Mr. Speaker, the Democrats understand as lawmakers, we are a reflection of the American people and should not attempt to alter that mirror image. And so I urge the GOP to leave their mask at home and try to wear the face of the American people.

VOTE ''YES'' TO SAVE SOCIAL SECURITY

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

Mr. HILL of Montana. Mr. Speaker, day after day Members of both political parties have come to this floor and said that we must not invade the Social Security trust fund to spend on other programs. I have been among those. The President stood in this Chamber in the 1998 State of the Union Address and said, ''Let's put aside 100 percent of Social Security for Social Security.'' I applauded those remarks at the time. But then the President sent proposal after proposal to this floor to spend those funds. When he did that, he was wrong and I stood against him.

In the next few days, every Member of this Chamber is going to have an opportunity to put their money where their mouth is.

The rubber is about to meet the road. In order to avoid spending part of Social Security, we are going to have to cut back a little bit on the spending bills. It is about 1 percent, more or less. The American people are going to be watching, because it is a simple test. If you are prepared to make the tough choice that is going to be required to protect Social Security, then you will vote ''yes.'' But if your pledge to protect Social Security has been nothing but hollow rhetoric, then you are probably going to find some reason to vote ''no.'' It is all boiling down to this one vote.

I am going to stand with America's seniors. I am going to stand with the folks who pay the Social Security taxes. I am going to fight for Social Security. I am going to vote ''yes.'' America is going to be watching.

□ 1015

PRIVACY

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

Mr. LUTHER. Mr. Speaker, financial services modernization legislation has emerged from conference committee, but unfortunately it lacks provisions that allow American consumers to keep financial institutions from distributing their personal private financial information. The bill is so riddled with loopholes that it would actually permit the telemarketing practice that outraged citizens in my home State of Minnesota and that our Attorney General Mike Hatch stopped.

It did not need to be this way, Mr. Speaker. Financial institutions need to move into the next century, but not at the expense of the American people, and we are here to represent the American people. It is not too much to ask that these institutions in the wake of an unprecedented opportunity to profit, that they respect their customers' privacy.

Mr. Speaker, I ask all Americans to contact their representatives in Congress and to stop this bill from passing.

WHITE HOUSE AND DEMOCRAT MINORITY NEED TO PUT THE BRAKES ON RUNAWAY SPENDING

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

Mr. CHABOT. Mr. Speaker, just so there is no misunderstanding about what is really going on here, let us review for a moment tax cuts.

President Clinton and his liberal Democrat allies in the Congress has seen to it that working American families will not receive one red cent in tax reductions next year.

Spending cuts.

The President and his liberal friends here in the Congress have fought fiscal restraint at every turn. The President has vetoed spending bills because they spent too little, and the Democratic leadership here in the Congress has advocated even more pork barrel spending and more foreign aid spending, even at the expense of the Social Security Trust Fund.

Mr. Speaker, it is time for the White House and the liberal Democratic minority in the Congress to put working Americans first for a change. It is time to put the brakes on runaway spending. It is time the President put the veto pen away and quit raiding the Social Security Trust Fund.

UNMASKING THE FAULTY RHETORIC

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

Ms. DELAURO. Mr. Speaker, let us really unmask the Republican rhetoric. They can repeat over and over again that they are not spending the Social Security surplus, but let me just say this: we could put wheels on my grandmother, but we would not make her a wagon. I mean this is unbelievable; it is unimaginable what they are talking about here.

Mr. Speaker, their own accounting office, the Congressional Budget Office, has said that their budget spends $13 billion from the Social Security Trust Fund. Instead of trying to strengthen Social Security, protect it for the future and not spend it, they are in fact at this moment deep into the Social Security surplus.

As my colleagues know, the baby boomers are going to retire soon. We need a strong Social Security system for those people who are enjoying it today and for those who need to have it for the future.

The budget that the Republican leadership has prepared does not allow for that reality, so we need to call this for what it is. I will tell my colleagues what they are doing. Not only are they spending our savings, they are doing it with projects that are out of step with the public priorities. They spend billions of dollars on military projects that the Pentagon does not want. They give billions to the corporate oil and gas industry.

Let us unmask this faulty rhetoric.

GARBAGE IN, GARBAGE OUT

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

Mr. HAYWORTH. Mr. Speaker, again my colleague from Connecticut (Ms. DELAURO), to put it charitably, is confused. See, one of the oldest Washington tricks is to send the budgeteers

a letter with false assumptions to get a false result. In the real world that is called garbage in, garbage out.

Now to the gentlewoman and the rest of my colleagues, Mr. Speaker, we do not propose to put wheels on anyone's grandma and take away their Social Security. Now that has been, sadly, standard operating procedure when the free spenders were in charge of this institution; but on the contrary, Mr. Speaker, what we propose is a 1 percent solution.

Observe, Mr. Speaker, one penny, one cent, made, no doubt, with fine Arizona copper in part, and what we propose, Mr. Speaker, is to take one penny out of every dollar of discretionary spending. That way we balance the books; that way we preserve the Social Security Trust Fund.

No, we do not want to see grandma sold down the river or any American. We will stop the raid. We have done so, and we dare not turn back now. Responsibility, credibility, and the future is the key to success, and we will do it.

FAILED POLICY IN AFRICA

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

Ms. MCKINNEY. Mr. Speaker, America is supposed to be a force for good in the world, but with our failed policy in Africa I am beginning to wonder if that is really so. How can a mother allow the world's children to be offered up as the most innocent victims of U.S. foreign policy?

Madeleine Albright's first stop in Africa was a stark example of our continued failure on that continent. It was U.S. policy to do nothing to help the fledgling democracy of Sierra Leone. Only after that policy became a shameful embarrassment, the U.S. brokered the peace that gave important ministries in government to rebels whose hallmark was to rape little girls and chop off their arms.

Unfortunately, Mr. Speaker, a share in government for rapists and mutilators is in Albright's own words the necessary price of peace, just like 5,000 dead kids a month in Iraq. After standing in line to shake hands with the victims of her do - nothing - to - help - when - a - little - help - can - make - a - difference policy, Albright remarked, ''It's hard to extend your hand to shake hands with people who don't have hands.''

Mr. Speaker, the President has allowed his Africa policy to become insensitive, uncaring, and shameful.

RENAMING FEDERAL BUILDINGS

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

Mr. TANCREDO. Mr. Speaker, in the short time I have been here, I have witnessed several things and heard many statements that I can only characterize or that can only be characterized as at least audacious; but nothing to date has been more audacious than the recent attempt to name buildings after present Members of Congress. If this trend continues, Mr. Speaker, we may find ourselves debating issues such as this in this great building but having it renamed after one of our more powerful Members. So I ask my colleagues in both the House and Senate to take a step back, take a deep breath and ask themselves the honest question of whether they truly feel they are deserving of the honor of having their names forever etched on the side of Federal property.

I feel that the opportunity to impact the lives of our constituents every day is honor enough for one's entire life, and I will today introduce legislation to end attempts to immortalize one's self while serving in this body.

SOCIAL SECURITY IN AN UNCERTAIN WORLD

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

Mr. RODRIGUEZ. Mr. Speaker, I firmly believe in Social Security; and when we look at it, when we look at the legislation, we got to make sure we address the needs of those senior citizens that we have in this country. We also need to make sure that we address the baby boomers as they come up in this.

And as we also look at that piece of legislation, as we look at what we are doing out here, we need to also make sure that we take care of the ''baby echo,'' those youngsters that are beginning to pay Social Security and those youngsters are beginning to work out there. It is important for us to do that.

As we also look at what Social Security has done in this country, a lot of Americans out there who work saw that they have. My dad worked for over 35 years in a company, and after all was said and done, the only thing he had was Social Security. Social Security, there are 12 million senior citizens who only receive that, and that is what keeps them out of poverty. There are over 800,000 youngsters that also fall under the Social Security that are also taken care of. Many Americans, especially women and minorities, do not have the jobs that provide the retirement and disability benefits. For them Social Security is the only thing they have. So it is important for us to stop playing games and to make sure we take care of Social Security.

PASS THE AFRICAN GROWTH AND OPPORTUNITY ACT

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

Mr. ROYCE. Mr. Speaker, this week the Senate is considering a bill that we passed out of this House in July. It is called the Africa growth and opportunity act, and this act says that the United States is not giving up on Africa, that there is a real need, a real opportunity, to bring Africa into the world economy. The Africa bill is an important step in promoting Africa's development, and it is good for America too to open these markets in Africa, to open these export markets for the United States.

Trade between the U.S. and sub-Saharan Africa has been growing for the last several years. We now have 100,000 U.S. jobs involved in exports to Africa at this time, and this bill is also good for my home State of California which is number five in exporting to Africa. We now take more of our oil from Africa than we do from the Persian Gulf, and this Africa bill is the most important trade legislation to pass this House in 5 years. It would be a major accomplishment if signed into law.

Mr. Speaker, let us export the free market to Africa. It is a win for Africa and a win for America.

SAVING SOCIAL SECURITY

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

Mr. GREEN of Texas. Mr. Speaker, I am following my colleague from Arizona on a regular basis here on our 1-minutes. Let me give some statistics that we are talking about when we are really talking about saving Social Security: the amount of the Social Security surplus the House Republicans have already dipped into, $14 billion; the amount of Social Security surplus House Republicans are on track to spend, $24 billion; amount by which the House Republican appropriations exceed the President's request, $14 billion; the Republican leader who said he never would have created Social Security, the majority leader, my colleague from Texas (Mr. ARMEY); number of days the GOP budget tax plan would extend the life of Social Security, zero; the number of years House Democratic budget would extend Social Security, 16 years; total cost of the tax breaks that, thank goodness, the President vetoed was a trillion dollars, and that would have even been worse on Social Security.

Let me tell my colleagues what we need to do. We need to add more teachers to our classroom, more police officers to our streets and the number of military personnel who would be cut by the Republican-proposed 1.4 percent budget would be 39,000 military personnel.

REPUBLICANS HAVE A BETTER IDEA

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

Mr. BARTLETT of Maryland. Mr. Speaker, I guess it is true what they say about old dogs. No matter how hard we try sometimes, we just cannot teach them new tricks. So when we try to stop the people who have been raiding the Social Security Trust Fund from doing it any more, well, that is a lot easier said than done. See, they have been using this money to fund big government programs, and if we tell them they have got to find one penny out of every Federal dollar to preserve Social Security for America's retirees, that is a pretty tough trick for them.

The comments of the gentleman from Missouri (Mr. GEPHARDT) tell us just how hard a time the Democrats are having learning it when he says that we should spend as little of the Social Security surplus as possible. What he is really saying is let us spend as much of the Social Security surplus as we want on the Federal bureaucracy, and if there happens to be any money left, heck, we may as well give it back to the people it belongs to.

Mr. Speaker, Republicans have a better idea: stop the raid first. Strengthening retirement security must be a top priority, not an afterthought.

FIGHT FOR OUR SCHOOLS

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

Mr. LEWIS of Georgia. Mr. Speaker, it is our sacred responsibility to make sure that all of our children have an equal opportunity to learn. But today I rise to express my deep concern that the Republican leadership does not share this commitment. While Democrats have been working night and day to improve education, to put more teachers in our schools and to reduce class sizes, the Republican leadership have been trying to take money out of the schools and away from the majority of this country's children.

The Republican plan is not just. The Republican plan is not right. We should be building up our schools, not knocking them down. For the sake of our children, all of our children, we must fight for our schools.

PRESIDENT SENDS PLAN ON SOCIAL SECURITY TO HOUSE

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

Mr. OSE. Mr. Speaker, I thank the gentleman for giving me an opportunity to stand before the forum this morning and express my appreciation.

□ 1030

For a number of days, I have been in the well seeking the President's plan on Social Security, and I have, for 29 days, been tracking the fact that, until yesterday afternoon, the President had not delivered a plan.

While I am pleased to say that we have received a plan, it did just come in yesterday afternoon, it is a very lengthy plan, it is filled with many howevers, and whereases, and therefores, and thereases, and I am working my way through it. But I did want to stand and express my appreciation to the administration, Mr. Speaker, for having forwarded the plan and to say that we will be reviewing it.

I hope it gets a fair hearing, and I am looking forward to the dialogue as to the adequacy of the plan. So with that, Mr. Speaker, this placard is no longer operative. Again, I thank the administration for finally forwarding their plan.

SAVING SOCIAL SECURITY

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

Mr. MEEKS of New York. Mr. Speaker, last night the President sent Congress his legislative proposal, entitled Strengthen Social Security and Medicare Act of 1999.

The President's plan would devote the entire Social Security surpluses to debt reduction, extend the solvency of Social Security to 2050, and establish a Medicare surplus reserve equal to one-third of any on-budget surpluses for the period of fiscal years 2002 through 2009 to strengthen and modernize Medicare.

I want to stress to my colleagues the urgency in discussing and reaching a fair compromise on this proposal. If we do not, our constituents will suffer and be caught in the middle of a partisan battle, and I am very concerned.

In New York, Social Security benefits 2.3 million people who are retired workers, disabled workers, widows and widowers, wives and husbands, and over 247,000 children in New York receive Social Security benefits. In my district, in southeastern Queens, 74,579 people receive Social Security benefits, of which 9,000 of these individuals are children.

We must preserve Social Security so that our constituents will have a decent quality of life.

Finally, Mr. Speaker, let's go Yankees.

CBO SAYS REPUBLICANS' PLAN DOES NOT SPEND SOCIAL SECURITY SURPLUS

(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, some of my friends on the other side of the aisle are continuing to claim that the Republican Congress' spending plan takes from the Social Security Trust Fund. Mr. Speaker, nothing could be further from the truth.

The problem with the Democrat claim is that it is based on spending assumptions that have never materialized. They simply do not exist.

Let me share with the House an updated letter, dated September 30, 1999, from the nonpartisan Congressional Budget Office. It says, ''CBO estimates that the Republicans' spending plan will not use any of the projected Social Security surpluses in fiscal year 2000.''

The facts are clear, this Republican Congress is not and will not spend the Social Security surplus.

STATE OF NORTHERN IRELAND

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

Mr. CROWLEY. Mr. Speaker, Senator George Mitchell resumes talks today with pro Good Friday Agreement political leaders from Northern Ireland.

Since the Good Friday Agreement was signed on April 10, 1998, we have seen some progress towards a lasting peace in Northern Ireland. The Patten Commission has issued its report on Policing in Northern Ireland and the cease-fire has remained intact.

Despite these positive events, the agreement's foes have consistently sought to delay and derail implementation of the Good Friday Agreement, particularly David Trimble, the leader of the Ulster Unionist Party.

The most recent effort to derail the peace process centers around the debate on decommissioning. Even though the Good Friday Agreement contains no provision that the IRA begin decommissioning before Sinn Fein can take its place on the Executive Committee, First Minister and UUP leader David Trimble has linked the two issues together in clear violation of the Good Friday Agreement.

In the words of Mr. Adams, the Unionists need to ''get real'' and enter into the power-sharing executive as called for under the agreement. And Britain's new Secretary for Northern Ireland, Peter Mandelson, has warned politicians, and I quote ''the people of Northern Ireland will not forgive them if they put barriers in the way of permanent peace.''

Mr. Speaker, if the Good Friday Agreement should fail, it may prove disastrous for the peace process because there is no alternative.

It is a dangerous game the Unionists are playing with real lives at stake. It is my hope, and that of so many Irish

Americans, that this game of brinkmanship by the Unionists will end before it is too late for the Good Friday Agreement.

REPUBLICANS WANT 100 PERCENT OF SOCIAL SECURITY LOCKED UP

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

Mr. CUNNINGHAM. Mr. Speaker, many of my friends on the other side of the aisle claim Republicans are spending Social Security money. They support the President's plan, where the President said he wanted 100 percent in Social Security, then 3 weeks later he came back and said, well, 60 percent in Social Security, 15 percent in Medicare.

What he does is take $466 billion out of Social Security and puts it up here for new spending. He will not identify cuts. New spending. Then he took $19 billion and put it up here for new spending.

We are saying no, put the 100 percent in Social Security, lock it up, let it accrue interest. We will not only save Social Security and Medicare forever, but that accrued interest also pays down the national debt, in which we pay nearly a billion dollars a day.

I would ask of believability, fiscal conservative or liberal Democrat, being fiscally conservative is an oxymoron.

REPUBLICANS WANT TO PROTECT AND PRESERVE 100 PERCENT OF SOCIAL SECURITY

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

Mr. KINGSTON. Mr. Speaker, there are two prevailing issues or schools of thought on what to do about Social Security surpluses. The Republican Party wants to protect and preserve 100 percent of it. But do not take my word for it as a Republican, let me quote to my colleagues what John Podesta, the White House Chief of Staff says. ''The Republicans' key goal is to not spend the Social Security surplus.'' Again, words spoken by the White House Chief of Staff John Podesta, Clinton's right-hand man.

Now, the Democrats, on the other hand, led by the President, last January, wanted to spend 38 percent of it. The President stood right behind where I am now and said, ''Let us preserve 62 percent of Social Security but spend the rest on other programs.''

Now, as of late he has come around to say, well, maybe we should not do that. But this is what the Democrat leader, the gentleman from Missouri (Mr. GEPHARDT), said this Sunday. And I will just put these words here, and again it is a direct quote. That, ''since we have the surplus, we have to get ready for baby boomers, and we should spend as little of it as possible.''

Now, join us, please. I ask the Democrats, protect 100 percent of Social Security, not just most of it. The way to do it is if we cut one penny out of every dollar in the budget, we can protect and preserve Social Security. A penny saved is a retirement earned and secured for our seniors.

PROVIDING FOR CONSIDERATION OF H.R. 2260, PAIN RELIEF PROMOTION ACT OF 1999

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 339 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 339

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. 2260) to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chairmen and ranking minority members of the Committee on Commerce and the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the bill modified by the amendments recommended by the Committee on Commerce now printed in the bill. That amendment in the nature of a substitute shall be considered as read. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. 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 (Mr. PETRI). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a structured rule providing for consideration of H.R. 2260, the Pain Relief Promotion Act of 1999. H. Res. 339 provides 1 hour of general debate equally divided and controlled by the chairmen and ranking minority members of the Committee on Commerce and the Committee on the Judiciary.

The rule waives clause 4(a) of Rule XIII, which requires a 3-day layover against consideration of the bill.

H. Res. 339 makes in order as an original bill for the purpose of amendment the Committee on the Judiciary amendment in the nature of a substitute, as modified by the amendments recommended by the Committee on Commerce and printed in the bill.

The rule provides for consideration of only the amendments printed in the Committee on Rules report accompanying the resolution. The rule further provides these amendments will be considered only in the order specified in the report, may be offered only by a member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent and shall not be subject to amendment.

Specifically, the rule makes in order an amendment offered by the gentleman from Virginia (Mr. SCOTT) and the gentleman from Oregon (Mr. DEFAZIO) to be debated for 10 minutes and a substitute amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) and the gentlewoman from Connecticut (Mrs. JOHNSON) to be debated for 40 minutes.

The rule also allows the Chairman to postpone recorded votes and reduce to 5 minutes the voting time on any postponed question, provided the voting time on the first in any series of questions is not less than 15 minutes. This provision will simply facilitate consideration of amendments.

House Resolution 339 also provides for one motion to recommit with or without instructions.

Mr. Speaker, for the purpose of background, the Administrator of the Drug Enforcement Agency decided in late 1997 that delivering, dispensing, prescribing or administering a controlled

substance with the deliberate intent of assisting in a suicide violates the Controlled Substance Act or applicable regulations. The regulations stated that a controlled substance must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. However, Attorney General Reno unfortunately decided in 1998 that such usage is now part of the ordinary practice of medicine in Oregon, and therefore exempt from the Controlled Substances Act of 1970.

Clearly, physician-assisted suicide is a danger to society. I share the views of the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, that assisting in a suicide by giving a prescription for a controlled substance cannot be a ''legitimate medical purpose,'' especially when the practice is not reasonable and necessary to the diagnosis and treatment of disease and injury, legitimate health care, or compatible with the physician's role as healer.

With this bill, we do want to reaffirm that the Controlled Substances Act does not authorize intentionally using federally regulated drugs to cause the death of a patient. However, this is an important bill because it ensures that we encourage aggressive pain relief for patients, while also reinforcing the current law that administering, dispensing, or distributing a controlled substance for the purpose of assisting in a suicide is not authorized by the Federal Controlled Substances Act.

This legislation will promote the responsible use of these drugs for pain control rather than leaving the patients with the impression that suicide is the only option to escape from the pain of a terminal illness. It is unacceptable that we would permit terminally ill patients to think that suicide is the only option because pain relief options are not available to them. Today, we help make improved pain relief an objective in health care institutions across the country by authorizing the Agency for Health Care Policy and Research to develop and advance a scientific understanding of palliative care; authorizing a program for education and training in palliative care in the Health Resources and Services Administration of the Department of Health and Human Services; and authorizing additional funding for the palliative care award program beginning in fiscal year 2000.

I do want to note that a previous bill in 1998 caused concerns that it might inhibit doctors from prescribing adequate pain relief. H.R. 2260 has been drafted to resolve those concerns. I am very pleased that the interested parties have worked together over the past year and have crafted legislation that will not only encourage doctors to prescribe effective pain management but also encourage alternatives to euthanasia.

□ 1045

Today, the National Hospice Association states that ''this legislation is a step toward better awareness of effective pain management techniques and should ultimately change behavior to better serve the needs of terminally ill patients and their families.''

The organization Aging With Dignity states that, ''improving end of life care is the best way to keep legalized euthanasia and assisted suicide away from mainstream America. Doctors can treat their patients and lessen their pain, and this needs to happen now. This law will help them do that.''

These groups join the American Medical Association, the Coalition of Concerned Medical Professionals, Physicians for Compassionate Care, the American Academy of Pain Management, and the American Society of Anesthesiologists in supporting H.R. 2260.

I want to commend the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, and the gentleman from Michigan (Mr. STUPAK), the cosponsor, for their efforts in sponsoring this excellent piece of bipartisan legislation.

Mr. Speaker, H.R. 2260 was favorably reported out of both the Committee on the Judiciary and the Committee on Commerce, as was the rule by the Committee on Rules. I urge my colleagues to support the rule so that we may proceed with general debate and consideration of the merits of this important bill.

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

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

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

Mr. Speaker, this is a restrictive rule which will allow for the consideration of H.R. 2260, the Pain Relief Promotion Act of 1999. As the gentleman from Georgia described, the rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Committee on Commerce and the chairman and ranking member of the Committee on the Judiciary.

Mr. Speaker, this rule permits consideration of only two amendments selected by the Committee on Rules. No other amendments are made in order. We on the Democratic side made an effort to allow amendments by all Members who submitted them in advance to the Committee on Rules, but were voted down on a party line.

This bill prohibits doctors from using drugs for suicide and euthanasia. It would have the effect of overturning the Oregon State law permitting physician-assisted suicide.

On the other hand, Mr. Speaker, the bill specifically permits doctors to provide pain reducing drugs, even if the use of those drugs increases the risk of death. This provision is very necessary to ensure that terminal patients can be given the treatment that they need so their suffering may be reduced.

This bill also creates a program to study pain management and to make the information widely available. This program is a very meaningful way to improve the way health professionals treat patients suffering from pain.

Mr. Speaker, I have known from personal experience the importance of these pain reducing drugs. Though this bill is controversial, it has very important features that deserve to be discussed by this entire body.

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

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from south Texas (Mr. PAUL).

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

Mr. Speaker, I rise in support of the rule, but I would like to make a couple of comments about why I do not think we should support this bill.

I am strongly pro-life. I think one of the most disastrous rulings of this century was Roe versus Wade. I do believe in the slippery slope theory. I believe that if people are careless and casual about life at the beginning of life, we will be careless and casual about life at the end. Abortion leads to euthanasia. I believe that.

I disagree with the Oregon law. If I were in Oregon, I would vote against that law. But I believe the approach here is a legislative slippery slope. What we are doing is applying this same principle of Roe versus Wade by nationalizing law and, therefore, doing the wrong thing.

This bill should be opposed. I think it will backfire. If we can come here in the Congress and decide that the Oregon law is bad, what says we cannot go to Texas and get rid of the Texas law that protects life and prohibits euthanasia. That is the main problem with this bill.

Also, I believe it will indeed dampen the ability of doctors to treat dying patients. I know this bill has made an effort to prevent that, compared to last year, but it does not. The Attorney General and a DEA agent will decide who has given too much medication. If a patient is dying and they get too much medicine, and they die, the doctor could be in big trouble. They could have criminal charges filed against them. They could lose their license or go to jail.

Just recently, I had a member of my family pass away with a serious illness and required a lot of medication. But nurses were reluctant to give the medicine prescribed by the doctor for fear of lawsuit and fear of charges that something illegal was being done. With a law like this, it is going to make this problem much, much worse.

Another thing is this sets up a new agency. For those conservative colleagues of mine who do not like the nationalization of medical care, what my colleagues are looking at here is a new agency of government setting up protocols, educating doctors and hospitals, and saying this is the way palliative care must be administered. My colleagues will have to answer with reports to the Federal Government.

As bad as the Oregon law is, this is not the way we should deal with the problem. This bill applies the same principle as Roe versus Wade.

I maintain that this bill is deeply flawed. I believe that nobody can be more pro-life than I am, nobody who could condemn the trends of what is happening in this country in the movement toward euthanasia and the chances that one day euthanasia will be determined by the national government because of economic conditions. But this bill does not deal with life and makes a difficult situation much worse.

Mr. Speaker, the Pain Relief Promotion Act of 1999 (H.R. 2260) is designed for one purpose. It is to repeal the state of Oregon's law dealing with assisted suicide and euthanasia.

Being strongly pro-life, I'm convinced that the Roe vs. Wade Supreme Court decision of 1973 is one of the worst, if not the worst, Supreme Court ruling of the 20th century. It has been this institutionalizing into our legal system the lack of respect for life and liberty that has and will continue to play havoc with liberty and life until it is changed. It has been said by many since the early 1970s that any legalization of abortion would put us on a slippery slope to euthanasia. I agree with this assessment.

However, I believe that if we are not careful in our attempt to clarify this situation we also could participate in a slippery slope unbeknownst to us and just as dangerous. Roe vs. Wade essentially has nationalized an issue that should have been handled strictly by the states. Its repeal of a Texas State law set the stage for the wholesale of millions of innocent unborn. And yet, we once again are embarking on more nationalization of law that will in time backfire. Although the intention of H.R. 2260 is to repeal the Oregon law and make a statement against euthanasia it may well just do the opposite. If the nationalization of law dealing with abortion was designed to repeal state laws that protected life there is nothing to say that once we further establish this principle that the federal government, either the Congress or the Federal Courts, will be used to repeal the very laws that exist in 49 other states than Oregon that prohibit euthanasia. As bad as it is to tolerate an unsound state law, it's even worse to introduce the notion that our federal congresses and our federal courts have the wisdom to tell all the states how to achieve the goals of protecting life and liberty.

H.R. 2260 makes an effort to delineate the prescribing of narcotics for alleviating pain from that of intentionally killing the patient. There is no way medically, legally, or morally to tell the difference. This law will serve to curtail the generous use of narcotics in a legitimate manner in caring for the dying. Claiming that this law will not hinder the legitimate use of drugs for medical purposes but not for an intentional death is wishful thinking. In fear that a doctor will be charged for intentionally killing a patient, even though the patient may have died coincidentally with an injection, this bill will provide a great barrier to the adequate treatment of our sick and dying who are suffering and are in intense pain.

The loss of a narcotic's license, as this bill would dictate as punishment, is essentially denying a medical license to all doctors practicing medicine. Criminal penalties can be invoked as well. I would like to call attention to my colleagues that this bill is a lot more than changing the Controlled Substance Act. It is involved with educational and training programs to dictate to all physicians providing palliative care and how it should be managed. An entirely new program is set up with an administrator that "shall" carry out a program to accomplish the developing and the advancing of scientific understanding of palliative care and to disseminate protocols and evidence-based practices regarding palliative care.

All physicians should be concerned about a federal government agency setting up protocols for medical care recognizing that many patients need a variation in providing care and a single protocol cannot be construed as being "correct".

This program is designed to instruct public and private health care programs throughout the nation as well as medical schools, hospices and the general public. Once these standards are set and if any variation occurs and a subsequent death coincidentally occurs that physician will be under the gun from the DEA. Charges will be made and the doctor will have to defend himself and may end up losing his license. It will with certainty dampen the enthusiasm of the physician caring for the critically ill.

Under this bill a new program of grants, cooperative agreements and contracts to help professional schools and other medical agencies will be used to educate and train health care professionals in palliative care. It is not explicit but one can expect that if the rules are not followed and an institution is receiving federal money they will be denied these funds unless they follow the universal protocols set up by the federal government. The bill states clearly that any special award under this new program can only be given if the applicant agrees that the program carried out with the award will follow the government guidelines. These new programs will be through the health professional schools, i.e. the medical schools' residency training programs and other graduate programs in the health professions. It will be a carrot and stick approach and in time the medical profession will become very frustrated with the mandates and the threat that funds will be withheld.

The Secretary of Health and Human Services in charge of these programs are required to evaluate all the programs which means more reports to be filled out by the institutions for bureaucrats in Washington to study. The results of these reports will be to determine the effect such programs have on knowledge and practice regarding palliative care. Twenty four million dollars is authorized for this new program.

This program and this bill essentially nationalizes all terminal care and opens up Pandora's box in regards to patient choices as well as doctor judgment. This bill, no matter how well intended, is dangerously flawed and will do great harm to the practice of medicine and for the care of the dying. This bill should be rejected.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I rise in support of the rule, but I join the gentleman from Texas (Mr. PAUL) in opposing the bill. Make no mistake about it, the bill in question deals with pain, excrutiating, horrible pain, the kind of pain that afflicts literally tens of millions of Americans, chronic pain, terminally-ill pain.

What is the difference? Well, what is the story here in America with regards to providing pain medication to those tens of millions of Americans who so desperately need the pain medication? Well, there is a consensus in the United States, Democrats, Republicans, liberals, conservatives, everyone agrees. There is an undertreatment of pain in the United States of America.

Why? Primarily we are told because doctors feel intimidated if they give too much pain medication to those patients in terrible pain who are asking for it, they do not want to die, they just want pain relief, because the doctors are afraid of a civil medical malpractice lawsuit.

So what does the underlying bill do? It provides for a criminal penalty against doctors, 20 years in jail maximum. It provides license revocation, if a DEA drug enforcement agent can go through the pain prescription of every doctor prescribing pain prescription in America, and this drug enforcement agent feels the pain medication might have been intentionally overdone.

Now, if one thinks there is a chilling effect on doctors providing pain medication now, wait till H.R. 2260 if this bill gets passed. Hopefully my colleagues on both sides of the aisle who agree with me, and there are many of us, will support the substitute.

What does the substitute say? It says we are against physician-assisted suicide. We are against physician-assisted suicide. It says we want more research into pain medication. We want more understanding amongst doctors about the right way to prescribe pain medication.

But what it does not have, what the underlying bill has, is it does not provide this criminal penalty against doctors and license revocation. It keeps our eye on the ball.

We are talking about providing pain relief for those millions of American children, men and women in agony, dying horrible deaths. So why would my colleagues, some of them, be wanting to introduce this bill in the first

place? It is clear, and they say so quite candidly. They do not like the Oregon physician-assisted suicide law. Many of us do not.

I voted against physician-assisted suicide here in the Congress, as did the majority of my colleagues. We do not like the Oregon physician-assisted suicide law, but do not have a law. Go to the Supreme Court. Get it thrown out if it is unconstitutional. But do not have a law that will affect all 50 States, tens of millions of Americans who are suffering who need pain medication. Do not affect all those Americans because one does not like the law that the people of Oregon twice chose in referendum. If my colleagues do not like it, ask the Supreme Court to declare it unconstitutional, but do not cause so much suffering.

Some of my colleagues will say, well, there is a law like the one we want to introduce today in Congress passed in a couple of States, and pain medication went up, and they had no problem. Well, those State laws did not involve the Drug Enforcement Agency having the right to review every single prescription for pain medication that every doctor in America is going to prescribe. It goes against common sense.

If one is a doctor and now the DEA can come in to review one's records of every pain prescription one prescribes, it would go to intimidate. The Drug Enforcement Agency should be going after the drug cartels in South America. They should not be looking at every single pain prescription that every single doctor in America prescribed.

We need pain relief. We need doctors and local medical societies, the majority of whom support the substitute and are against the bill. The majority of the nurses associations in America are for the substitute and against the bill, while the doctor organizations are split.

What you have here is obvious. Doctors are conflicted. They are afraid. They are uncertain. The nurses who are the last line of defense, who treat these terminally-ill patients writhing in pain, they are almost unanimous against the bill and in favor of the substitute.

So if my colleagues want to deal with pain in America and they do not want to inhibit doctors from providing the pain medications that tens of millions of Americans are going to be affected with, vote against the bill, vote for the substitute which says we are against physician-assisted suicide.

We want more doctors to prescribe pain medication, not to kill the patient, but to provide the relief that they are begging for in their last days and months on Earth. But do not put them in jail. Do not threaten to put them in jail. Let the States' local medical societies who each have their own traditions and customs and have worked on the details of these bills for so long, let them deal with it appropriately. I ask my colleagues to support the substitute.

Mr. LINDER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Oklahoma (Mr. COBURN.)

Mr. COBURN. Mr. Speaker, this is the bill. What the gentleman from New Jersey (Mr. ROTHMAN) just said is false. There is no penalty in here. Every doctor in this country today, every controlled substance is available for review by the DEA. There is no change in that. The gentleman knows that. There is no penalty, new penalty in this bill for anybody. What this bill is about is saying that Federal law, as far as narcotics control, cannot be preempted by a State in the use of those narcotics. That is what it is about.

The gentleman has not ever given pain medicine to somebody who is dying. I have. I have intentionally medicated somebody to help them with their pain. Unfortunately, as a consequence of that, some have died. There is nothing that keeps us from doing that today except our fear of rhetoric that is untrue.

That is untrue, absolutely blatantly false that there is criminal penalties in this bill for any doctor who does the right thing. This is about not allowing the State to stick their nose out at a Federal law that we all know is important, and that is controlling dangerous substances.

Now, the gentleman's desire is an honorable desire that, in fact, we should help doctors alleviate pain; and we can do that. There is no question that I have seen in my 18 years of practice of medicine that we, in fact, do not do as good a job as we should at that issue. But to take and create that as a reason to allow any State to use narcotics to kill a patient is wrong. That is what is going to happen.

We have great testimony. We have the great experience of the Dutch. We had 2,100 people in 1995 in Holland who were euthanized against their will. They did not want to die. But a doctor decided they should not live anymore.

The slippery slope that the gentleman from Texas (Mr. PAUL) talked about and his understanding of this bill I believe is wrong. There is a slippery slope. But it is not the slope of allowing the Federal Government to continue to enforce the laws of this land and to have a Federal standard on narcotics. That is not the slippery slope.

The slippery slope is to create an environment where any State, regardless of their own desires, can ignore Federal law today; every doctor who writes a prescription for a controlled substance can be reviewed; every prescription can be looked at by the DEA.

There is no new authority for the DEA in this. What this bill says, and it is only this few pages, is that the law applies to every State equally, and that just because Oregon decides that they want to take someone's life, that they should not be able to say that Federal law does not apply.

The fact is all life has value. As we have determined in this country, we have said the unborn does not have value. Now Oregon says the dying do not have value, and that in the future, those that are not dying have no value.

□ 1100

There were just 1,100 babies that were born last year and the year before in the whole land that the doctor decided should not live. So what did they do? They gave them paregoric, they paralyzed the respiration, and they died.

Do we want doctors deciding who lives and who dies? No, we do not want that. This is a slope, a real slope where we are going to become God. We do not have that power. The Declaration of Independence says that we should have the right to pursue life, liberty, and the pursuit of happiness. Nothing in it says we have the right to pursue death, nothing.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I would like to respond to my colleague.

The gentleman was very clever. Even though he is a physician, he spoke like a Philadelphia lawyer, and he said this bill does not provide criminal penalties if they do nothing wrong. But if they did in the opinion of the Drug Enforcement Agency, then the doctor can go to prison.

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

Mr. ROTHMAN. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, what he said, as I heard it, is that it does not provide any additional penalties that are not already there.

Mr. ROTHMAN. Mr. Speaker, reclaiming my time, he said that. And then he said, to clarify it, there will be no jail time if they do not do anything wrong, or words to that effect. Because if they do do something wrong in the opinion of the Drug Enforcement Agency, which is now being called upon in this bill to look into this, they can go to jail and they will lose their license.

Again, the question is, if we are concerned about pain medication, let us pass a bill about pain medication. That is the substitute, which is also against physician-assisted suicide. And if my colleagues did not like the Oregon referendum of physician-assisted suicide, as I do not, then go to the Supreme Court and declare it unconstitutional.

Do not let the tens of millions of American children, men, and women suffer because they do not like the Oregon law. Change the law, get it declared unconstitutional, and leave these patients and doctors alone.

Mr. LINDER. Mr. Speaker, for a point of clarification, I yield myself 30 seconds to make this point.

What the gentleman from Oklahoma (Mr. COBURN) said was that this bill does not provide any new or additional penalties that are already not extant. This is nothing changed. Those penalties can occur today. He made the point very clear, I thought, that the whole point of this bill is to not allow States on their own to exempt themselves from Federal laws with respect to controlled substances.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the gentleman who preceded me in the well may well be a good physician, but he is not an attorney.

The Department of Justice says, ''By denying authorization under the Controlled Substances Act, H.R. 2260 would make it a Federal crime for a physician to dispense a controlled substance to aid a suicide. However, a physician who prescribes the controlled substances most commonly used to aid a suicide would, because he or she necessarily intends death to result, or may have intended death to result, or should have known that death should have resulted, would face a 20-year mandatory minimum sentence in Federal prison.''

That is what we are talking about here, the Drug Enforcement Administration second-guessing the intention after the fact of every physician in America.

Let us use a real-life example. This is a pain medication. If this were a barbiturate for end-of-life care and it was prescribed by my physician aggressively that I was to take one every 2 hours to relieve my excruciating pain, say from bone cancer, that would be legal.

Now, if this prescription, a pain relief prescription, was prescribed by my doctor for aggressive pain relief management, one to be taken every 2 hours, and I took this entire vial all at once and died, the question would be what was my physician's intent in giving me this prescription? Was it that I would really take one every 2 hours, or did my physician know or should my physician have known that I might choose to take all of them at once?

What this means ultimately, the absurdity of this, is any physician who does not want to risk being investigated by the Drug Enforcement Administration, and nobody wants that, is going to have to say they can have one pill every 2 hours, send their wife or kids down to the 24-hour pharmacy to pick them up for them, because he gives them more than one and they take them all at once and they die, the Drug Enforcement Administration is going to question his intent.

That is the cover of law that is being ripped away by this well-sounding, theoretically well-meaning legislation.

In their zeal to overturn the Oregon law, which is not euthanasia, which does not allow a doctor to give an injection, which does not allow a doctor to administer a prescription, which allows individuals who are terminally ill who have a diagnosis they will die within 6 months, after consulting with two physicians, after consulting with a psychiatrist to go to their physician and ask for a prescription which they can only self-administer.

This is not euthanasia, and it has been very, very infrequently used in our State. In fact, probably fewer people have shot themselves or otherwise killed themselves under fear of the pain they were going to undergo because of the Oregon law.

But these people on this side of the aisle who are for States' rights every day of the week when a State says something they agree with are suddenly today standing up and saying, well, we are for States' rights as long as we agree with the State.

Preempt the will of the Oregon people. It is not the State of Oregon, it is the people of the State of Oregon twice by initiative and referendum who have passed this law.

Mr. LINDER. Mr. Speaker, for a quiet and dignified response, I yield 2 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, what the gentleman fails to state is that the DEA already has that power.

Yes, there is no more important thing than intent. Every doctor, when they graduate from medical school, their goal is to preserve life, not take it. There are lots of times in my life that have been low, I would have loved to have been out of here. But I am glad somebody did not help me leave. Because there is always another day.

For those of my colleagues who have not treated dying patients with metastatic bone cancers, first of all, we do not use barbiturates. We use narcotics. Barbiturates are not used for pain relief. They are used to accentuate pain relief. But narcotics are used for pain relief.

There is no new law. The DEA, if I misuse a drug today, a controlled substance, can in fact harm me, take away my license to dispense drugs, and incarcerate me. And rightly so.

We do not in this country, under our Constitution or our Declaration of Independence, have the right to die. That is not one of the guaranteed freedoms in this country. We do not have the right to die. As a matter of fact, it is against the law to commit suicide in many States.

So what we are really saying is the motivation of the people from Oregon is a good motivation. People are in pain. How do we fix that? Well, the professionals have already said we need to do a better job of training doctors and we need to make sure doctors do not feel afraid to go up with the intention of alleviating pain and worry about the unintended consequence it might suppress somebody's respiration and they die.

This bill truly addresses that because it does not give the free will for a physician to say, we are going to take their life. Most people who want their life taken have a clinical depression, a clinical depression. They have another illness besides the illness that is in front of everybody, and it is that, that we need to recognize.

Mr. MOAKLEY. Mr. Speaker, I am happy to yield 3½ minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I rise in opposition to the underlying bill and in support of the Johnson-Rothman-Hooley substitute amendment to H.R. 2260.

All of us come to this issue of pain and end of life from very different perspectives. Some would like to effectively overturn Oregon's law that allows physicians to assist terminally-ill patients with less than 6 months to live in ending their lives. Since we passed that law, and we passed it twice, 15 terminally-ill patients have used such assistance.

Undoubtedly, the proponents of H.R. 2260 are motivated by a heartfelt desire to eliminate a physician-assisted suicide. The Johnson substitute seeks that same outcome, but the difference is it addresses the problem as a medical problem and not a law enforcement problem.

In the 6 months that it took the gentlewoman from Connecticut (Mrs. JOHNSON) and I to draft the Conquering Pain Act, H.R. 2188, from which this Johnson substitute is derived, not one expert concerning improving end-of-life care said we need to take away authority from the State. Not one expert recommended amending the Controlled Substances Act, in which the Pain Relief Promotion Act would. Not one expert said this was the best way to improve pain management.

Interestingly, the American Medical Association and the National Hospice Organization were an integral part in our working group and ultimately endorsed the Conquering Pain Act, on which the Johnson substitute is based, never once raising the issue of the Controlled Substances Act.

In fact, at a hearing in October at the Senate Committee on Health, Education, Labor, and Pensions, where experts were asked where should we begin to improve management, every expert witness said we should begin with education and research. Not one expert said the best way to improve management pain management for patients is to amend the Controlled Substances Act.

Dr. Richard Payne, Chief of Pain & Palliative Care Services at Memorial Sloan Kettering Cancer Center, and a co-chair of the Agency for Health Care Policy and Research panel on cancer pain guidelines summed it up well. ''While H.R. 2260 is well-intentioned, it is counterproductive. It would have a chilling effect on aggressive pain management.''

Dr. Payne and many physicians and other health care practitioners, those who specifically specialize in pain management, not the generalist, are urging the support of the substitute based on H.R. 2188, ''the bill that would constructively promote end-of-life and palliative care,'' and urge a no vote on H.R. 2260 as reported by committee.

I know others may disagree. But it is clearly not worth the risk that people will suffer, and people will suffer in more pain by passing H.R. 2260.

Under the Johnson substitute amendment, Congress expresses its clear opposition to assisted suicide, makes every effort to reduce it. What is more important is the Johnson substitute seeks to address the reason a suffering individual at the end of their life might seek that dreadful option, fear and exhaustion of being in pain.

I urge a yes vote on the Johnson substitute and a no vote on H.R. 2260.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), the author of the Johnson substitute.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me the time, and I rise in support of the rule and appreciate the Committee on Rules allowing me to offer my substitute.

To just comment on the earlier debate, Mr. Speaker, the Hyde bill does not impose new penalties, but the Hyde bill does identify a new role for DEA agents, who are nonmedical people. That role involves judging the intent of a physician and thereby exposing physicians to criminal penalties, not for trafficking or other illegal activities involving drugs but for exercising their professional judgment in the delivery of patient care.

□ 1115

But I rise at this point in the debate to call the attention of my colleagues to a Dear Colleague that I sent out recently about the testimony of David Jorensen. He is the director of the pain and policy studies group at the Comprehensive Cancer Center at the University of Wisconsin, cofounder of the National Association of State Controlled Substances Authorities and the State cancer pain initiative. He served many years on the drafting committee of the national conference of commissioners on uniform State laws to revive the Uniform Controlled Substances Act for the United States. In other words, he is extremely experienced in this issue of managing controlled substances and in pain management. I urge my colleagues to review the rather dry Dear Colleague that I sent out, because it lays out the clear history of this matter. Under current law, medical issues are deferred to enforcement by medical agencies, whether it is HHS at the national level or State medical agencies or medical review boards that have been put in place to oversee medical practice and standards of care at the State level. In other words, current law clearly allows the use of controlled substances for pain management and regulates such medical uses through HHS and State health agencies, including medical review boards and licensure laws and clearly does not allow DEA or agencies who have no knowledge in this area to be part of the enforcement mechanism.

Mr. MOAKLEY. Mr. Speaker, I yield 5½ minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I rise in opposition to the rule and in opposition to the bill in its current form and want to make several points. First of all, this is the whip notice for today. It says we are getting out of session this afternoon between 3 and 4 o'clock. Two amendments, very important amendments, were offered to the Committee on Rules which the Committee on Rules chose not to make in order, we presume because we do not have time to debate the issues that were to be debated related to this bill. One of those amendments is an amendment that would have been offered by myself in conjunction with the gentleman from Oregon (Mr. WU) and several other Members of this House which in effect walks a line between the bill as it is currently structured and the substitute as it is proposed. There are some of us who really do not have any problem with parts of this bill as it is drawn. We ought to be encouraging palliative care and pain relief, but we ought to be doing it in such a way that it is explicitly clear that we are not preempting States' laws. That is what our amendment would have done. But apparently the Committee on Rules decided that that kind of balanced approach to this debate was not something that this House ought to entertain. We ought to either have it all on the one hand or have a complete substitute on the other hand. That should not have happened and it certainly should not have happened on a day that the House is recessing at 3 or 4 o'clock in the afternoon.

The second amendment that was offered is one that is of equal importance, because a number of us through the years have had severe problems with the disparity in sentencing between crack cocaine and powder cocaine. Under this bill, a physician can prescribe cocaine for the purposes of alleviating pain. It is a schedule 2 drug under the Controlled Substances Act. But if that physician prescribes crack, a form of cocaine, and if the opponents of this bill are correct that that would subject the physician to a criminal penalty if he prescribed powder cocaine for the relief of pain, it would subject him to one-tenth of the penalty that it would subject the physician to if he prescribed crack cocaine, a derivative of the same product, we should at least equalize the penalties if we are going to penalize physicians even if there were some rationale for doing it out in the community which we do not believe there is and which has resulted in disparate imprisonment between poor people and rich people, poor people being typically people who take crack cocaine and rich people being people who take powder cocaine, the only distinction rationally that you could even argue. There is no reason that we ought to penalize a physician disproportionately under this bill.

Now, there is something wrong with my colleagues saying one day that we believe in States' rights and the next day saying we are going to preempt Oregon's State law. That is what my amendment would have done. It would have protected Oregon's law in one simple phrase, the simple phrase being ''except in compliance with applicable State or Federal laws.'' This whole law could have applied. If the objective is to increase the use of palliative care and encourage pain relief, then we should not be here debating about whether to overrule a State's law.

Unlike the physician who came to the floor who may be very skilled in his knowledge of medicine, I want to direct his attention to amendment 10 to the Constitution. It says that the powers not delegated to the United States by the Constitution nor prohibited to the States are reserved to the States respectively or to the people. The people have the right to pass a statute in Oregon and have that statute honored and we should honor it here on this floor of the House.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. CANADY), the author of the bill.

Mr. CANADY of Florida. Mr. Speaker, I appreciate the gentleman yielding time. Actually the gentleman from Illinois (Mr. HYDE) is the author of this legislation.

I want to address this misconception that we keep hearing here, that somehow this bill will expand the investigative or enforcement authority of the DEA. That is simply not true. That is not what this bill will do. If we look at what the Attorney General said, and I do not agree with the Attorney General on the way she has approached the application of the law in Oregon, but she said, ''Adverse action under the Controlled Substances Act may well be warranted where a physician assists in

a suicide in a State that has not authorized the practice under any conditions or where a physician fails to comply with State procedures in doing so.'' She herself has acknowledged that. Everyone who has looked at the law understands that physicians who violate a State law in providing a controlled substance for assisted suicide face penalties from the DEA. There is no question about that. That is the state of the law now. We are not creating any additional regulatory scheme. That scheme is already in place. It is very important that people understand that.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I rise to support the rule. I am proud to have introduced this legislation with the gentleman from Illinois (Mr. HYDE) of the Committee on the Judiciary. This legislation is cosponsored by 150 bipartisan Members of this House.

This legislation amends the Controlled Substances Act to clarify that doctors and other licensed health care professionals who dispense, distribute and administer pain control drugs for legitimate medical purposes of alleviating a patient's pain or discomfort are permitted to do so even if the use of these drugs may increase the risk of death.

This bill also reinforces current Federal policy that the administration, dispensation or distribution of a controlled substance for the purpose of assisting in a suicide is not authorized by the Controlled Substances Act. We make clear that the Attorney General in implementing the Controlled Substances Act shall not recognize any State law permitting assisted suicide or euthanasia.

This legislation reflects the hard work of many, many people and many organizations. We have brought the hospice organizations on board to support this legislation. In addition to the National Hospice Organization, this bill is supported by the American Medical Association, Hospice Association of America, American Academy of Pain Management, American Society of Anesthesiologists, American College of Osteopathic Family Physicians and C. Everett Koop.

Some organizations and Members as we have heard today are concerned that this bill would chill the doctor's ability to prescribe pain medication. Nothing could be further from the truth. Currently, doctors run afoul of the Controlled Substances Act if their actions cause or contribute to the fatal or near fatal overdose of drugs. In essence, the current standard for enforcement by the DEA is whether or not the use of controlled substances by a doctor served a legitimate medical reason. That is the standard. The bill makes clear that the Controlled Substances Act allows doctors to administer drugs for the purpose of relieving pain. This has always been the Federal policy and it remains the Federal policy under this legislation.

If the critics would examine the first sentence of section 101 of the bill, they will see that the bill provides for a safe harbor for aggressive treatment of pain, even if the treatment increased the risk of death. The second sentence of the same provision limits the safe harbor, because without it people could always claim they were assisting suicide in the treatment of pain.

I urge my colleagues to listen to the criticism and compare it to the actual language of the bill and I am confident that my colleagues are inaccurate who criticize this bill.

H.R. 2260 does a lot more than provide a safe harbor for the treatment of pain. Last year in the Committee on Commerce, we debated the Assisted Suicide Funding Restriction Act. Many Members expressed concern that the lack of palliative care in this country was responsible for the helplessness that many chronically ill patients feel that lends to assisted suicide. The bill addresses those concerns as we amend the Public Health Services Act to authorize the development and advancement of scientific understanding of palliative care. The agency is directed to collect and disseminate protocols and evidence-based practices for palliative care with priority for terminally ill patients. The bill also amends the Public Health Services Act by authorizing a program for education and training in palliative care.

This bill ends assisted suicide and relieves pain. This legislation makes sense. It makes clear and again reinforces the current Federal policy that under the Controlled Substances Act, the distribution of a controlled substance for the purpose of assisting in suicide is illegal. The legislation gives physicians the ability to treat patients, to provide palliative care and increase our understanding of palliative care. The bill reinforces the written policy of the Federal Government and the administration, and I quote from that policy, that it ''strongly opposes the practice of physician-assisted suicide and would not support the practice as a matter of Federal policy.'' What we are doing here is reinforcing Federal policy that has always been on the books.

Vote for the Pain Relief Promotion Act of 1999. Stand up for palliative care for terminally ill patients and their families and stand up against assisted suicide. Vote ''yes.''

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the Pain Relief Promotion Act. This bill is good legislation because it is simple, it is straightforward and it addresses the concerns of every family member who has ever held the hand of a loved one who is in pain and near death.

The gentleman from North Carolina (Mr. WATT) for whom I have high regard raised the concern about States' rights and are we violating this. First of all, it is very appropriate and necessary that Congress legislate on this issue in order to retain a uniform national standard over controlled substances. This is very important.

□ 1130

I want to harken back to the gentlewoman from Connecticut who raised an issue and said this is a new role for the DEA. This is not a new role for the DEA. The DEA does not have the final judgment over this.

I was United States Attorney. I actually had to prosecute a doctor for dispensing controlled substances without a legitimate medical purpose. It appeared to me that that was the case, that they were just putting out controlled substances without any good medical reason for it. Well, we went to a jury on that case, and the medical community came in, and they gave testimony and said it was for a legitimate medical purpose. They reviewed that and said it was appropriate, and then the jury made a decision on that.

That is how the system presently works, but the problem is because of the issue of physician-assisted suicide and because of the chilling impact and the concern of physicians they are not dispensing pain relief medication because they are concerned that they could be second guessed that it is not for legitimate medical purpose.

So what this does is it tightens it, it makes it clear, it tells the DEA that we cannot look into it if it is to relieve pain. We want to make it clear and provide the guidance for physicians. We want to remove that chilling impact so that they can appropriately administer pain medication without concern that they are going to be second guessed by someone that it is not for legitimate medical purpose.

But we also clarify that if they have the intent to cause the death of someone, then they cross the line. They cross the line, and that will not be accepted medical purpose. It will not be accepted in our society, and so we are drawing a clear line of distinction there that gives the physician the guidance that they need, it takes the discretion away from a DEA agent, and it follows the same path that we have handled in our cases under the Controlled Substances Act for decades and decades.

And so this should be helpful to the physicians, but it should be very helpful to our society and to the patients who need the pain medication, who want a higher quality of life as death

approaches or they have a terminal illness; but it makes it clear that in our society that doctors honor the Hippocratic Oath that they will protect and enhance the quality of life. I ask support.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I speak today in support of H.R. 2260, the Pain Relief Promotion Act, and in support of this rule. This legislation will establish that the practice of assisted suicide and euthanasia are neither legal nor condoned medical procedures in this country. In addition, this legislation is a significant step forward in our efforts to effectively encourage pain management for terminally-ill Americans.

For those who have concerns with this measure, I would encourage them to read the bill language. The legislation is explicit that it does not affect health professionals providing care and treatment even in the case of accidental death. In fact, H.R. 2260 encourages, encourages physicians to provide the full range of treatment to alleviate pain and suffering for their patients.

Physicians in the hospice community have endorsed this bill, and the evidence is clear that banning assisted suicide does not deter pain relief. I would encourage any remaining skeptics to look at the experiences in my home State of Kansas and other States where similar measures have been implemented. The concern by the opponents of this legislation is that it would deter the use of pain medications such as morphine.

While I was a member of the State Senate, Kansas first enacted legislation to ban assisted suicide in 1993 and then again strengthened those protections in 1998. The evidence in our State of Kansas is clear. The use of morphine to alleviate pain has not declined and in fact has risen significantly. In 1993 Kansas health professionals administered roughly 561 grams of morphine per 100,000 individuals. Six years after the ban on assisted suicide, morphine prescriptions rose to 4,573 grams, a significant increase, not a decrease.

Mr. Speaker, rather than encouraging euthanasia, we need to aggressively pursue effective pain management. Today, we have the technology and medication to successfully control pain. This legislation establishes education and training initiatives to ensure that health professionals recognize the array of pain management tools that are available to them. I encourage my colleagues to support this rule and to ultimately support the passage of this act.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank the gentleman for yielding this time to me, and I just rise in support of the rule and, as a cosponsor of the bill, obviously for passage of this.

I really believe that we are on a very slippery slope when we look at the sanctity of life and the quality of life, and it is a very personal issue with me. I have an 87-year-old father who has advanced Alzheimer's; and as my colleagues know, we could question what the quality is or what the value of that life is, but to my mother who has been married, they have been married for 61 years, and that is her life every day, is to go to the home, visit my father, and there is extraordinary quality there.

And my parents have worked very, very hard all of their lives, and they are fortunate that they have enough money saved up that they are able to pay for their care. I am very concerned that on this slippery slope, if we have the opportunity for a third person to make decisions, life and death decisions for folks, who is going to live and who is going to die in the case of my father as an example. My father is able to pay for his care. If we have a third person, a bureaucrat who is making a decision for a ward of the county or of the State, what is their decision? I think we have to look very, very closely at the direction we are heading in this country. This bill allows my father, if he were to go into pain, have real problems, to get that kind of treatment. But it is wrong, it is very wrong, for someone else to make that decision to take his life and for other motivations that may be outside of his own well-being, obviously.

So again, on a very personal level I rise in support of this rule and in support of the underlying bill.

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I rise in opposition to the rule and to address an issue placed on this floor by the gentleman from Oklahoma concerning whether there is a constitutional right involved in this debate or not. I commend to the gentleman the Bill of Rights amendment number four, the right of the people to be secure in their persons shall not be violated, and amendment 10, the powers not delegated to the United States, et cetera, are reserved to the States or to the people.

I submit to my colleague that 208 years ago the founders of this republic foresaw this day when the rights of the few would be trampled by the political fears of the many, and that is why these amendments are in this Constitution.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. As my colleagues know, I thank the gentleman for his words. I actually take that a completely different way. One does have the right to be secure, which means nobody has the right to take their life, nobody; and I would put forth to this body that if our Founding Fathers thought we killed 3 to 5 million unborn babies a year in this country, they would be sickened of heart at how we have not held on to the very principles of life, liberty and the pursuit of the qualities that go along with life and liberty.

There is not a stronger States' rights person here than me, but with the tenth amendment gives no right to take someone's life. We do have a Constitution of the United States; and if it was my own State, Oklahoma, had passed the Oregon law, I would be here fighting them because not only are they wrong constitutionally, they are wrong morally; and our founders founded this country on the basis of moral beliefs and the beliefs of a higher being that endowed us with inalienable rights, but one of those rights was not the right to take someone's life.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, to begin, I will respectfully dissent from the notion that this should be settled by the moral views of the Founding Fathers. They were very wise people in deciding how government should be structured, but people who spent a lot of time protecting the institution of slavery are not my moral instructors in all things.

What we have is a decision that we have to make, not people who lived 200 years ago, and the question is: does an individual who has been found competent, not a third party, because the Oregon law that is here under assault from the majority, the Oregon law that would be effectively repealed by this action of the United States Congress, the Oregon law twice passed by a referendum by the people of Oregon that would be undone, makes it clear that there is not a third party involved. The person themself must have made the decision that they want assistance in committing suicide and they must be found competent to do so.

Now we can argue about the role of the DEA and this and that, but that is not what got any of us here. We are talking about two fundamental philosophical questions. One is the right of a State to make decisions. We have traditionally said that where there is no need for a national uniform policy we will leave it to the States, and Members have said, ''Oh, no, we have to have a uniform drug policy.''

Well, we have to have uniform policy sometime for manufacturing. It is true if we are talking about manufacturing a substance in one State to be sold in every State it has to be uniform, but why the need for uniformity here? Is it

the fear that someone will be in Idaho and mistakenly think she is in Oregon? Is it that someone will be in Oregon and forget and think they are in Washington? We are talking here about a specific discrete physical act, the act of someone being assisted in ending a life which he or she has decided, being of sound mind, that this life is no longer supportable.

There is no confusion. Everyone will know where the person is. There is no need for uniformity except, as the previous speaker said, if we decide to impose nationally the moral judgment of the Federal Government on this issue, and clearly the people of Oregon knew what they were doing; they were put to this twice.

They have twice decided that a sound individual, an individual of sound mind who finds life insupportable, who finds pain overwhelming, who finds paralysis in which they could do nothing but lay in bed intolerable, that that individual has the right to ask for assistance in committing suicide. And remember what I assume we are talking about, people who clearly would have the right, and I assume no one is interposing a Federal objection to suicide if the individual is capable of doing it. So the question is whether individuals who are not physically capable themselves and would otherwise have the right to commit suicide can ask someone, being of sound mind, to do that.

Now clearly there is no reason why the Federal Government has to intervene. There is no need for uniformity here. The existence of a right of assisted suicide in Oregon has no effect in Massachusetts or Oklahoma or Washington State unless someone wanted an individual to be transported there. But clearly the need for uniformity simply reflects a desire of people here to impose their moral views on the people of Oregon who have been found to be morally deficient in this particular regard.

Now that is a perfectly rational argument, but it is not one we can make and still be a States' rights proponent.

Let me also say, by the way, that the arguments about including palliative care, et cetera, those really cannot be made here because the gentleman from North Carolina pointed out he had a perfectly sensible amendment that would have preserved every aspect of this bill except its impulse to overturn the Oregon law. His amendment would have allowed every single other factor of the bill and say and because of that the Committee on Rules unfortunately would not allow it.

So the only thing that is at issue between us is this decision to overturn the Oregon law, and now we get to the philosophical issue: Does an individual have the control of his or her own life; does an individual have the right to say it is my life and I am in charge of it, and that includes the right to decide that it should be ended?

And we have people who believe philosophically, some out of a religious belief, some out of some other set of philosophical belief, that that is not true, one's life does not belong to them. We, the government, the national government of the United States, we, the Congress, can say to them: no, they may not do that.

□ 1145

We do not care how much pain one is in. We do not care how much one is tormented. We do not care how much, and I believe in many cases the psychological pain of being confined, rigid, being only a mind and nothing else, being totally dependent on others for everything else, and perhaps combining that with some pain, that is irrelevant. We will decide. We will decide under what conditions one will live. We will compel one to live against one's will.

That is what we are saying here, we, the United States Government, will compel one to live against one's will even though the people of one's State decided otherwise, because we have a moral framework which excludes one's right to end one's life.

I do want to have one other point here. We say, well, this is not interfering with States' rights, because these are federally controlled substances, so the Federal Government has the right to control them. The fact that we regulate something in one regard does not mean the Federal Government owns it. What is at stake here is a decision by the Federal Government to impose the moral views of a majority of this House on the people of the State of Oregon.

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

Mr. Speaker, nearly 50 years ago, Doctors Watson and Crick were given the Nobel Prize in medicine for discovering the stuff of life. They defined deoxyribonucleic acid, DNA. Twenty years ago, Dr. Crick suggested seriously in Great Britain that people reaching the age of 80 ought to be eliminated because they were very expensive and not productive. That is the casual attitude about life and death that we ought not let States undertake.

This bill does two substantive things. It adds protections for doctors who use medications to treat pain, and it applies a 1970 law on controlled substances equally across 50 States. All States must abide by that law, irrespective of Oregon's decision to exempt itself from it.

If Texas chose to exempt itself from a national law in deadbeat parents, would we sit by and say, well, that is fine; they had a vote, it is not our business? If New York voted to allow no welfare reform and allow people to stay on welfare forever, would we sit back and say that is fine, it is not of our business, they voted?

Federal laws should be abided by equally by 50 States, and we have a 1970 Controlled Substances Act that Oregon has chosen to exempt itself from. This law would change that. Must we treat life with more dignity than we are in Oregon? Should we allow people to take their lives or to ask others to take their lives? We think so.

Two decades ago, a Methodist pastor was in Connecticut Hospital in serious pain from cancer and wrote a letter to Bill Buckley, the editorialist. He said, ''I have spent a great bit of time thinking about suicide and praying about it. But then I concluded that I have no right to take away what God has given me on this Earth. I do, however, have the right to pray for early release from this diseased ravaged carcass.''

We have no right to take away what God has put on this Earth or asking our friends who are doctors to take it away. But this bill is not about that. This bill is about saying that 50 States must abide equally by national laws, in this instance the 1970 Controlled Substances Act.

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.

GENERAL LEAVE

Mr. COBURN. 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. 2260, and to insert extraneous material on the bill.

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

There was no objection.

PAIN RELIEF PROMOTION ACT OF 1999

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 339 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. 2260.

□ 1149

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. 2260) to amend the Controlled Substance Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes, with Mr. PETRI 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 Oklahoma (Mr. COBURN), the gentleman from Michigan (Mr. STUPAK), the gentleman from Florida (Mr. CANADY), and the gentleman from Michigan (Mr. CONYERS) each will control 15 minutes.

PARLIAMENTARY INQUIRY

Mr. DEFAZIO. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. DEFAZIO. Mr. Chairman, is it not usual that the time is divided equally between proponents and opponents?

The CHAIRMAN. The rule provided for the division of time that was just announced by the Chair.

Mr. DEFAZIO. Mr. Chairman, it specified that three-quarters of the time would go to proponents and one-quarter, 15 minutes, would go to the opponents. Is that correct? Is that what the rule specified?

The CHAIRMAN. No. The rule provided that the time would be divided among the chairmen and ranking minority members of the reporting committees.

The Chair recognizes the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have heard a lot of debate already on the rule. We have heard a debate about the intent of our Forefathers. I would counter what the gentleman from Massachusetts (Mr. FRANK) said during the debate on the rule that, in fact, that every law that we pass has a moral consequence; and that, in fact, if we read the writings of our Founders, they did not see that questions such as this would come up.

The real thing that we are going to be debating is about life. As the freest Nation in the world, are we going to abandon the principle that life has value?

I have come to recognize with all my own deficiencies, and especially how they have been exemplified my last 5 years in Congress, that we are all handicapped in one way or another. Some of us, we can see the external handicap. It is very plain and visible. Others, we hide our handicaps. But the fact is, all of us, handicapped as we are, have value, whether I agree with the philosophical point of view or not of that other individual, is that all of God's creation, all life has value.

What we are really debating is whether or not the State of Oregon can ignore a law that is 28 years old and decide that, in this country, the freest country of the world, that they will allow other people to decide whether life has value.

We are on a terrible slippery slope. The committee of which I am a member had testimonies about what has happened in Holland. In fact, when euthanasia and assisted suicide started in Holland, it was a very small number. It has grown progressively each year. But most importantly, because of the number of people who have been euthanized against their will, people now carry a card in Holland in their billfolds to say do not euthanize me.

They have had to do that because they are worried that, if they get in a precarious life-threatening situation, somebody might make the decision about their life. Our country cannot go that direction. We must demand and stand for the fact that all life has value.

Whether it is the unborn child just conceived, whether it is the child with multiple anomalies, it all has value. If it has no value, there is no real meaning to life in the beginning or in the end. I throw that off as a Member of this body, somebody who represents the great State of Oklahoma, who was brought up in a tradition that this is the freest country in the land, but it is only free if we preserve the principles of life.

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

Mr. CONYERS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, first of all, I want everyone in the chamber to know that this bill requires that two doctors and a patient, who has the understanding to make the decision, would make this decision for the taking of his life, physician-assisted suicide. So the tragedies and scare stories about other countries has nothing to do with this.

This legislation really represents a new hypocrisy by the majority who claim to support States' rights but would prevent the United States Attorney General from giving effect to State laws that allow physician-assisted suicide. They do not say anything about that.

The Supreme Court has said, quote, ''Americans are engaged in an earnest, profound debate about the morality, legality, and practicality of physician-assisted suicide. Our holding permits this debate to continue.''

This bill prevents and excludes that debate by coming to a Washington-knows-best solution coming from those who claim to support States' right. I support States laws. Although Republicans who have often claimed that citizen initiative is the most revered form of democracy, repeatedly sponsor bills that treat them as a higher form of law than others, they bring a measure to the floor today that would overturn an Oregon initiative that has been approved twice by large margins.

The 10th amendment, well, that is someone else's problem. It has reserved to the States those rights not given to the Federal Government. This is not a Federal issue. So, today, to consider a bill that has no grounding in interstate commerce or any other cause in the Constitution, in direct violation of the 10th amendment, compounded by the fact that they directly intend to override Oregon's law and would not give them a chance to make that exception in the Committee on Rules, this measure intrudes severely upon the essential relationship between a doctor and a patient.

Moreover, numerous medical associations have already told us that this bill, ironically, will deter doctors from treating pain because they fear they may be subject to criminal prosecution at the Federal level if their patients die. So it is especially disturbing considering that doctors are already undermedicating approximately 80 percent of their terminally-ill patients because they believe the current drug laws are too strict.

Let us not move in this direction. I commend to my colleagues the substitute of the gentleman from Massachusetts (Mr. STUPAK) and the gentleman from New Jersey (Mr. ROTHMAN), which will come up later.

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

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman from Florida for yielding me this time.

I rise in support of this legislation. I come to this debate today, not only as a legislator, but as well as a physician. I practice internal medicine. About once a month, I see patients. For 15 years prior to coming to the Congress, I practiced internal medicine full time.

One of the aspects of that for me was I had the opportunity to manage many patients with chronic pain and many patients, unfortunately, who were terminal who had, in many instances, metastatic cancer, with disease in their bones, and there was a lot of pain associated with their condition.

One of the experiences I discovered was that, with time and attention from the attending physician, it is possible to manage these patients quite successfully so that there is not suffering. Indeed, one of the things that I discovered was that the patients who suffered with severe pain, whether they were terminal or whether they had severe pain from a chronic disease and they were not necessarily terminal, the patients who were suffering were the patients who were being managed incorrectly. Their physicians essentially were incompetent, and that is why they were suffering.

That, in the hand of a competent physician, these patients can be managed correctly, and that their pain can be dealt with. Their nausea as a complication of their pain medicines can be dealt with. Indeed, even if they were severely depressed as a complication of their illness, one could manage them with medications. There is a whole plethora of drugs available.

Now, the reason why some people believe that physician-assisted suicide is necessary is, in my opinion, the false assumption that there are these cases that we cannot manage and, therefore, we have to euthanize these people.

□ 1200

I argue today, before all my colleagues, that that is a very, very cruel and bogus hoax. In competent hands and in compassionate hands we do not have to resort to the extreme measure of managing a patient like we would Fido or Rover, and simply just put them to sleep; that we are essentially at the limits of what doctors can do.

My colleagues, there are narcotic pain relieving drugs not only available in pill form, there are medications available in suppository form, there are medications available that are transcutaneous patches of narcotic pain relievers, there is even a lollipop that doctors can use that has a pain reliever in it. I have never seen a patient that could not have their pain managed. And the people who would resort to this are people who are lazy or perpetrating a hoax on their patients.

Mr. STUPAK. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I thank my colleague for yielding me this time, and I rise in opposition to H.R. 2260, the Pain Relief Promotion Act. This is a cynical title for a bill that is not about pain relief but about overturning State-assisted suicide laws.

H.R. 2260 explicitly preempts State laws that govern the practice of medicine, even if the residents of those States have spoken on the issue. Understandably, this bill is opposed by the California Medical Association and other State medical associations.

I strongly oppose physician-assisted suicide, but assisted suicide and pain management are very distinct things, and this bill blurs that distinction.

Title I of this bill raises the prospect of the Drug Enforcement Agency, nonmedical people, second-guessing a physician or a health care professional's intent in prescribing large doses of controlled substances for patients who have very severe pain. The threat of investigation could scare health care professionals away from providing quality care to people who are living in desperate situations, living with uncontrolled pain. There are medical standards in place now, approved by the Joint Commissions Standards Committee.

This bill is opposed by the American Nurses Association. Nurses are the health care professionals who are most often at the side of patients helping them to deal with their pain and to continue to live their lives. Nurses are ethically bound to oppose this legislation because it creates barriers to appropriate and compassionate patient care. By making effective pain and symptom relief more difficult to obtain, H.R. 2260 is likely to increase suicide as desperate patients seek relief from unbearable pain.

In providing needed pain management, let us remember that we are not assisting patients to die, but helping them to live. I oppose H.R. 2260 and urge support of the Johnson-Rothman-Maloney-Hooley substitute.

Mr. COBURN. Mr. Chairman, I yield 1½ minutes to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Chairman, I rise in support of the Hyde-Stupak bill.

Sometimes on this floor Members actually have to read the legislation. We had a debate here a few weeks ago on managed care in which part of the biggest problem that we had was to get people to read the legislation. So let me read the pertinent point in here, and that is this. ''For purposes of this act and any regulations to implement this act, alleviating pain or discomfort in the usual course of professional practice is a legitimate medical purpose for the dispensing, distributing, or administering of a controlled substance that is consistent with public health and safety, even if the use of such a substance may increase the risk of death.''

Those are important words that are in this bill. For various reasons, moral, religious, professional, ethical, I am against physician-assisted suicide. I agree with my colleague from Oklahoma, I think this puts us on a very slippery slope, and testimony before the Commerce Committee from the Netherlands demonstrated that.

I would also point out that the problem with pain can be handled. But that is not the most common reason why people request assisted suicide. It is not because they are having severe pain. Surveys have shown this. It is because they fear that they are losing control or they fear that they will be a burden. And I think that there are other ways we can approach that to help those people, but that we ought to pass the Hyde bill.

Mr. ROTHMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, a lot of people would like this debate to be about physician-assisted suicide because many of us are against physician-assisted suicide. I am against physician-assisted suicide. That is not what this debate is about.

This debate is about whether the underlying bill, 2260, will so intimidate doctors across America that they will not prescribe the pain medications to the children, men, and women who are begging for it. Not because they want to die but because they do not want to suffer agony. They want to live as long as they can, but not in pain.

But my colleagues who want this bill want to make it a physician-assisted bill. Why? Because they did not like the physician-assisted law in Oregon and, instead of going to the United States Supreme Court to get that referendum in Oregon declared unconstitutional, they have decided to use this route. The question is, is that so bad? Yes, it is bad, because by using this route and the controlled substances Federal law to go after the Oregon referendum that the people passed twice, they are affecting tens of millions of other Americans whose doctors will be inhibited and chilled from prescribing the pain medications that those tens of millions of children, men, and women are asking for.

This is not a debate about physician-assisted suicide. If they wanted to get rid of the Oregon physician-assisted suicide bill, let them go to the Supreme Court and have it declared unconstitutional. Do not intrude in the doctor-patient relationship. There is already an untreatment of pain in America. Do not make it worse. It is not necessary.

We are all against physician-assisted suicide. I urge my colleagues, those who are against physician-assisted but believe there needs to be more care for people in pain, more pain medication, then pass the substitute and reject the bill.

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

Mr. CANADY of Florida. Mr. Chairman, I yield myself 2 minutes.

I think it is very important that the Members of the House focus on what the language of this bill actually does, and I appreciated the gentleman from Iowa (Mr. GANSKE) actually quoting the bill. Much is being said here today that has no relationship to what the bill actually says and what it would actually do.

This bill is not going to do anything to intimidate doctors across America. That is what has been said here today. That is not the impact of this bill. This bill is actually going to provide additional protections for doctors across America. In the language of the bill we give a safe harbor for the appropriate use of controlled substances and palliative care. We are creating additional protection under the law for physicians who use controlled substances to control pain, even in circumstances where the hastening of the death of the patient may occur.

We do draw the critical distinction, and we say that the deliberate taking of life is wrong. But if death is hastened as a consequence of providing appropriate palliative care, the physician will be protected. And that is a very important step forward in this legislation. That is why groups such as the American Medical Association support it.

The focus of this bill is to help ensure that we consistently enforce the Controlled Substances Act. The issue before the House today, as we have said

repeatedly in this debate today, is whether we are going to have a consistent Federal policy that does not support assisted suicide or whether we are going to allow a Federal regulatory scheme to be used to support physician-assisted suicide. Are we going to allow physicians who are licensed under the Controlled Substances Act to dispense controlled substances, to use the pads, the prescription pads printed up by the DEA, to provide controlled substances to kill their patients? That is the issue before the House today.

I do not think that is appropriate Federal policy. Let me quote to my colleagues what the President himself said upon signing the Assisted Suicide Funding Restriction Act. He said, ''The ban on funding will allow the Federal Government to speak with a clear voice in opposing these practices.'' We should do the same today.

Mr. STUPAK. Mr. Chairman, I yield 3 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, I rise today in support of the Johnson-Rothman-Maloney-Hooley substitute amendment to 2260, and in opposition to the underlying bill.

Several months ago, I introduced 2188, the Conquering Pain Act, with the gentlewoman from Connecticut (Mrs. JOHNSON) to address the pain crisis, and we are having a pain crisis in this Nation. Most of the provisions are in this substitute. The Conquering Pain substitute addresses pain management from a medical perspective rather than law enforcement. It also expresses Congress' clear opposition to assisted suicide.

Let me tell my colleagues what is in the substitute. First of all, patients, families, and doctors would have access to help 24 hours a day, 7 days a week. Our goal is to make sure that people, if they have a problem on Sunday, do not have to wait until Monday; that they do not have to be in pain. We want patients to know that they should expect to have their pain managed and to receive quality pain management. No one should have to live or die in pain because a doctor was afraid to give higher doses of pain medication.

As introduced, the Conquering Pain Act also sought to identify any barrier in our regulatory pain system that prevents good access to pain management. We want the Surgeon General to provide us with a report on the state of pain in this country. We create an advisory committee to help us identify gaps in the Federal policy on pain management to force the different parts of government to speak to one another, to talk to each other, so we can create a coordinated agenda that builds on all of our actions of the Federal Government without wasting taxpayers' dollars.

Under the Johnson substitute amendment, Congress again expresses its clear opposition to assisted suicide. Among the groups that sat down with us to help us write 2188, the Conquering Pain Act, from which this substitute is derived, and endorsed that bill, are the American Medical Association, the National Hospice Organization, American Society of Anesthesiologists, American College of Physicians, American Pharmaceutical Association.

Among those who oppose the Hyde-Stupak bill and prefer the Conquering Pain substitute to the Pain Relief Promotion Act are the American Academy of Family Physicians, American Nurses Association, American Pharmaceutical Association, and the American Pain Foundation. And let me tell my colleagues one other group of people that is very important for us to understand. All of those associations that deal specifically with pain management and palliative care are opposed to the underlying bill and support this amendment.

Ultimately, I hope we can agree that the amendment put forth by the gentlewoman from Connecticut (Mrs. JOHNSON), the gentleman from New Jersey (Mr. ROTHMAN), the gentlewoman from New Jersey (Mrs. ROUKEMA), the gentlewoman from New York (Mrs. MALONEY) and myself should be approved because it will make a difference in people's lives every single day who are struggling with these life and death issues.

By improving care rather than by more closely scrutinizing care, we can reduce patients' hopelessness at the end of life. For a medical solution rather than a law enforcement solution, vote for the substitute.

Mr. ROTHMAN. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from New Jersey for yielding me this time, and I rise to support the Scott-DeFazio amendment, and the Johnson-Rothman-Maloney-Hooley amendment, and in opposition to the underlying bill.

Mr. Chairman, I thank the gentleman from New Jersey (Mr. ROTHMAN) for defining what this debate is all about. This debate is not about physician-assisted suicide, which all of us collectively, in many ways, have said that this body, this Congress, does not have the stomach for; in fact, the American people do not have the stomach for, or physicians.

□ 1215

But what this is about is to close the door of the patient's room to the physician before he goes or she goes in the door to serve that patient, and it is a jail-time-for-physicians bill in America. That is the name of this bill.

It is interesting that just a few weeks ago we collectively came together in supporting the patients' bill of rights in reaffirming the relationship between patients and physicians. For once and for all, this Congress stood side by side with the healers of this Nation and said, we want them to engage with their patients.

Now we come back just a few weeks later, and because we have some kind of angst and some kind of disagreement with the Oregon State law, which, in fact, in hearings as I have reviewed is a very good law with double checks, with second opinions, with the right to withdraw, with family members involved, with time frames there, a very strong bill; and yet we in the United States Congress have put ourselves in a God-like position to, one, remove the rights of the people from Oregon but then, as well, tell physicians we lock them up and we do not want them to care for their patients.

Pain is devastating, Mr. Chairman. Pain is devastating. The cancer victims have terrible pain. This is a bad bill. It should be defeated. We should support the amendment.

Mr. Chairman, I rise in opposition to this bill because I am concerned about the negative impact it will have on patient care. This bill enables the Drug Enforcement Administration (DEA) to determine whether a prescription was intended to manage pain or to terminate a life. On its face, this bill may seen like an effort to improve pain management, but instead, this bill will compromise the ability of doctors to relieve patient pain.

I understand concerns that pain management medication may be prescribed for assisted suicides or for euthanasia. Doctors may believe that by prescribing high doses of pain medication, they are easing the suffering of a patient close to death.

For patients who have requested assistance in committing suicide, a physician may prescribe a lethal dose of pain medication as an act of humanity. In both cases, there is considerable debate about the ethics of preserving life in these instances.

However, we already recognize certain rights of patients in determining end of life issues. Terminally ill patients sometimes decide to write living wills that alert medical personnel of their final wishes. People sign organ donor cards and families make life or death decisions concerning on-going treatment in chronically ill cases.

In each of these situations, there is a balancing determination about the quality of life in terms of the wishes of the patient and the interests of society. Included in these decisions are the ethics of end of life pain management.

There is precedent in federal law and state law concerning physician assisted suicide. In Washington v. Glucksberg (1997), the Supreme Court encouraged States to engage in this debate, ''about the morality, legality and practicality of physician assisted suicide.''

The State of Oregon voted in 1994 through a ballot initiative to support physician assisted suicide under specific circumstances and by following specific guidelines.

This bill is an attempt to address this issue by giving the DEA the authority to determine if pain management medication is prescribed in a manner that constitutes a ''legitimate

medical purpose." Its effect is to take the debate away from the states by regulation on the federal level.

This is problematic because this bill may subject physicians to criminal prosecution when administering pain medication. Physicians who prescribe pain management drugs in large doses that "may increase the risk of death" would be in danger of losing their DEA license.

I do not support this bill and I urge my colleagues to vote against it. The Supreme Court has already determined that the States have the right to legislate in this area, and I believe we should defer to that finding. The right of patients to request medication to manage pain, and the responsibility of doctors to manage the pain cannot be compromised.

Mr. COBURN. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, well, if we wanted to distill this down to the final issue, it is should one of the options be available to a doctor to go in and kill a patient if the patient has determined that their life is not worth living anymore. And if my colleagues think that is a very good law, then perhaps they should not support this bill.

I think this is a cruel hoax. I think anybody who would hold out and say killing them is the best way to go is wrong. I can manage the patients. If they cannot handle them in Oregon, send them to me and I will retire from the House and take care of them in Florida. I mean, this is absurd to say we have to ultimately have the ability to just do that and say bye-bye.

Mr. STUPAK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill merely reinforces current Federal policy that the administration, dispensation, or distribution of a controlled substance for the purpose of assisting a suicide is not authorized by the Federal Controlled Substance Act.

We make clear that the Attorney General, in implementing the Controlled Substance Act, shall not recognize any law permitting assisted suicide or euthanasia.

Now, this legislation has reflected many months of hard work to bring the hospice groups on board to support this legislation. And not only the National Hospice Organization. But the American Medical Association, the American Academy of Pain Management, American Society of Anesthesiologists, the American College of Osteopathic Family Physicians all support this legislation.

Now, despite all the claims made on the floor by the opponents here, this bill really does three things. It promotes pain management and palliative care. It does not create any new Federal standard concerning the controlled substances under the Controlled Substance Act with respect to assisted suicide. We do not put forward any new standard. And it does override reliance on Oregon's Death With Dignity Act as a defense, we do not repeal it, but as a defense to any action pursuant to the Controlled Substance Act.

If I may, one of those who supports this legislation, C. Everett Koop states, and I would like to quote from his statement to us, he says, ''Clearly, controlled substances, such as narcotics, have very legitimate and important uses in modern medicine, not least in alleviating the suffering of dying patients. Just as clearly, Government has legitimate interests in ensuring that those substances are never intentionally used to take a human life. Physicians who are entrusted by the Federal Government with the privilege of using these potentially dangerous drugs in their practice should be the first to understand the need for laws ensuring their proper use. Their own ethical code instructs them always to use medications only to care, never to kill.''

C. Everett Koop, in endorsing our legislation, goes on and states that this bill strikes the right balance by promoting the much-needed role of federally regulated drugs for pain relief while reaffirming that they should not be abused to assist patient suicide. A better understanding of the difference between trying to kill pain and trying to kill patients will be of great help to law enforcement authorities, to physicians, and especially to patients themselves.

Now, if we take a look at our legislation that we have before us, H.R. 2266, there has been all these claims that law enforcement officials will be questioning the doctor's intent in using controlled substances for pain. That is not the case. That is not even close to what this bill purports to do.

Using drugs to assist suicide is clearly different from using them to control pain. Causing a patient's death usually requires a sudden massive overdose of a potentially dangerous drug. Pain control involves the carefully adjusting dosage until it achieves relief of pain with a minimum amount of side effects for the patient. This gradual adjustment of the dosage is exactly what must be avoided if one's intent is to kill, because patients quickly build up a resistance to side effects, such as suppression of breathing.

The intentional assistance in suicide is already contrary to State law and State licensing practices across this great Nation. This bill creates no new standard, no new law of the States. Even in the few States that do not clearly ban assisted suicide by criminal law, the practice is clearly contrary to medical and also to ethics and licensing standards. And if it is contrary to licensing standards, therefore, it is contrary to the Controlled Substance Act, which denies a license, a registration to anyone who has lost his or her own State license.

So the point being that all this about we are going to put in new intent is simply not true.

Now, let me just make a few comments if I may on the broader issue of federalism that we have heard a lot about. H.R. 2260 does not preempt Oregon's law legalizing assisted suicide. Its only legal effect is we forbid the use of narcotic drugs which are federally controlled for that purpose.

On a broader issue of federalism, Oregon has the right to say that there will be no State penalties for certain conduct. But that does not mean that Oregon can prevent the Federal Government from restricting the use over federally controlled substances.

Registration of a physician under the Controlled Substance Act is a matter entirely separate from a physician's State license to practice medicine. Therefore, the revocation of a registration only precludes a physician from dispensing controlled substances under the Controlled Substance Act. It does not preclude that physician from dispensing other prescription drugs or in his continued medical practice. And because the Federal Controlled Substance Act requires prescriptions to be for legitimate medical purpose to be valid by allowing this practice, the Federal Government is making a judgment that each and every one of those suicides was performed for legitimate medical purpose.

So it is well within the power of the Federal Government to say that these Federal drugs are not being used for the purpose of killing people, notwithstanding State law.

There is no reason why our tax dollars and our Federal law enforcement personnel must be drafted into assisting Oregon's dangerous experiment in assisted suicide.

I hope that our colleagues will reject the arguments and vote for H.R. 2260. Let us end assisted suicide and let us relieve pain. I hope they vote yes.

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

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Chair would advise Members that the gentleman from Oklahoma (Mr. COBURN) has 9½ minutes remaining, the gentleman from New Jersey (Mr. ROTHMAN) has 8½ minutes remaining, the gentleman from Ohio (Mr. CHABOT) has 10 minutes remaining, and the gentleman from Michigan (Mr. STUPAK) has 4 minutes remaining.

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to just go through and rhetorically ask some questions and answer them so we can really talk about what this bill does. Because we have heard everything except the essence, other than what the gentleman from Michigan (Mr. STUPAK) just outlined, as the truth about what this bill does.

Is it the intent of this bill to undermine States' ability to help patients access appropriate palliative care? No, it is not the intent whatsoever. Is it the intent of this bill to create a fear on the part of physicians so they will not do the proper thing when it comes to caring for end-of-life, pain-enduring patients? No, that is not the intent. And that is not the consequence, regardless of what has been said on the floor. What we actually do is define better so that we do not put physicians at risk and give them a safe harbor.

Are we trying to go around guidelines for end-of-life issues in the State? No, we are not trying to do that at all. What we are trying to say is have whatever guidelines they want, but as far as the use of narcotics, we do not think that those narcotics ought to be used to intentionally take a life.

Some have said we are going to allow the DEA agents to make a decision over what the intent was of the doctor. Well, that is simple. I am for that. I do not have any problem. Because do my colleagues know what? They make that decision about me right now. Whatever my intent is, whether I write a narcotic prescription to alleviate pain associated with a fracture or if I write morphine suppositories for a patient dying of metastatic cancer, they still get a look at it; and they are making a decision right now.

And do my colleagues know what? All they want is to make sure that we are not violating the law. And every physician is trained in that.

Now, what is the real question? The real question is will physicians in this country stand up and put their patients first? That is the real question, will they really go out and help their patient?

As the gentleman from Florida (Mr. WELDON) so eloquently said, we can help patients. We do it all the time. The question is we have to be trained in it, we have to want to do it, and we have to make sure that the extenders of the physicians in this country will in fact carry out our order.

There is no question, the American Medical Association said 2 years ago we have not done a good job in this country in training physicians in end-of-life pain control management. They have redoubled their efforts not only at the American Medical Association but in every medical school in this country.

So what we have heard about the untoward events that will come out of this bill is poppycock; it is not based in fact. The fact is, if they are going to assume everybody is going to do everything wrong, they might be able to do that.

Somehow we changed in this country. We used to assume that people would do things right, that they were honorable, that they had integrity. And then, as we start undermining the values and foundational principles of our country, we have to assume that everybody is going to do everything wrong.

What this bill does is say, if their intent is right, they are safe-harbored and they are protected.

The fact is that every day good physicians are out there making great decisions about pain control for their patients. This bill will enhance their ability to do that, not take away from that.

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

Mr. ROTHMAN. Mr. Chairman, I yield 3½ minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Chairman, I think that we are passing the ultimate in Murphy's law today. Because a few weeks ago we got out here and talked about we wanted to have the doctor-patient relationship; and now we, the great medical board of medicine in the sky, are going to decide what goes on between patients and doctors.

What happened in Oregon is really an attempt to deal with a very thorny public issue, and they tried to make explicit and say that that which all physicians know goes on ought to be done within the scope of the law so that there is no question about it.

A patient has to ask, two physicians have to examine for competency. A patient can withdraw. The doctor has to register that he or she is going to administer medication for this purpose. We are not just talking about narcotics here. We are talking about a whole range of psychotropic drugs, everything covered by the DEA. And so now you are going to hand to the bureaucrats, and if I have heard one bureaucrat reviled on this floor, I have heard a thousand of them, so they are going to hand this to the Department of Justice and somebody in the Department of Justice is going to write the rules and regulations for this.

□ 1230

Now, that is where Murphy's law comes, because somebody over there is going to sit and say, well, if a doctor gives this number of pills within this period of time, that is assisting suicide and therefore we are going to swoop in and grab him. They will have to have some standard by which they grab them and take them to court and say you, doctor, were assisting in suicide.

The doctor merely has to take the law out here and say, no, no, no, on page 5 it says here, the purpose of my care was to alleviate pain and other distressing symptoms and to enhance the quality of life, and they are wrong, right? But they are going to have to go through court to prove that that is what they were doing. They would have no defense. If they have 25 pills within 30 days, they will certainly wind up being dragged into court by somebody, maybe a family member, it may be somebody else saying, you were assisting my mother in suicide by giving her those pills.

I am a psychiatrist. I have prescribed many, many, many times amounts of medication that people can use to kill themselves, if they took them all at once. You could say, well, doctor, what you have to do is let the patient have five pills, that is all they get. When they need five more, come in and get five more. I testified in a malpractice suit on which a physician had prescribed 100 Nembutal to somebody which were used for suicide. You are opening a box that you know nothing about, because it occurs in a room between a patient and a physician. And if you think you are smart enough to write a law that will control that situation, you simply do not know what physicians face and what patients face when they are faced with an overwhelming illness. For us to say that we know what should go on in the United States with all 600,000 physicians and the 240 million patients in this country is absolute nonsense.

The locals have worked on an issue here. I think they ought to be allowed to do that because they made it very explicit and made the doctors honest. You are going to make doctors dishonest with this law.

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

I quote, and this testimony was also given before the constitutional subcommittee in the House. I want to give my colleagues the quote of a physician:

"What is the sense of having that woman here? It makes no difference whether she dies today or after 2 weeks. We need the bed for another case."

This is a recounting of a Catholic nun who did not want to be euthanized but was euthanized anyway in Holland because they needed the bed.

Mr. Chairman, psychiatrists are in lawsuits every day in this country because they give antidepressants that have a lethal dose of 50 and they give too much medicine. One of the things you are taught in medical school is to not give too much medicine, enough medicine that someone could take their life. So we understand that issue and those arguments are fallacious. The fact remains that if we are going to encourage a doctor-patient relationship, I will encourage that all the way up to the point we decide that the doctor has the right to take the patient's life. That is no longer a relationship. That is not a relationship when I as a physician decide I am going to be the giver or taker of life for my patient. And if that is the foundational construct under how we are going to run doctor-patient relationships, we need to start completely over. Psychotropic drugs are controlled in this country and for good reason. That is called

mescaline, LSD. We use very few. We use antipsychotic drugs and we use narcotics and we use barbiturates. But most psychotropic drugs we do not even allow doctors to write a prescription for because they are significantly mind-altering drugs. The doctor-patient relationship does need to be preserved. This law does nothing to disturb a proper doctor-patient relationship in Oregon. But as soon as a doctor has made the decision that they are the giver or taker of life, they no longer are a physician. They may be called doctor by our society but they no longer are a physician. They no longer have the ethical right to care for that patient.

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

Mr. STUPAK. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Johnson–Hooley-Roukema-Maloney-Rothman amendment and against the base bill. The first principle of the Hippocratic oath is to do no harm, yet the base bill before us does harm. The Pain Relief Promotion Act does little to relieve pain. Instead, it focuses on abolishing physician-assisted suicide. It expands the authority of the Drug Enforcement Administration agents to judge the practices of well-meaning doctors. This means that even when death results from sincere efforts to provide appropriate pain relief, a doctor's intent can be questioned.

Last night, I spoke with one of my constituents. Her name is Lisa Pearlman. She was just 22 years old when she developed fibromyalgia. This disease causes pain throughout the body. Lisa said there were days when she could barely function, there were times she could not even pick up her young child. She said she went to at least a dozen doctors before she found one who could manage her pain. Now for flare-ups she takes pain killers to manage the pain so she can take care of her two young children. But what if Lisa's doctor were too afraid of a criminal investigation to order the drugs that changed her life? Where would Lisa and so many patients be?

The American Pain Foundation predicts that the base bill could actually increase the rate of suicide among the terminally ill because people who suffer from severe, chronic pain will no longer have an alternative. By intimidating doctors with pulled licenses and jail sentences, the base bill does more to threaten the lives of those who desperately want to live than those who do not want to live. It gives drug enforcement agents too much control over decisions that should be made by doctors and their patients.

I ask my colleagues to consider the lives of people who depend on aggressive pain medication to live. It is not our place to come between a doctor and their patient in important decisions.

I include for the RECORD the following letter from Memorial Sloan-Kettering in support of the Johnson bipartisan bill. I urge my colleagues to support the Johnson bill.

I am a neuro-oncologist and palliative care physician. On a daily basis, I treat patients with cancer who have pain and other symptoms in the course of their illness, including patients who are dying. I am writing to urge you to oppose H.R. 2260, The Pain Relief Promotion Act of 1999 (Hyde/Nichols). As a palliative care physician, I know that pain is under-treated and that palliative care services are underutilized.

While H.R. 2260 is well intentioned, it is counterproductive. It will likely have a chilling effect on aggressive pain management. As the co-chairman of the Agency for Health Care Policy and Research (AHCPR) expert panel on cancer pain guidelines, I know that physicians often prescribe inadequate amounts of pain medicines, and use less potent pain medications because of fears of regulatory scrutiny. I wish to make it clear that I am opposed to physician-assisted suicide. Furthermore, I feel it is profoundly unfair to provide an option for physician-assisted suicide in circumstances where many patients do not have full access to health care and quality pain management and palliative care. However, in considering the issue of physician-assisted suicide, Congress should not tamper with the Controlled Substances Act and endanger patients in need of aggressive pain and symptom management. I urge you to support an amendment to strike Title 1 and thereby remove the provisions that turn the Drug Enforcement Agency (DEA) into a medical oversight body charged with investigating the ''intent'' and ''purpose'' in a physician's care for a patient.

I also urge you to support a substitute amendment incorporating the provisions of the Conquering Pain Act (H.R. 2188)—a bill that would constructively promote end-of-life and palliative care—as long as the substitute amendment includes elimination of the changes to the Controlled Substances Act of Title 1 of H.R. 2260. Unless one of these amendments is passed to remove the provisions that would increase barriers to aggressive pain management, I strongly urge you to vote against H.R. 2260 as reported by committee.

Please do not increase the barriers for physicians to provide the pain management, palliative and end-of-life care that the American public needs.

Sincerely,

RICHARD PAYNE, MD,
Professor of Neurology and Pharmacology,
Cornell University Medical College.

Mr. ROTHMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I would like to respond to my friend and colleague the gentleman from Iowa (Mr. GANSKE) who said, read the legislation. Then he stopped reading the legislation at a very critical point. It is true that this bill allows administering controlled substances to alleviate pain even if they may increase the risk of death. The next sentence: Nothing in this section authorizes intentionally administering a controlled substance for the purpose of causing death, and later on in the definitional section, that causing death must be read as hastening death. So under this law, DEA agents will have to judge whether the intention of the physician was to alleviate pain, even at the risk of death, or whether the physician's intention was to hasten death. This is a judgment that is extremely difficult to make if you are a physician. It should not be made by nonmedical personnel, DEA agents.

This is such a serious matter that Richard Payne, the Chief of Pain and Palliative Care Service, Department of Neurology, Cornell University, Memorial Sloan-Kettering Cancer Center says in a letter, ''Physicians often prescribe inadequate amounts of pain medicines and use less potent pain medications because of fears of regulatory scrutiny.'' Then I have to skip some in the interest of time.

He goes on to say, ''I urge you to support the amendment to strike title I,'' later he goes on to support my amendment, ''and thereby remove the provisions that turn the Drug Enforcement Agency into a medical oversight body charged with investigating the intent and purpose of a physician's care for a patient.''

So if the gentleman from Oklahoma (Mr. COBURN) gets up here and says it is not my intent to discourage alleviation of pain, it does not matter what his intent is when the law says the government is now going to judge the physician's intention in providing care in situations in which there is extremely severe pain and high dosages involved.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I want to follow on to what our colleague from Connecticut had to say. This bill allegedly creates a safe harbor for those who administer pain medications to chronically and terminally ill patients. But I have heard from nurses, family physicians and pharmacists who say the bill will do more harm than good. They believe this legislation will chill their efforts to aggressively treat patients in pain. By raising doubts about the legality of their conduct, this bill will discourage them from easing the pain of AIDS and cancer patients across the country.

I cannot support a bill that will at best further cloud an already uncertain legal environment in which doctors, nurses and pharmacists are trying to do what is best for their patients. This bill will make it harder for them to do their jobs and force them into guessing games over whether the DEA will turn a benevolent or a hostile eye towards their conduct.

We should not gamble the quality of life of patients in pain upon who happens to be Attorney General. Until the bill's safe harbor is truly safe enough

for care givers, I unfortunately will oppose this legislation and support the amendments to it.

This legislation was also created as a political attack on Oregon's Death with Dignity Act. It seeks to override the votes of Oregon residents, but it is patients in pain who will pay the price for this legislation.

Finally, H.R. 2260 will put an end to widespread and thoughtful deliberation among the States about physician-assisted suicide. I do not think the Federal government should intrude in these important debates. We should allow states like Oregon to reach decisions which reflect the fundamental beliefs of their residents.

I submit the following material for the RECORD:

SUICIDE BILL'S DEEP FLAWS

The House of Representatives plans to vote today on the most wrenching issue before it: a bill by Rep. Henry J. Hyde (R–Ill.) that is intended to effectively nullify a law in Oregon that allows terminally ill patients to request drugs to end their lives. However, the bill would reach far beyond the Oregon law. Medical societies say it will lead many doctors to under-medicate terminal patients to avoid scrutiny from federal drug agents. For this reason the bill is unacceptable.

Hyde wrote the bill out of rightful concern that the Oregon law, which voters passed in 1994, could lead government down a slippery slope toward sanctioning the state or federal legalization of physician-assisted suicide.

Hyde's bill, however, is by no means the best way to supervise and discipline doctors who stray from their proper role as healers.

The bill has gained broad support in the House largely because of misleading arguments being made by its proponents. Hyde titles his bill. ''The Pain Relief Promotion Act'' and the author of its Senate counterpart, Sen. Don Nickles (R–Oklahoma), insists that ''there's no going after doctors in this.''

In fact, Hyde's legislation imposes civil penalties and a 20-year mandatory prison sentence on doctors who knowingly hasten a terminally ill patient's death. The California Medical Assn., along with physician groups representing a dozen other states, persuasively argue that the harsh sanctions would lead doctors to under-medicate patients to avoid prosecution—thus inhibiting the effective pain management the bill purports to promote.

Some Hyde staffers have said they would consider reducing the bill's penalties if that would persuade President Clinton to sign it. But even if the sanctions were reduced, the bill remains marred by its requirement that the Drug Enforcement Administration define legitimate medical uses of pain medications, then regulate and enforce those subjective determinations. The DEA, basically a policing agency, by its own admission has neither the expertise nor the resources to play doctor.

The best way to prevent medical abuses that drift toward euthanasia is through vigilance by state medical authorities and legislators, not by passing a federal bill with a misleading title and unenforceable aims.

AMERICAN PAIN FOUNDATION,
Baltimore, MD.

OPPOSITION TO ''PAIN RELIEF PROMOTION ACT'' (H.R. 2260) AS REPORTED BY COMMITTEES

H.R. 2260 is well-intended and an improvement over last year's bill, but it is seriously flawed. Please vote against H.R. 2260 in its present form.

Many doctors and other health care practitioners think H.R. 2260 will have a chilling effect on pain management. Others disagree. It's not worth Congress' taking the risk that people in pain will suffer more under H.R. 2260.

Current law and Drug Enforcement Administration (DEA) regulations protect doctors who aggressively treat pain with morphine and other oploids. Doctors don't need a new law, they need better implementation of existing law.

DEA will investigate physicians' subjective ''intent'' in palliative care with the threat of criminal penalties. Practitioners will incur costs and burden of justifying their medical care to federal authorities. Result: undertreatment of pain.

Assisted suicide should be dealt with in a separate law, not linked to the medical practice of pain management.

Correct H.R. 2260 with floor amendments:

Strike Title I to remove provisions that turn the DEA into a medical oversight body investigating ''intent'' and ''purpose'' in a physician's care for a patient.

Substitute the provisions of the Conquering Pain Act—an effective approach to stopping suicides, assisted and otherwise, by relieving unnecessary pain.

Many patients, physicians, nurses, pharmacists and cancer specialists oppose H.R. 2260:

Patient and Health Care Groups Opposed (partial list): American Academy of Family Physicians, American Alliance of Cancer Pain Initiatives, American Nurses Association, American Pain Foundation, American Pharmaceutical Association, American Society for Action on Pain, American Society of Health-System Pharmacists, American Society of Pain Management Nurses, Hospice and Palliative Nurses Association, National Association of Orthopaedic Nurses, National Foundation for the Treatment of Pain, Oncology Nursing Society, and Society of Critical Care Medicine.

State Medical Societies Already Opposed or Having Serious Reservations (10/19/99): Arizona Medical Association, Arkansas Medical Society, California Medical Association, Louisiana State Medical Society, Massachusetts Medical Society, Oregon Medical Association, Rhode Island Medical Society, Texas Medical Association, Vermont Medical Society, Washington State Medical Association, and State Medical Society of Wisconsin.

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, October 19, 1999.

Hon. JOHN D. DINGELL,
Ranking Minority Member, Committee on Commerce, House of Representatives, Washington, DC.

DEAR CONGRESSMAN DINGELL: This letter presents the views of the Department of Justice on H.R. 2260, the ''Pain Relief Promotion Act of 1999.''

H.R. 2260 makes two changes to federal drug law as it relates to the use of controlled substances by terminally ill patients. First, the bill clarifies that controlled substances may be used to alleviate pain in the course of providing palliative care to terminally ill patients. The bill also funds research and education on the appropriate use of controlled substances for this purpose. The Department strongly supports these provisions of H.R. 2260.

Second, H.R. 2260 states that the use of controlled substances to assist a terminally ill person in committing suicide is not authorized by federal law. The Department opposes physician-assisted suicide, but is concerned about the propriety of a federal law that would unquestionably make physician-assisted suicide a federal crime with harsh mandatory penalties. Imposing such penalties would also effectively block State policy making on this issue at a time when, as the Supreme Court recently noted in *Washington* v. *Glucksberg*, 117 S. Ct. 2258, 2275 (1997), the States are still ''engaged in an earnest and profound debate about the morality, legality, and practicality of physician-assisted suicide.''

PALLIATIVE CARE

Section 101 of H.R. 2260 amends section 303 of the Controlled Substances Act (''CSA''), 21 U.S.C. §823, to specify that the use of controlled substances to ''alleviat[e] pain or discomfort in the usual course of professional practice'' is a ''legitimate medical purpose'' under the CSA, 21 U.S.C. §841, ''even if the use of such a substance may increase the risk of death.'' Because a physician who acts with a ''legitimate medical purpose'' is acting in compliance with the Act,[1] H.R. 2260 creates a ''safe harbor'' against administrative and criminal sanctions when controlled substances are used for palliative care. Sections 102, 201 and 202 amend the CSA and the Public Health Service Act (42 U.S.C. §299) to authorize the Attorney General, the Administrator of the Agency for Health Care Policy and Research, and the Secretary of the Health and Human Services Department to conduct research on palliative care, to collect and distribute guidelines for the administration of palliative care, and to award grants, cooperative agreements, and contracts to health schools and other institutions to provide education and training on palliative care.

The Department fully supports these measures. H.R. 2260 would eliminate any ambiguity about the legality of using controlled substances to alleviate the pain and suffering of the terminally ill by reducing any perceived threat of administrative and criminal sanctions in this context. The Department accordingly supports those portions of H.R. 2260 addressing palliative care.

PHYSICIAN ASSISTED SUICIDE

H.R. 2260 would amend section 303 (21 U.S.C. §823) of the CSA to provide that ''[n]othing in this section authorizes intentionally dispensing, distributing, or administering a controlled substance for the purpose of causing death or assisting another person in causing death.'' By denying authorization under the CSA, H.R. 2260 would make it a federal crime for a physician to dispense a controlled substance to aid a suicide.[2] A physician who prescribes the controlled substances most commonly used to aid a suicide would, because he or she necessarily intends death to result, face a 20-year mandatory minimum sentence in federal prison (as well as civil and administrative sanctions under the Act).[3]

The Administration strongly opposes the practice of physician-assisted suicide and would not support the practice as a matter of federal policy. H.R. 2260 side-steps the federal policy question, however, and operates instead by blocking State policy making on an issue that many, including the Supreme Court, think is appropriately left to the States to decide as each chooses.[4]

Moreover, H.R. 2260 would affirmatively interferes with State policy making in a particularly heavy handed way by using 20-year

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Footnotes at end of letter.

mandatory prison sentences (as well as civil and administrative sanctions) to effectively preclude States from adopting any policy that would authorize physician-assisted suicide, even if that authorization contains carefully drafted provisions designed to protect the terminally ill.

For these reasons, H.R. 2260 is particularly intrusive to State policy making, and the Department accordingly opposes this portion of the bill.[5] The Department would, however, be willing to work with you in formulating a legislative or regulatory solution that obviates the concerns identified in this letter.[6]

Thank you for this opportunity to present our views. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this letter. Please do not hesitate to call upon us if we may be of further assistance in connection with this or any other matter.

Sincerely,

ROBERT RABEN,
Assistant Attorney General.

FOOTNOTES

[1] *See e.g.* 21 C.F.R. §1306.04(a) (authorizing prescriptions only for ''legitimate medical purposes'').

[2] The criminal provisions of the CSA are triggered by the absence of proper authorization. *See* 21 U.S.C. §841(a) (''*Except as authorized by this subchapter*, it shall be unlawful . . .'') (emphasis added).

[3] *See* 21 U.S.C. §841(b)(1)(C) (setting 20 year mandatory minimum sentence when death results from the distribution of a Schedule II substance); 21 C.F.R. §1308.12(a)–(c) (defining Schedule II substances). Schedule III drugs, which are sometimes used, do not carry any mandatory minimum sentence. *See* 21 U.S.C. §841(b)(1)(D).

[4] *Glucksburg*, 117 S. Ct. 2258, 2274 (noting that debate over physician-assisted suicide is underway in the States, ''as it should in a democratic society''); *id* at 2303 (O'Connor, I., concurring) (endorsing majority's result, which left ''the . . . challenging task of drafting appropriate procedures for safeguarding . . . liberty interests . . . to the 'laboratory' of the States''); *id*. at 2293 (Souter, I., concurring) (emphasizing that, in light of current state experimentation, ''[t]he Court should stay its hand to allow reasonable legislative consideration [of this difficult issue]'').

[5] This approach to physician-assisted suicide is consistent with the Department's approach to ''medical marijuana.'' The legality of the latter turns on *factual*, not ethical, questions. That is, the scheduling of controlled substances is based on scientific testing to determine, among other things, whether they have any ''currently accepted medical use for treatment in the United States,'' a ''high potential for abuse,'' and ''a lack of accepted safety for use . . . under medical supervision.'' 21 U.S.C. §812(b)(1) and Schedule I(c)(10). As a result, the CSA appropriately creates a uniform national system of drug scheduling. Where an issue turns solely on ethics, not science, it is reasonable to allow individual states to reach their own conclusions, rather than impose a uniform national standard through implied preemption of state medical standards.

[6] Any solution should also be careful not to make state-authorized assisted suicides more painful, as H.R. 2260 appears to do. H.R. 2260's prohibitions would only reach controlled substances, which are most often used as sedatives and not as the actual agents of death. As a result, H.R. 2260 might well result in physician-assisted suicides that do not use sedatives and pain-controlling substances that are accordingly more painful.

Mr. COBURN. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I would like to address two of the criticisms of the bill that have been brought up. Number one, somebody rose and said there is nothing in this bill that will help people with pain. There are two titles in this act. The second title which encompasses most of the bill deals with extensive training so that physicians will get better training on how to manage pain. That is really the problem. That is why people suffer. There are a lot of doctors who are not well trained in how to manage these cases.

Now, the issue that has been brought up as well by the last two speakers, that there will be this gray zone and you will give a few pills and the DEA will start scrutinizing you, in practical effect that never happens. Indeed, under the Oregon statute, which is essentially the focus of all this discussion, you have to register with the State that you are going to execute somebody. It is quite clear what the intent is there. There is not a gray zone at all involved.

I believe if Members take the time to read it as the gentleman from Iowa (Mr. GANSKE) said, this is an excellent bill, an extremely well crafted bill, one of the best ones I have ever seen.

Mr. ROTHMAN. Mr. Chairman, the Oncology Nursing Society and American Nurses Association support the Johnson substitute.

Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me this time.

We have heard some extraordinary things from the other side. The people who are one day for States' rights today want to preempt it. The people who are for individual decisions want to preempt them. The people who want to sanctify the physician-patient relationship want to put a Drug Enforcement Administration agent in the room with the physician and the patient while they are making these critical decisions. They have talked about the word execute, euthanasia.

Look at the Oregon law. It is something where a physician can only prescribe after there are two diagnoses, a psychological consultation, the person willingly asks, they have acceded in writing, they have informed their next of kin, there has been a waiting period and the person must self-administer. That is the key. It is not euthanasia. It is not physician-assisted suicide. They write a humane prescription for a person who is dying a horrible, horrible death and who might want relief.

What has happened in Oregon? Fewer people have taken their lives with guns and other things because they just knew it was there if they needed it. They want to turn back the clock to the bad old days when my father is dying and I said, can he not have more pain medication, the doctor said, no, it might depress his breathing. In one line in the bill, they give the doctor that authority. But they take it away five lines later where they say if the doctor intentionally depresses that person's breathing.

□ 1245

Who knows? How are we going to determine intent? Are the drug enforcement administration the best people to determine one's physician's intent and chill their desire to give relief from intractable pain? I would say no, and I do not think on any other day of the week the Republican party would advocate having the Drug Enforcement Administration involved in our personal legal lives.

Mr. COBURN. Mr. Chairman, I yield myself 15 seconds for just a response.

If a doctor writes a prescription that he knows is going to be used to take someone's life, that is doctor-assisted suicide, period, end of sentence.

Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I rise in strong support of H.R. 2260, the Pain Relief Promotion Act, 1999. Like many of my colleagues on both sides of the aisle who have spoken here, I have a very profound respect for the sanctity of human life. I also believe that every individual has the right to live and ultimately die with dignity. The Pain Relief Promotion Act goes a long way to ensure that terminally-ill patients receive the palliative care necessary to alleviate chronic pain. In doing so it allows these individuals to die with dignity. This bill prohibits the use of CSA-controlled drugs for assisted suicide and euthanasia, but it gives doctors greater leeway to aggressively treat pain.

In 1997 Congress passed the Assisted Suicide Funding Restriction Act with the support of the current administration. The act forbids the use of Federal funds for assisted suicide whether or not States legalize the practice. The vote in the House on that bill was 398 to 16, and it was unanimous in the Senate. However, since that time we have been confronted with a tragic ruling by the Attorney General, that physician-assisted suicide does not fall under the jurisdiction of the Controlled Substances Act. We, as a body, must now take this opportunity to further clarify our message, and that message is: Congress does not sanction assisted suicide, and federally controlled substances cannot be prescribed for that purpose.

Sadly, we will probably all at one time or another be confronted with a tragedy of personal illness or suffering, and this bill is a good bill, and I would urge its passage.

Mr. STUPAK. Mr. Chairman, I yield our remaining minute to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I rise today in support of the Pain Relief Promotion Act. As a cosponsor of this bill, I know that the Pain Relief Promotion Act would not keep physicians, nurses, or health care workers from providing appropriate pain and symptom control to sick patients. The

measure simply clarifies what is already established as case law and common practice. The use of drugs outside of established professional and legal parameters is forbidden, and this bill is very similar to a law already in place in my home State of Arkansas, a law that has proved to be effective and enforceable.

Mr. Chairman, this legislation has been endorsed by a broad spectrum of organizations such as the National Hospice Organization, the American Medical Association, the former Surgeon General, C. Everett Koop. Let us pass this legislation and show that we know the value of human life.

Mr. COBURN. Mr. Chairman, I ask unanimous consent to yield the balance of my time for purposes of control to the gentleman from Florida (Mr. CANADY).

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN pro tempore. Without objection, 15 seconds is yielded to the gentleman from Florida (Mr. CANADY).

There was no objection.

Mr. ROTHMAN. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN pro tempore. The gentleman from New Jersey (Mr. ROTHMAN) is recognized for 1½ minutes.

Mr. ROTHMAN. Here are the facts, Mr. Chairman.

There is an undertreatment of pain in the United States of America because doctors feel inhibited they will be sued civilly in the medical malpractice suit.

What does the underlying bill do? It adds additional fear to doctors that they will be sent to jail and lose their license. How do we know they are fearful of this? Half of the doctors groups have said they do not support this bill. Most of the nurses organizations do not support this bill. Instead, they support the Johnson-Rothman substitute.

So we know doctors and nurses are being chilled now. They are telling us do not pass that underlying bill. If my colleagues do not like physician-assisted suicide, which I do not, which most Members of Congress do not, and they do not like the Oregon physician-assisted suicide bill, go to the Supreme Court and get it thrown out.

But do not chill doctors giving of pain medication to the tens of millions of children, boys and girls, men and women in America and the other 49 states because of not liking Oregon's law. Let us deal with pain for the millions of Americans in pain. Deal with the Oregon constitutional situation in the Supreme Court. They are trying to make this a physician-assisted suicide sanctity-of-life issue. We all believe in the sanctity of life. Address that separately before the Supreme Court. Let us give people in agonizing terminal pain the ability not to kill themselves, but to get the pain medicine they are asking and begging for.

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

Mr. CANADY of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois (Mr. HYDE), chairman of the House Committee on the Judiciary.

The CHAIRMAN pro tempore. The gentleman from Illinois (Mr. HYDE) is recognized for 10¼ minutes.

Mr. HYDE. Mr. Chairman, let us not make any mistake. The real danger, the real danger if we go down this road, if we leap off the cliff into the abyss is in 10 years, once we make assisted suicide permissible, once we make it possible, once doctors lose the healing, diminish their healing faculty and become an assistant to the hangmen, we put and jeopardize the unwanted people, and we are diminishing the value of human life.

We were told, we pro-lifers, that we do not care about people after they are born; our only concern is when they are born. No, but some of us said, You're starting down a slippery slope; you're devaluing human life, and that is what we see here today. But we are just beginning. The unwanted, the uninsured, the poor, the elderly, the frail, the diseased, the profoundly handicapped, they are at risk. They are watching this today, if only they could, to see if they are going to be put at risk.

They talk about expanding the authority of the DEA. The DEA has this authority already. We are trying to reinstate it in the one State where it has been removed, and that is Oregon. We are not providing any more authority to any law enforcement that they do not have now, and the doctor, the gentleman from Washington (Mr. MCDERMOTT), talked about these tough decisions. Well, if they are so tough, how is a U.S. Attorney going to prove beyond all reasonable doubt that the doctor had a criminal intent? Not so.

This is an important bill because it assures the uniform application of Federal law, and I really ought to thank the gentleman from Florida (Mr. CANADY), Senator NICKLES, the gentleman from Michigan (Mr. STUPAK), and the gentleman from Oklahoma (Mr. COBURN), and the gentleman from Florida (Mr. WELDON), and so many and all in the hospice and medical communities who have worked so diligently to produce a bill that offers our citizens greater access to palliative care to the management and alleviation of pain and maintains medicine as a healer, a healing force, an alleviator of pain.

The bill has 165 cosponsors in the House and in the Senate. The companion bill cosponsored by Senator LIEBERMAN and sponsored by Senator NICKLES has 31 cosponsors, so there is bipartisan support in the House and in the Senate.

Now we know the Controlled Substances Act was passed in 1970 to establish uniform Federal laws on a uniquely Federal subject, the control, the regulation of controlled substances. Those are drugs that are potentially dangerous. We have got a DEA, we have got a drug car, and we have a national drug problem. The agency's task is to ensure that these potentially dangerous drugs are administered for legitimate medical purposes.

Now it happens that Oregon decided to change the traditional time-honored professional purpose of medicine and give Oregon doctors the option no longer to serve as healing forces but as social engineers, messengers of death. So Oregon has passed a State law that gives doctors the right to assist in the intentional killing of patients, patients who may want to die, families who want their older relatives to die, and so doctors are authorized now by Oregon law to put down their stethoscope and pick up the poison pill and proceed to assist in the execution of their patient.

Very simple. It comes down to this. Do we want to empower our doctors to intentionally kill a patient even if that is the desire of the patient or the family? Do we want to add executions to the list of healing services they provide? Should Oregon law trump the Federal law?

Now some Oregonians resent this Federal intrusion in response to their decision to let doctors do away with the weak, the weary, the fearful of being a burden to their families. Suicide is the ultimate act of despair, and facilitating the intentional killing of a human life is the opposite of healing. The opposite of alleviating pain, it is a surrender to hopelessness when there are other options that reject the culture of death.

Physicians have not been taught what medications to prescribe for a suicide. There is no research or case series in medical literature to which doctors of death can refer to find prescribing information and directions. It is doubtful that one standard will fit all. There is no documented scientific literature or guide book on how to kill one's patient.

The medical profession is concerned about palliative care, and the debate about assisted suicide which takes place now must be at the forefront of our concerns because to focus on the management of pain in the last months, the last days, the last hours of life, hospice doctors and others in the medical profession study and practice medicine with a clear purpose of making their patients more comfortable even while mindful that administering palliative care sometimes can have the unintended side effect of hastening death.

These are difficult decisions faced every day. This bill can help end those decisions by providing what is not

there now, a safe harbor, one that is absent in the current law. That safe harbor in this bill protects doctors even if the administration of pain medications result in unintended death.

This bill does something more. It provides money and guidance for training and safeguards now absent in current law to educate doctors, caregivers, medical students, health professions, nurses, State, local and Federal law enforcement officials on the practice of palliative medicine. That is why this is an important bill. It deals with the very nature of man, the value of every life, the definition of a physician. It emphasizes the alleviation and management of pain, not reversing the role of doctor from healer to hangman.

Some of us here today cry Federal preemption of a State law when really what we are dealing with is State preemption of a Federal law. We can advocate the Federal Government look the other way on this issue, play Pontius Pilate, wash our hands, but we have to think about it because there is a sanctity of life that must be respected and defended.

As my colleagues know, there is an insidiousness about the notion of assisted suicide. We make it permissible, then we make it acceptable, and finally it becomes an act of nobility. We plant the idea with the elderly, it is their duty to die, get out of the way. Is that not what the governor of Colorado said a few years ago? The elderly have a duty to die and get out of the way, not to be a burden on the children.

Many times the anguishing words ''I want to die'' really mean I do not want to be a burden on my family. We insist that more be done at the Federal level to promote palliative end-of-life care. There are very effective ways to control pain, and I am confident that doctors will not shy from their duty to alleviate pain, and this bill encourages palliative care. It provides that safe harbor for the physician should the palliative care inadvertently lead to the death of a patient. It provides money for training in pain management and requires caregivers adhere to our national policy of administering controlled substances for legitimate medical purposes, not taking a life.

□ 1300

A doctor should not be asked to play the role of hired gun. His art and science are in the service of life. In this bill, we expressly permit and encourage the use of controlled substances for pain management, even when it might unintentionally hasten death. We supply money and training.

To those who assert we are preempting the laws of Oregon, this bill does not preempt the Oregon law legalizing assisted suicide in specified circumstances. The legal effect of this bill is to forbid the use of certain controlled substances which are federally controlled for the intentional purpose of killing the patient. If you want to use non-controlled substances or some other method to assist the passage of the patient, you can still do so under Oregon law, unfortunately.

The single ethic that has provided the moral backbone for Western civilization is one that insists that every member of the human family has equal inherent moral worth. It is called the Sanctity of Life ethic. That is the core of our belief, that the poor and the powerless deserve equal rights and equal protection.

One of the frequent criticisms of certain acts or omissions by the government is that it will have a chilling effect on some people. How often we hear that phrase. Well, physician assisted suicide has a chilling effect on handicapped people, elderly people, sick people and the unwanted, because it is an aspect of a philosophy from another time and another place that said it was appropriate to get rid of the useless eaters. It starts us down a real slippery slope, where some of us who do not measure up to someone else's standards become vulnerable, expendable and discardable.

Mr. LEVIN. Mr. Chairman, I oppose assisted suicide. I voted against a recent Michigan ballot initiative which would have legalized it in my State. I did so because I believe that it is increasingly evident that with modern pain management techniques doctors can make comfortable patients who are critically ill.

The primary responsibility to handle this issue has traditionally been with the States, which almost universally prohibit assisted suicide. Under current law, assisted suicide is not explicitly listed as a Federal crime. The DEA has never prosecuted a physician for assisted suicide under the Controlled Substances Act (CSA). Instead, the responsibility for enforcing medical standards has historically been a State responsibility.

The effect of H.R. 2260 would be to add assisted suicide to the list of Federal crimes under the CSA which carry a mandatory 20-year jail sentence. For the first time, the Justice Department and the DEA would be required to become involved in determining the intent of doctors when they prescribed pain medication to patients. Associations representing about half of our doctors and almost all of our nurses have said that they believe the fear of being investigated by the DEA would lead many doctors to prescribe less medication for pain.

I support the other sections of H.R. 2260, which would support efforts to educate health professionals about effective pain management. I have long supported pain management education for health professionals and a comprehensive approach to end-of-life care. I first introduced legislation in this area in 1990. That legislation became law. The most recent version of the legislation would improve upon our earlier efforts by taking steps to provide patients and their families with the information and support they need during the difficult time at the end of life. This legislation would also improve Medicare's coverage of self-administered drugs for pain. All of these issues—pain management, support and information, and the payment policies of Medicare and other insurance payors—should be part of our efforts to prevent suicide and assisted suicide.

Ms. KILPATRICK. Mr. Chairman, today I rise in strong opposition to H.R. 2260, A bill which claims to promote pain relief but actually will increase the pain of many of this Nation's citizens that suffer from debilitating and incurable diseases.

My opposition to this legislation is based on the premise that Federal legislators, most of whom are not doctors, should not delve, dig or pry into the intense and personal decisions made between a doctor and his or her patient. Once again, this Congress is attempting to legislate our lives most private and intimate decisions (the right to die with dignity). It is my belief that the decision to recommend this or any other medical procedure depends on expert medical judgement and therapeutic assessment. Such decisions—much like a women's decision regarding her own reproductive rights—are a physicians responsibility, within the privacy and confidentiality of the doctor-patient relationship.

Like most Members of Congress, I live my life to the fullest. I never take a single moment for granted. For Members of Congress to imply or imagine collectively we know what is best for a family tortured with the final decision of life is pure folly. Again, we need to let doctors in consultation with the patients and the patients family decide what is best in each individual, unique situation.

I am also alarmed by the very reason that we are considering this bill. We are considering this bill to topple the will of the people of the State of Oregon who approved, on two occasions, a measure that would legalize assisted suicide under strict and well deliberated mandates and guidelines. How ironic it is that the Congress, which claims it is the Congress of State rights, is the primary promoter of this legislation?

Congress needs to state focusing on the issues that are most important to the American people. The American people continue to cry out for legislation to address education and health care. How long will the Republicans continue to ignore the citizens call for campaign finance and gun control reforms? We are simply wasting time and energy on a matter that is a decision that will eventually be determined by the Supreme Court, and an issue the States are already effectively addressing.

In this crucial time, when the federal budget is in limbo, it is important that we address the real challenges and problems that need to be, and should be addressed. I am asking that we say ''no'' to the further intrusion on the work of trained, skilled professionals and let doctors, families and patients make the very difficult and hard life and death decisions in private and without the intervention of the Federal Government.

Mr. BURTON of Indiana. Mr. Chairman, as an original cosponsor of H.R. 2260, the Pain Relief Promotion Act of 1999, I think it is important to reiterate the importance of this bill. On October 19, the Committee for Government Reform conducted a hearing entitled,

''Improving Care at the End of Life with Complementary Medicine.'' Pain management is one of the top concerns of palliative care, including those patients who are dying. The need to properly recognize and treat pain is why the Veterans Health Administration added monitoring pain as the fifth vital sign. It is a sad day in this country when some individuals in the medical establishment have determined that one of the options for alleviating pain will be for a doctor to hasten the death. And a sadder day indeed when that option gains so much credibility that the U.S. Congress has to debate a bill clarifying that physician-assisted suicide or the polite term ''euthanasia'' is not an option for pain management.

As we look to provide care for our veterans, including the 32,000 World War II veterans that die each month, we must insure that pain is properly treated. We must also assure that the option to hasten death is not what we look to as a resolution for taking care of veterans and all Americans.

At our October 19, hearing we heard from Dr. Ira Byock, a renowned expert in palliative care. Dr. Byock clarified some of the misconceptions of this bill, including that physicians who use drugs such as morphine to treat pain are already monitored by the Drug Enforcement Administration (DEA) and that this bill will not prevent the prescribing of strong and effective pain drugs. This bill clarifies the importance of pain management and palliative care and asks for further research and the development of practice guidelines for pain management.

We heard from Dr. Byock, who also conducts research in improving care at the end of life, as well as Dannion Brinkley, the chairman of Compassion in Action, an organization that trains hospice volunteers and provides professional and community education, that pain management has to be addressed and that there are other options available to individuals including non-pharmacologic efforts. These treatment options include music therapy, acupuncture, and guided imagery. We heard from Dr. Patricia Grady, Director of the National Institute of Nursing Research that there is research to indicate that these therapies especially when used in conjunction with pain medication allowed patients to have less pain, to rest better, and to go longer between the need for medication.

Dr. Byock also stated something that my colleague from Florida, Congressman WELDON (MD) has reiterated—a doctor knows whether he or she is prescribing a drug to treat pain or to cause death and that pain can be properly treated. Educating health care professionals in pain management and treatment options is vital and this bill will move this forward.

I stand in support of this bill and also suggest that we look at solving the problems of pain in this country by looking to non-controlled substances and complementary therapies as options to treat pain.

Mr. BARCIA. Mr. Chairman, I rise today in support of H.R. 2260, the Pain Relief Promotion Act. I have repeatedly heard today that this bill overturns Oregon's assisted suicide law. This is simply not true. The bill does not prevent anyone in Oregon from assisting in a suicide, nor does the bill establish any new authority to penalize assisted suicide. The bill simply clarifies that assisted suicide may not take place with federally controlled substances. This bill continues to allow States to pass their own laws while clarifying the boundaries of Federal involvement regarding assisted suicide. As Federal legislators, this is our duty. We are in the business of clarifying Federal involvement. Oregon's current experiment in democracy is perfectly within its right, but this does not mean that one State has the right to tell the Federal Government how federally controlled substances should be used.

The essence of H.R. 2660 is that it clarifies the extent to which federally controlled substances can be used in order to relieve the patient's pain. Additionally, by clarifying that drugs under the Controlled Substances Act can be used to relieve pain, even if those drugs hasten death, this bill protects health care providers while allowing them to use the strongest drugs necessary for pain relief.

Mr. Chairman, to the dying we owe our compassion. We have the ability to alleviate the pain of the dying. We must comfort the dying with compassion by voting for H.R. 2260.

Mr. NUSSLE. Mr. Chairman, I rise today in strong support of H.R. 2260. This legislation takes a much needed step toward the Federal protection of all human life. This bill will provide doctors in Iowa's second district and throughout the country the ability to aggressively provide their patients with pain relief while prohibiting the use of federally controlled substances in assisting suicide.

The purpose of this legislation is to encourage the alleviation of pain suffered by patients with advanced disease and chronic illness and pain associated with conditions that do not respond to treatment. H.R. 2260 also encourages the promotion of life of such patients and would prohibit States from enacting laws that permit physician-assisted suicide.

Much of the debate surrounding H.R. 2260 focuses on the affect it will have on those who have severe pain. The opponents to H.R. 2260 worry that this legislation would hinder a doctors willingness to prescribe pain medication to the seriously ill. My home State of Iowa adopted an almost identical provision to H.R. 2260 in 1996, and the statistics show that the use of pain control drugs have almost doubled. Obviously, the Iowa law did not deter doctors from administering pain relief to the seriously ill, neither would H.R. 2260.

H.R. 2260, for the first time, writes into the Controlled Substance Act protection for physicians who prescribe large doses of drugs sometimes necessary to manage intractable pain, even if this may increase the risk of death, so long as the drugs are not prescribed intentionally for the purpose of assisting suicide or euthanasia. Under this bill, a doctor who intentionally dispenses or distributes a controlled substance with the purpose of causing the suicide or euthanasia of any individual may have his license suspended or revoked.

In summary, Mr. Chairman, I hope that my colleagues will join me in supporting H.R. 2260. This legislation provides doctors the ability to use federally regulated drugs for the pain management of the seriously ill.

Mrs. MINK of Hawaii. Mr. Chairman, I rise to express my concerns about H.R. 2260, the Pain Relief Promotion Act.

Although this bill is being represented as if it would improve physicians' abilities to provide pain relief and palliative care, the bill's primary purpose is to criminalize physician assisted suicide utilizing controlled substances. And although I do not condone assisted suicide, exposing doctors to additional criminal and civil liabilities for using controlled substances will curtail the pain relief options available to patients.

H.R. 2260 authorizes the Drug Enforcement Agency to investigate and second-guess the intent of a physician when a death, possibly attributable to a controlled substance, occurs. Such investigations would effectively discourage doctors from dispensing such substances even in the most severe cases. Patients would be left to suffer even more painful and agonizing deaths.

Physicians should not have to fear losing their medical licenses for prescribing pain relief to terminally ill patients. Their responsibilities are complex enough without the additional threat of DEA investigations and criminal and civil law suits questioning their intent. Physicians should have all inventions, treatments and substances, at their disposal to provide care for their patients and to make the last days of a terminally ill patient's life as comfortable as possible.

The DEA should be focusing its efforts on fighting illegal drug activities that are a menace to our society, not on doctors prescribing pain relief for terminally ill patients. And Congress should be focusing its efforts on the issue of what is proper pain management and what are the best ways to treat pain. Accordingly, I support the provisions in the bill that would establish a program within the Department of Health and Human Services to study pain management and distribute pain management information. I also support the grants provided by the bill to train health professionals in the care of patients with advanced illnesses. Still we should not bind the hands of physicians treating terminally ill patients.

I support improving pain management for the terminally ill but I oppose limiting physicians' abilities to practice medicine. I urge a ''nay'' vote on H.R. 2260 as it is currently drafted.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in support of H.R. 2260 because the bill encourages sound medical practice in the relief of pain and suffering of the chronically and terminally ill patients.

This bill would add a provision to the Controlled Substances Act, acknowledging the legitimate use of narcotics for the management of serious pain and discomfort, even if their use increases the risk of death for the patient.

In the Hyde-Stupak bill, the goal is to make the patient as comfortable as possible during that person's terminal or chronic illness. Relief of pain is the contemplated result.

This is not physician-assisted suicide or euthanasia, either in substance or intent. Physicians are not actively and intentionally seeking to end the life of the patient.

But powerful drugs that relieve pain have serious secondary effects. They can cause loss of cognition, depressed respiration, retained secretions, and increased dehydration by depressing voluntary nutrition. The secondary, or unintended effect, may therefore

hasten death, through death is not a directly intended purpose.

Organized medicine has recognized the principle of this ''double effect'' as the potential consequence of the legitimate and necessary use of controlled substances for pain management. The AMA calls this principle ''a vital element in creating a legal environment in which physicians may administer appropriate pain care for patients and we appreciate its inclusion.''

The AMA further expands its position as follows. ''Physicians have an obligation to relieve pain and suffering and to promote the dignity and autonomy of dying patients in their care. This includes providing effective palliative treatment, even though it may foreseeably hasten death.''

The bill will promote the training of health professionals to use these drugs appropriately while providing palliative care. This will dovetail with the newly inaugurated AMA program—''Education for Physicians on End of Life Care.'' This program is designed to educate physicians more fully in pain management and to deal more holistically with the patient.

I oppose the Johnson-Rothman-Hooley substitute because it does nothing to prevent or restrict assisted suicide and it does nothing to train physicians and nurses in pain management, which the Hyde bill accomplishes.

Johnson-Rothman-Hooley continues to authorize the use of federally regulated drugs to assist suicides whenever a state law permits this deadly practice. Finally, the substitute never clearly distinguishes pain control from deliberate killing or assisted suicide.

There appears to be much confusion in the debate as to the scope of this proposal and how it might affect individual states. Supervision of controlled substances is a federal prerogative—it always has been. There are no new penalties suggested. Nothing is new. Rather, Hyde-Stupak heightens and reinforces current federal policy.

While the bill will not technically ''overturn'' current Oregon law in this general matter, it will abrogate its use. Since physicians will be unable to legally prescribe intentionally lethal doses of federally controlled substances, the doctors will be encouraged to offer better pain control and not offer death to the seriously ill patient.

Relief of pain with moderate or even substantial doses of drugs is good medical practice. Purposely and intentionally ending human life is inappropriate and antithetical to the role of the physician as healer.

H.R. 2260 clarifies and enables physicians to pursue their legitimate role as healers. Easing pain at the time of the patient's final passage is one of medicine's most noble callings. I urge your support for this important bill.

Mr. HALL of Texas. Mr. Chairman, two years ago I was privileged to be the sponsor of the Assisted Suicide Funding Restriction Act, which passed the House floor by a vote of 398 to 16 before being signed into law by President Clinton.

The Assisted Suicide Funding Restriction Act said that we don't want federal tax dollars going to pay for euthanasia, and we don't want euthanasia going on in federally controlled facilities such as Veterans' Hospitals and Public Health Service facilities. The Pain Relief Promotion Act says we don't want federally controlled drugs being used for euthanasia.

That is a popular position with the American people. In a nationwide poll in June, 64% answered ''no'' when asked whether federal law should allow the use of federally controlled drugs for the purpose of assisted suicide and euthanasia. Only 31% said ''yes.'' That's better than 2 to 1. We are trying to help people live!

One of the parts of the Assisted Suicide Funding Restriction Act that was very important was a rule of construction that made clear that funding and facilities could be provided ''for the purpose of alleviating pain or discomfort, even if such use may increase the risk of death, so long as ''the purpose was not ''of causing, or * * * assisting in causing, death * * *.'' The American Medical Association wrote, ''This provision assures patients and physicians alike that legislation opposing assisted suicide will not chill appropriate palliative and end-of-life-care.''

I am glad to see that very similar language is included in the Pain Relief Promotion Act, along with important positive programs to increase the knowledge of health care personnel at the clinical level to be able to control pain.

I am sure that is a large part of why this bill is endorsed by so many medical and end-of-life care groups, including the American Academy of Pain Management, the American Society of Anesthesiologists, the AMA, the National Hospice Organization, the Hospice Association of America, and Aging with Dignity.

Even the Hemlock Society, which works to legalize assisting suicide and of course therefore opposes this bill, concedes that ''the bill encourages aggressive pain relief for the terminally ill.'' Our distinguished colleague, Mr. NADLER from New York, voted against the bill in the Judiciary Committee because he thinks controlled substances should be available for assisted suicide in states that legalize it. But at the Judiciary Committee markup, Mr. NADLER said, ''[M]ost of the secondary reasons for opposing it, the pain issue and so forth, I really don't think are very valid and I think the bill has really been cleaned up in that respect.''

Some of the groups that still oppose the bill, it's important to understand, don't oppose assisting suicide. The American Pharmaceutical Association, for example, has a formal policy that ''opposes laws and regulations that * * * prohibit the participation of pharmacists in physician-assisted suicide.'' Mr. Skip Baker, the head of the Society for Action on Pain, has called the ''Oregon suicide law a much needed law.''

But suicide is not the solution. You don't really solve problems by getting rid of the person to whom the problems happen. Once we accept death as a solution, we begin to lose the incentive and the drive to work on positive alternatives. We can do better than that in America.

This bill is a good start. It will help us end the patient's pain, not the patient's life. Please support it.

Mr. GARY MILLER of California. Mr. Chairman, I believe the Pain Relief Promotion Act is one of the most compassionate and life-affirming bills to come before us this year.

Two years ago, a gentleman came to see me regarding laws on pain relief. At the time, I was working on a ''Pain Patients Bill of Rights'' for Californians who suffer from extreme pain.

The gentleman who visited me is a police officer who had broken his back in the line of duty during an incident with a suspect. As a result of his injury he was in constant, untreatable pain. He had to endure numerous invasive surgeries, that were not successful. It seemed that he had no choice but to endure chronic pain that most of us cannot even imagine.

He shared with me that because the pain was so unendurable, and because it seemed there was no treatment to stop the pain, he arrived at a point where he wanted to end his life. Pain made life so unbearable, that this protector of the people did not think his life was worth living anymore.

After seeing many different doctors, this police officer finally was referred to a specialist in pain treatment. The doctor was able to prescribe high levels of pain medication, which made the pain manageable, and as a result made this police officer feel that his life was worth living.

Unfortunately, most doctors are afraid to prescribe high levels of pain medication because they do not know if the Drug Enforcement Agency will come after them for diverting drugs or prescribing too much. Doctors are not going to act if they are not sure whether or not they are breaking the law.

Doctors know how to treat their patients, and we need to make sure they have the freedom to prescribe the treatment that will make their patients comfortable. This compassionate piece of legislation will give doctors the legal protection to take care of patients who are experiencing terrible, debilitating pain.

I can testify that the police officer who came to talk with me now has a happy life, and his pain is manageable. He walks with a cane and a limp, but his quality of life is high and he has a passion for life.

For everyone in this room who values life, this is a ''yes'' vote.

Mr. LUCAS of Kentucky. Mr. Chairman, I support the Pain Relief Promotion Act. The Pain Relief Promotion Act will make important strides in giving health care providers around the country better access to the most advanced ways of dealing with patients' pain. It will assure physicians who prescribe federally controlled substances that they can safely authorize adequate amounts to manage pain without jeopardizing their Drug Enforcement Administration registration.

It will also ensure a uniform national application of the existing principle that federally controlled and regulated drugs should not be used to assist suicide or for euthanasia, even if a particular state legalizes the practice as a matter of state law.

This is a good complement to the Assisted Suicide Funding Restriction Act that passed by an overwhelming margin two years ago. That Act said that euthanasia shouldn't be carried out in federal facilities, such as Veteran's Hospitals, and that federal tax dollars shouldn't fund it. This bill says that those narcotics and other dangerous drugs that have long been regulated by the federal government under the

Controlled Substances Act should not be used to kill patients.

Congress must not blur the distinction between pain relief and assisted suicide. In order to protect the vulnerable in our society, it is critically important that we maintain the difference recognized by the medical profession and the Supreme Court between treating patients appropriately even if it means risking increasing the likelihood of death and giving patients the means to intentionally kill themselves.

We in Congress must not facilitate turning doctors into killers by giving permission to use federally controlled drugs for assisted suicide and euthanasia. We must enact H.R. 2260, the Pain Relief Promotion Act.

Mr. RAHALL. Mr. Chairman, I support H.R. 2260, a bill to promote pain relief in lieu of promoting assisted suicide for men, women and children suffering from unremitting pain of grievous injury and terminal disease.

The American people oppose euthanasia as a solution to the problem of pain and suffering. They know that is not the humane, decent choice.

I believe that saying yes to people who talk about, threaten or ask for assisted suicide is not respecting that person's choice.

The threat of or request for assisted suicide is a cry for help—not a real request to die.

The yearning for, the love of life, the desire to live, is a part of each and every one of us. When a person—a loved one perhaps—believe they want to die because their pain cannot be or is not being controlled adequately, it is not for us to answer them by allowing controlled substances to be used to bring about their death.

It is our duty and responsibility to let them know we care and that we will do something for them—not to bring about death—but to bring about relief from the pain that causes them to think they would rather die.

It should not be—should not be—the response of the Federal Government to legalize assisted suicide.

Our response should be that we have the medical technology that makes the administration of pain-relieving drugs sufficient to control pain. Our response must be to improve our medical delivery system so that what we know about the cutting edge of medicine becomes a reality at every bedside—and that doctors, nurses and family members are assured that the safe prescription of drugs for pain control is possible without fear that they will be charged with a crime.

Our response must be that we will ensure through authorized federal programs the dissemination of state-of-the-art information to doctors or care-givers in medical settings, about how to control pain. Our response should be to give all care givers the information that our best pain specialists know. Our response is to ensure that this information go out to every general practitioner in every clinical setting—so that no one needs to be put to death—but are made comfortable so that even their final hours are spent in the most pain-free state medically possible.

The Pain Relief Promotion Act before the House today takes those steps—strong steps—in that direction.

Rather than starting down the slippery, dangerous slope of assisted suicide, let us take a higher ground—to a place that tells us it is reasonable—not extraordinary—to expect not to have to kill our loved ones in order to put them out of their misery.

We have the medical technology. We have pain control and management specialists who are ready and willing to impart their knowledge to medical practitioners so it can be used for humane—and safe—purposes.

The relief from pain for those who are suffering from grievous injury or terminal illness is within our capability now—and it can be administered without killing them. No one has a duty to die because they may be a burden to care givers, or a drain on a family's financial resources.

If we do nothing else, we must stop going down that path where we put pressure on those who are vulnerable, who are poor and sick and disabled—that they have a duty to die because they are a burden. To do otherwise is to set a dangerous, inhumane precedent.

I urge my colleagues to vote for alternatives to suicide—not assisted suicide. Vote for the Pain Relief Promotion Act.

Mr. WU. Mr. Chairman, death with dignity is a right which all Americans should have. Currently, only Oregonians have this right. Today, we debate whether Congress will deprive Oregonians of their most fundamental human rights—the right to choose one's destiny.

May God guide this House in its deliberations.

The bill before us today is misnamed the ''Pain Relief Promotion Act,'' a crafty piece of legislation that hides its real intent. Organizations that have taken the time to study the bill, including the state chapters of the American Medical Association, have expressed their opposition. Every day, opposition is growing to this bill because it subjects thousands of doctors across the country to second-guessing by the DEA.

In order to hide the real motive of the legislation, H.R. 2260 alters the Controlled Substances Act—a law intended to deal with drug trafficking and diversion—in an attempt to regulate state medical practice. Frankly, H.R. 2260 amounts to little more than one section that contains non-controversial palliative care measures, and one section that is a thinly veiled attempt to overturn Oregon's Death with Dignity Act.

Terminal illness has nothing to do with drug trafficking or forgery or all the other things that are traditionally the purview of the Office of Diversion Control within the DEA. H.R. 2260 would have this unknown law enforcement agency make determinations regarding a new offense that is inherently intent based, yet without allowing a physician to avoid legal responsibility by establishing that they merely intended to relieve pain, even where death inadvertently results.

The Controlled Substances Act is written as a strictly liability law for both criminal and civil purposes and contains no intent requirement. Sadly, the Judiciary Committee voted down an amendment that would have required the government to prove the doctor's intent, and another which would have allowed health care providers to make an affirmative defense that they had no such intent.

How will the DEA enforce this legislation? The DEA never testified before Congress on either H.R. 2260 or its predecessor in the last Congress, H.R. 4006.

The gymnastics that are required to make this legislation work are mind-boggling.

I am very concerned that there will be vast amounts of new paperwork requirements. Health care workers will be required to report on each other.

Will family members who are sad to see a loved one pass away report the physician?

This bill is fundamentally destructive of patient rights, the physician-patient relationship, and the independent practice of medicine.

Testimony before the Committee indicated that ''this Act subjects physicians who care for dying patients to the oversight of police with no expertise in the provision of medical care.'' I am disappointed that the Committee chose to ignore these words.

While members were not permitted to testify this year in the Judiciary Committee, my state medical association, the Oregon Medical Association, did testify. They said ''Physicians already undermedicate patients for fear of being sanctioned under the current law.''

H.R. 2260 will only exacerbate the current situation, and leave thousands more needlessly suffering. All it will take is one case, in any town in the United States, where the DEA investigates a physician on this issue, and I guarantee that an instant freeze on prescriptions for analgesics across that state will result.

H.R. 2260 will trigger a federal enforcement process that would ruin the careers of physicians and throw them in jail. Physicians, already beset by controversy in local state laws, will be reluctant to prescribe the large doses of pharmaceuticals that are often required to treat incapacitating levels of pain.

The Rules Committee has allowed a substitute by Mrs. JOHNSON, Mr. ROTHMAN, and Ms. HOOLEY, my colleague from Oregon, to be considered on the floor. This substitute will enhance all the non-controversial provisions in H.R. 2260 regarding the need to boost palliative care, but leave out the provisions that have led the American Nurses Association, and American Pharmaceutical Association, the American Academy of Family Physicians, the Association of Health System Pharmacists, the American Pain Foundation, and many other organizations to oppose this bill.

I hope my colleagues will consider the fact that the Johnson-Rothman-Hooley substitute puts Congress on record as opposing assisted suicide, but does not threaten treatment of chronic pain.

There have been instances in our nation's history where it is appropriate for federal law to supercede state law in order to fulfill national imperatives, but this is not one of those occasions.

With this bill today, Congress misses the opportunity to engage in a real debate about end-of-life care, and what our choices should be as individuals in a free society. Today does not represent the kind of open, courageous, and enlightening discussion that Congress is capable of having. Instead, this bill aptly demonstrates what Congress can do in a backhanded way.

I urge my colleagues to oppose H.R. 2260, support the DeFazio-Scott amendment, and support the Johnson-Rothman-Hooley substitute.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). All time for general debate has expired.

Pursuant to the rule, an amendment in the nature of a substitute consisting of the bill, modified by the amendments recommended by the Committee on Commerce, is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 2260

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 ''Pain Relief Promotion Act of 1999''.

TITLE I—USE OF CONTROLLED SUBSTANCES CONSISTENT WITH THE CONTROLLED SUBSTANCES ACT

SEC. 101. REINFORCING EXISTING STANDARD FOR LEGITIMATE USE OF CONTROLLED SUBSTANCES.

Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

''(i)(1) For purposes of this Act and any regulations to implement this Act, alleviating pain or discomfort in the usual course of professional practice is a legitimate medical purpose for the dispensing, distributing, or administering of a controlled substance that is consistent with public health and safety, even if the use of such a substance may increase the risk of death. Nothing in this section authorizes intentionally dispensing, distributing, or administering a controlled substance for the purpose of causing death or assisting another person in causing death.

''(2) Notwithstanding any other provision of this Act, in determining whether a registration is consistent with the public interest under this Act, the Attorney General shall give no force and effect to State law authorizing or permitting assisted suicide or euthanasia.

''(3) Paragraph (2) applies only to conduct occurring after the date of enactment of this subsection.''.

SEC. 102. EDUCATION AND TRAINING PROGRAMS.

Section 502(a) of the Controlled Substances Act (21 U.S.C. 872(a)) is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(3) by adding at the end the following:

''(7) educational and training programs for local, State, and Federal personnel, incorporating recommendations by the Secretary of Health and Human Services, on the necessary and legitimate use of controlled substances in pain management and palliative care, and means by which investigation and enforcement actions by law enforcement personnel may accommodate such use.''.

TITLE II—PROMOTING PALLIATIVE CARE

SEC. 201. ACTIVITIES OF AGENCY FOR HEALTH CARE POLICY AND RESEARCH.

Part A of title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended by adding at the end the following section:

''SEC. 906. PROGRAM FOR PALLIATIVE CARE RESEARCH AND QUALITY.

''(a) IN GENERAL.—The Administrator shall carry out a program to accomplish the following:

''(1) Develop and advance scientific understanding of palliative care.

''(2) Collect and disseminate protocols and evidence-based practices regarding palliative care, with priority given to pain management for terminally ill patients, and make such information available to public and private health care programs and providers, health professions schools, and hospices, and to the general public.

''(b) DEFINITION.—For purposes of this section, the term 'palliative care' means the active, total care of patients whose disease or medical condition is not responsive to curative treatment or whose prognosis is limited due to progressive, far-advanced disease. The purpose of such care is to alleviate pain and other distressing symptoms and to enhance the quality of life, not to hasten or postpone death.''.

SEC. 202. ACTIVITIES OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) IN GENERAL.—Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.), as amended by section 103 of Public Law 105–392 (112 Stat. 3541), is amended—

(1) by redesignating sections 754 through 757 as sections 755 through 758, respectively; and

(2) by inserting after section 753 the following section:

''SEC. 754. PROGRAM FOR EDUCATION AND TRAINING IN PALLIATIVE CARE.

''(a) IN GENERAL.—The Secretary, in consultation with the Administrator for Health Care Policy and Research, may make awards of grants, cooperative agreements, and contracts to health professions schools, hospices, and other public and private entities for the development and implementation of programs to provide education and training to health care professionals in palliative care.

''(b) PRIORITIES.—In making awards under subsection (a), the Secretary shall give priority to awards for the implementation of programs under such subsection.

''(c) CERTAIN TOPICS.—An award may be made under subsection (a) only if the applicant for the award agrees that the program carried out with the award will include information and education on—

''(1) means for alleviating pain and discomfort of patients, especially terminally ill patients, including the medically appropriate use of controlled substances;

''(2) applicable laws on controlled substances, including laws permitting health care professionals to dispense or administer controlled substances as needed to relieve pain even in cases where such efforts may unintentionally increase the risk of death; and

''(3) recent findings, developments, and improvements in the provision of palliative care.

''(d) PROGRAM SITES.—Education and training under subsection (a) may be provided at or through health professions schools, residency training programs and other graduate programs in the health professions, entities that provide continuing medical education, hospices, and such other programs or sites as the Secretary determines to be appropriate.

''(e) EVALUATION OF PROGRAMS.—The Secretary shall (directly or through grants or contracts) provide for the evaluation of programs implemented under subsection (a) in order to determine the effect of such programs on knowledge and practice regarding palliative care.

''(f) PEER REVIEW GROUPS.—In carrying out section 799(f) with respect to this section, the Secretary shall ensure that the membership of each peer review group involved includes one or more individuals with expertise and experience in palliative care.

''(g) DEFINITION.—For purposes of this section, the term 'palliative care' means the active, total care of patients whose disease or medical condition is not responsive to curative treatment or whose prognosis is limited due to progressive, far-advanced disease. The purpose of such care is to alleviate pain and other distressing symptoms and to enhance the quality of life, not to hasten or postpone death.''.

(b) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—

(1) IN GENERAL.—Section 758 of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended in subsection (b)(1)(C) by striking ''sections 753, 754, and 755'' and inserting ''section 753, 754, 755, and 756''.

(2) AMOUNT.—With respect to section 758 of the Public Health Service Act (as redesignated by subsection (a)(1) of this section), the dollar amount specified in subsection (b)(1)(C) of such section is deemed to be increased by $5,000,000.

SEC. 203. EFFECTIVE DATE.

The amendments made by this title take effect October 1, 1999, or upon the date of the enactment of this Act, whichever occurs later.

The CHAIRMAN pro tempore. No amendment to that amendment shall be in order except those printed in House Report 106–409. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by a proponent and an opponent, and shall not be subject to amendment.

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 of 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.

It is now in order to consider Amendment No. 1 printed in House Report No. 106–409.

AMENDMENT NO. 1 OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SCOTT:

In title I, strike section 101 and redesignate succeeding sections and all cross references accordingly.

The CHAIRMAN pro tempore. Pursuant to House Resolution 339, the gentleman from Virginia (Mr. SCOTT) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. SCOTT)

Mr. SCOTT. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment strikes section 101 from the bill. That

is the part that overturns the Oregon referendum and also exposes doctors to criminal and civil liability.

This bill states that alleviating pain in the usual course of professional practice is legitimate, even if the use of controlled substances may increase the risk of death. However, then it turns around and specifically prohibits the intentional use of such substances for causing death.

Now, the part about alleviating pain being a legitimate practice under the law is legally meaningless because it does not create a legal safe harbor. It does not create an affirmative defense. It does not say if you are consistent with the medical protocol that you can use that as a defense against a charge of intention.

The problem we have is that the case will only arise when you have a terminally ill patient who has died and is full of drugs. DEA comes in and says, well, you killed him intentionally. The DEA has expertise in prohibiting the possession of certain drugs that are totally prohibited, but they have no expertise to know how to prescribe drugs and when too many or not enough drugs have been prescribed.

Now, a doctor may be subject to scrutiny by the state medical board if they inappropriately prescribe drugs, but a law enforcement agency, without any expertise, is inappropriate. Even if the DEA decides not to prosecute a doctor, the fact that this bill is on the books will create civil liability, so that anybody can come in and sue the doctor, contrary to the stated purpose of the bill. Then section 101's expansion of DEA authority, potential civil and criminal liability, will likely increase the doctor's reluctance to prescribe sufficient drugs to relieve pain. This is particularly harmful, because physicians already undermedicate under current law for fear of violating laws, and, if we truly want to encourage aggressive pain relief, we should not expose doctors to additional civil and criminal penalties if they do exactly what we want them to do.

Mr. COBURN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Oklahoma is recognized for 5 minutes.

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, what this amendment does is gut the portion of the DEA enforcement that we presently have and is presently law. The real issue we are talking about is how do you defend taking somebody else's life and doing it under the Oregon statute? How do you defend that? How do you say it is okay for me as a physician to take your loved one out?

What, under our Constitution, what would ever give me that right, whether I am in Oregon or Oklahoma? The fact is that Oregon gets the right to pass their laws. As the chairman of the Committee on the Judiciary said, they can still take that; they just cannot do it using the Federal Controlled Substances Act. There is very good reason that we have that act. What the gentleman wishes to do is to make it not apply in this instance.

What about the child that is born, that is severely handicapped and the parents say, ''Oh, no, we can't. You know, we just cannot take care of this child. It is too big of a burden. Will you not please, Mr. Pediatrician, Dr. Obstetrician, won't you relieve our suffering? Please give an injection of respiratory depressant or of a high dose of narcotics so we don't have to handle this burden. Oh, take care of our problem.''

What about the value of that life? It does not have any value, according to the people of Oregon, because only in the context of the people making the decision will it have value. Only in the context of an elderly person that has severe Alzheimer's, is uncontrollable, only if that family desires, and if it is registered to be done, can they do it. That life has no value? There is no value?

In terms of inaccurate statements, the fact is the DEA law is not changed, just clarified, which will make no major change. We could give a safe harbor for physicians. As a practicing physician who gives palliative care for dying cancer patients and others, I welcome this change in the law, because it does clarify, and it does offer safe harbor.

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

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO)

Mr. DEFAZIO. Mr. Chairman, if you are for States rights, you will support this amendment. But even if you are not for States rights and you are not supportive of what Oregon has done, twice, the people of Oregon by initiative, if you do not want the Drug Enforcement Administration second guessing the intent of every physician providing end-of-life pain care to every American and chilling and destroying that relationship and the capability of people to get relief from pain, you will support this amendment.

The other side is trying to scare people with all sorts of inaccurate statements. Taking someone else's life? The person has to be competent, judged by two doctors, a psychiatrist, and they can only do it by their own hand with a prescription. ''Hangman,'' we heard from the chairman of the committee. ''Euthanasia,'' we heard. Incredibly irresponsible statements by the other side, denigrating the people of Oregon, the 60 percent who supported this, and the people who are suffering horribly at the end of life.

And, finally, the hypocrisy. The chairman of the committee proposed in the last Congress a bill, H.R. 1252, and what he said there is no single Federal judge should be able to overturn a state law adopted by referendum, and that they cannot grant any relief or anticipatory relief on the ground the a state law is repugnant of the Constitution, which they do not say here. It is repugnant to them and their moral structure. Treatises or laws of the United States, unless the application for anticipatory relief is heard and determined by a court of three judges. So he feels so strongly about state referenda that he wants to say a single Federal judge cannot find a violation of the Constitution.

But, in this case, he feels so little about the will of the people of a state and for States rights and for individuals suffering horribly, horribly, at the end of life, that he would overturn it here in a curtailed debate in the House of Representatives, where we get 5 minutes on our side, where the proponents were given three-quarters of the time during the debate. It is a stacked deck. It is not fair.

If you want to preempt the Oregon law, do it straight and honest and straight up and preempt the Oregon law on the floor, and see what the Supreme Court says about that.

Mr. COBURN. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I just want to point out that the whole argument being made by the opponents of this bill is really an argument against the Controlled Substances Act. If you do not like the Controlled Substances Act, that is a position you can take. But this argument that somehow in this particular context we should not be allowed to apply the Controlled Substances Act is based on an argument that undermines the whole regulatory and statutory scheme under the Controlled Substances Act.

It is important for the Members of the House to understand that the question before us is whether we will say that the Federal Government will support and encourage assisted suicide. Now, if you believe that we should support and encourage assisted suicide, you should vote for this amendment and vote against the bill. The question is that, however, and we need to focus on that question: Will we authorize the use of controlled substances for the purpose of killing human beings? If you believe that we should do that, vote for the amendment. If you think that is something we should not do, I suggest you vote against the amendment. That is what is at stake before the House, and Members need to focus on what is really at stake and put aside the scare tactics.

Mr. SCOTT. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman is recognized for 1 minute.

Mr. SCOTT. Mr. Chairman, first of all, if a physician intentionally kills someone, they will be subject to all of the state laws, criminal laws. But the point here is that if you have a terminally ill patient who has died and is full of drugs, this bill will allow the DEA to come in to determine what the intent of the physician was. Not medical enforcement, not the medical society full of doctors determining whether the appropriate protocol was followed, but a law enforcement officer. The DEA knows which drugs can be possessed and which drugs cannot be possessed. They know nothing about overprescribing or under-prescribing drugs.

We need to encourage pain relief for patients. We ought not be subjecting the physicians to additional civil and criminal penalties if they do just that.

Now, if this bill passes, we will be subjecting them not only to additional criminal laws, but also the fact that you violated a law makes you exposed to more civil litigation. So even if the DEA has the common sense not to prosecute, anybody else can come in and sue. That is not what we need, and that is why we need the amendment.

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Mr. COBURN. Mr. Chairman, I yield myself 1½ minutes, the balance of the time.

Mr. Chairman, this House twice, 2 years in a row, has said we do not think the FDA ought to be in the business of approving drugs that kill babies; we do not find a role for it, that, in fact, we should not spend Federal dollars to figure out the best ways to kill somebody.

If my colleagues want to talk about a slippery slope, pretty soon we are going to figure out the best way to take a senior out, the most comfortable way, the least expensive way, the most efficacious way to end life. Pretty soon, we are going to figure out what is the easiest way to terminate a pregnancy, to eliminate the consequences of a mistake in judgment or a crime. We are going to spend Federal dollars on how to eliminate those segments of our society that are most dependent on us.

I am not a partisan up here. But on this issue, I say that if my colleagues really care about those who cannot care for themselves, they cannot be for anybody in our society to make the final decision about whether they live or not, whether it is me making a decision about my child or us making a decision as a group about a family member or me as a physician making a decision about my patient.

What we are saying was said in Holland 10 years ago. The same statements were said, and it was ignored. Today, they have active euthanasia of newborn babies growing at 20 percent per year. They have active euthanasia of those that are handicapped growing at 20 percent a year. It will happen here, folks.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). All time has expired.

The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

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

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 339, further proceedings on the amendment offered by the gentleman from Virginia (Mr. SCOTT) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 2 printed in House Report 106–409.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTED OFFERED BY MRS. JOHNSON OF CONNECTICUT

Mrs. JOHNSON of Connecticut. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 2 in the nature of a substitute offered by Mrs. JOHNSON of Connecticut:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Conquering Pain Act of 1999''.

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

Sec. 1. Short title.
Sec. 2. Findings and purpose.
Sec. 3. Definitions.

TITLE I—EMERGENCY RESPONSE TO THE PUBLIC HEALTH CRISIS OF PAIN

Sec. 101. Guidelines for the treatment of pain.
Sec. 102. Quality improvement projects.
Sec. 103. Surgeon General's report.

TITLE II—DEVELOPING COMMUNITY RESOURCES

Sec. 201. Family support networks in pain and symptom management.

TITLE III—REIMBURSEMENT BARRIERS

Sec. 301. Insurance coverage of pain and symptom management.

TITLE IV—IMPROVING FEDERAL COORDINATION OF POLICY, RESEARCH, AND INFORMATION

Sec. 401. Advisory Committee on Pain and Symptom Management.
Sec. 402. Institutes of Medicine report on controlled substance regulation and the use of pain medications.
Sec. 403. Conference on pain research and care.

TITLE V—DEMONSTRATION PROJECTS

Sec. 501. Provider performance standards for improvement in pain and symptom management.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) pain is often left untreated or under-treated especially among older patients, African Americans, and children;

(2) chronic pain is a public health problem affecting at least 50,000,000 Americans through some form of persisting or recurring symptom;

(3) 40 to 50 percent of patients experience moderate to severe pain at least half the time in their last days of life;

(4) 70 to 80 percent of cancer patients experience significant pain during their illness;

(5) despite the best intentions of physicians, nurses, pharmacists, and other health care professionals, pain is often under-treated because of the inadequate training of physicians in pain management;

(6) despite the best intentions of physicians, nurses, pharmacists, and other health care professionals, pain and symptom management is often suboptimal because the health care system has focused on cure of disease rather than the management of a patient's pain and other symptoms;

(7) the technology and scientific basis to adequately manage most pain is known;

(8) pain should be considered the fifth vital sign; and

(9) coordination of Federal efforts is needed to improve access to high quality effective pain and symptom management in order to assure the needs of chronic pain patients and those who are terminally ill are met.

(b) PURPOSE.—The purpose of this Act is to enhance professional education in palliative care and reduce excessive regulatory scrutiny in order to mitigate the suffering, pain, and desperation many sick and dying people face at the end of their lives in order to carry out the clear opposition of the Congress to physician-assisted suicide.

SEC. 3. DEFINITIONS.

In this Act:

(1) CHRONIC PAIN.—The term ''chronic pain'' means a pain state that is persistent and in which the cause of the pain cannot be removed or otherwise treated. Such term includes pain that may be associated with long-term incurable or intractable medical conditions or disease.

(2) DRUG THERAPY MANAGEMENT SERVICES.—The term ''drug therapy management services'' means consultations with a physician concerning a patient which results in the physician—

(A) changing the drug regimen of the patient to avoid an adverse drug interaction with another drug or disease state;

(B) changing an inappropriate drug dosage or dosage form with respect to the patient;

(C) discontinuing an unnecessary or harmful medication with respect to the patient;

(D) initiating drug therapy for a medical condition of the patient; or

(E) consulting with the patient or a caregiver in a manner that esults in a significant improvement in drug regimen compliance.

Such term includes services provided by a physician, pharmacist, or other health care professional who is legally authorized to furnish such services under the law of the State in which such services are furnished.

(3) END OF LIFE CARE.—The term ''end of life care'' means a range of services, including hospice care, provided to a patient, in the final stages of his or her life, who is suffering from 1 or more conditions for which treatment toward a cure or reasonable improvement is not possible, and whose focus of care is palliative rather than curative.

(4) FAMILY SUPPORT NETWORK.—The term ''family support network'' means an association of 2 or more individuals or entities in a collaborative effort to develop multi-disciplinary integrated patient care approaches that involve medical staff and ancillary services to provide support to chronic pain patients and patients at the end of life and their caregivers across a broad range of settings in which pain management might be delivered.

(5) HOSPICE.—The term ''hospice care'' has the meaning given such term in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)).

(6) PAIN AND SYMPTOM MANAGEMENT.—The term ''pain and symptom management'' means services provided to relieve physical or psychological pain or suffering, including any 1 or more of the following physical complaints—

(A) weakness and fatigue;

(B) shortness of breath;

(C) nausea and vomiting;

(D) diminished appetite;

(E) wasting of muscle mass;

(F) difficulty in swallowing;

(G) bowel problems;

(H) dry mouth;

(I) failure of lymph drainage resulting in tissue swelling;

(J) confusion;

(K) dementia;

(L) anxiety; and

(M) depression.

(7) PALLIATIVE CARE.—The term ''palliative care'' means the total care of patients whose disease is not responsive to curative treatment, the goal of which is to provide the best quality of life for such patients and their families. Such care—

(A) may include the control of pain and of other symptoms, including psychological, social and spiritual problems;

(B) affirms life and regards dying as a normal process;

(C) provides relief from pain and other distressing symptoms;

(D) integrates the psychological and spiritual aspects of patient care;

(E) offers a support system to help patients live as actively as possible until death; and

(F) offers a support system to help the family cope during the patient's illness and in their own bereavement.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

TITLE I—EMERGENCY RESPONSE TO THE PUBLIC HEALTH CRISIS OF PAIN

SEC. 101. GUIDELINES FOR THE TREATMENT OF PAIN.

(a) DEVELOPMENT OF WEBSITE.—Not later than 2 months after the date of enactment of this Act, the Secretary, acting through the Agency for Health Care Policy Research, shall develop and maintain an Internet website to provide information to individuals, health care practitioners, and health facilities concerning evidence-based practice guidelines developed for the treatment of pain.

(b) REQUIREMENTS.—The website established under subsection (a) shall—

(1) be designed to be quickly referenced by health care practitioners; and

(2) provide for the updating of guidelines as scientific data warrants.

(c) PROVIDER ACCESS TO GUIDELINES.—

(1) IN GENERAL.—In establishing the website under subsection (a), the Secretary shall ensure that health care facilities have made the website known to health care practitioners and that the website is easily available to all health care personnel providing care or services at a health care facility.

(2) USE OF CERTAIN EQUIPMENT.—In making the information described in paragraph (1) available to health care personnel, the facility involved shall ensure that such personnel have access to the website through the computer equipment of the facility and shall carry out efforts to inform personnel at the facility of the location of such equipment.

(3) RURAL AREAS.—

(A) IN GENERAL.—A health care facility, particularly a facility located in a rural or underserved area, without access to the Internet shall provide an alternative means of providing practice guideline information to health care personnel.

(B) ALTERNATIVE MEANS.—The Secretary shall determine appropriate alternative means by which a health care facility may make available practice guideline information on a 24-hour basis, 7 days a week if the facility does not have Internet access. The criteria for adopting such alternative means should be clear in permitting facilities to develop alternative means without placing a significant financial burden on the facility and in permitting flexibility for facilities to develop alternative means of making guidelines available. Such criteria shall be published in the Federal Register.

SEC. 102. QUALITY IMPROVEMENT EDUCATION PROJECTS.

The Secretary shall provide funds for the implementation of special education projects, in as many States as is practicable, to be carried out by peer review organizations of the type described in section 1152 of the Social Security Act (42 U.S.C. 1320c–1) to improve the quality of pain and symptom management. Such projects shall place an emphasis on improving pain and symptom management at the end of life, and may also include efforts to increase the quality of services delivered to chronic pain patients.

SEC. 103. SURGEON GENERAL'S REPORT.

Not later than October 1, 2000, the Surgeon General shall prepare and submit to the appropriate committees of Congress and the public, a report concerning the state of pain and symptom management in the United States. The report shall include—

(1) a description of the legal and regulatory barriers that may exist at the Federal and State levels to providing adequate pain and symptom management;

(2) an evaluation of provider competency in providing pain and symptom management;

(3) an identification of vulnerable populations, including children, advanced elderly, non-English speakers, and minorities, who may be likely to be underserved or may face barriers to access to pain management and recommendations to improve access to pain management for these populations;

(4) an identification of barriers that may exist in providing pain and symptom management in health care settings, including assisted living facilities;

(5) and identification of patient and family attitudes that may exist which pose barriers in accessing pain and symptom management or in the proper use of pain medications;

(6) an evaluation of medical school training and residency training for pain and symptom management; and

(7) a review of continuing medical education programs in pain and symptom management.

TITLE II—DEVELOPING COMMUNITY RESOURCES

SEC. 201. FAMILY SUPPORT NETWORKS IN PAIN AND SYMPTOM MANAGEMENT.

(a) ESTABLISHMENT.—The Secretary, acting through the Public Health Service, shall award grants for the establishment of 6 National Family Support Networks in Pain and Symptom Management (in this section referred to as the ''Networks'') to serve as national models for improving the access and quality of pain and symptom management to chronic pain patients and those individuals in need of pain and symptom management at the end of life and to provide assistance to family members and caregivers.

(b) ELIGIBILITY AND DISTRIBUTION.—

(1) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

(A) be an academic facility or other entity that has demonstrated an effective approach to training health care providers concerning pain and symptom management and palliative care services; and

(B) prepare and submit to the Secretary an application (to be peer reviewed by a committee established by the Secretary), at such time, in such manner, and containing such information as the Secretary may require.

(2) DISTRIBUTION.—In providing for the establishment of Networks under subsection (a), the Secretary shall ensure that—

(A) the geographic distribution of such Networks reflects a balance between rural and urban needs; and

(B) at least 3 Networks are established at academic facilities.

(c) ACTIVITIES OF NETWORKS.—A Network that is established under this section shall—

(1) provide for an integrated interdisciplinary approach to the delivery of pain and symptom management;

(2) provide community leadership in establishing and expanding public access to appropriate pain care, including pain care at the end of life;

(3) provide assistance through caregiver and bereavement supportive services;

(4) develop a research agenda to promote effective pain and symptom management for the broad spectrum of patients in need of access to such care that can be implemented by the Network;

(5) provide for coordination and linkages between clinical services in academic centers and surrounding communities to assist in the widespread dissemination of provider and patient information concerning how to access options for pain management;

(6) establish telemedicine links to provide education and for the delivery of services in pain and symptom management; and

(7) develop effective means of providing assistance to providers and families for the management of a patient's pain 24 hours a day, 7 days a week.

(d) PROVIDER PAIN AND SYMPTOM MANAGEMENT COMMUNICATIONS PROJECTS.—

(1) IN GENERAL.—Each Network shall establish a process to provide health care personnel with information 24 hours a day, 7 days a week, concerning pain and symptom management. Such process shall be designed to test the effectiveness of specific forms of communications with health care personnel so that such personnel may obtain information to ensure that all appropriate patients are provided with pain and symptom management.

(2) TERMINATION.—The requirement of paragraph (1) shall terminate with respect to a Network on the day that is 2 years after the date on which the Network has established the communications method.

(3) EVALUATION.—Not later than 60 days after the expiration of the 2-year period referred to in paragraph (2), a Network shall conduct an evaluation and prepare and submit to the Secretary a report concerning the costs of operation and whether the form of

communication can be shown to have had a positive impact on the care of patients in chronic pain or on patients with pain at the end of life.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as limiting a Network from developing other ways in which to provide support to families and providers, 24 hours a day, 7 days a week.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $18,000,000 for fiscal years 2000 through 2002.

TITLE III—REIMBURSEMENT BARRIERS

SEC. 301. INSURANCE COVERAGE OF PAIN AND SYMPTOM MANAGEMENT.

(a) IN GENERAL.—The General Accounting Office shall conduct a survey of public and private health insurance providers, including managed care entities, to determine whether the reimbursement policies of such insurers inhibit the access of chronic pain patients to pain and symptom management and pain and symptom management for those in need of end-of-life care. The survey shall include a review of formularies for pain medication and the effect of such formularies on pain and symptom management.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the General Accounting Office shall prepare and submit to the appropriate committees of Congress a report concerning the survey conducted under subsection (a).

TITLE IV—IMPROVING FEDERAL COORDINATION OF POLICY, RESEARCH, AND INFORMATION

SEC. 401. ADVISORY COMMITTEE ON PAIN AND SYMPTOM MANAGEMENT.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee, to be known as the Advisory Committee on Pain and Symptom Management, to make recommendations to the Secretary concerning a coordinated Federal agenda on pain and symptom management.

(b) MEMBERSHIP.—The Advisory Committee established under subsection (a) shall be comprised of 11 individuals to be appointed by the Secretary, of which at least 1 member shall be a representative of—

(1) physicians (medical doctors or doctors of osteopathy) who treat chronic pain patients or the terminally ill;

(2) nurses who treat chronic pain patients or the terminally ill;

(3) pharmacists who treat chronic pain patients or the terminally ill;

(4) hospice;

(5) pain researchers;

(6) patient advocates;

(7) caregivers; and

(8) health insurance issuers (as such term is defined in section 2791(b) of the Public Health Service Act (42 U.S.C. 300gg–91(b))).

The members of the Committee shall designate 1 member to serve as the chairperson of the Committee.

(c) MEETINGS.—The Advisory Committee shall meet at the call of the chairperson of the Committee.

(d) AGENDA.—The agenda of the Advisory Committee established under subsection (a) shall include—

(1) the development of recommendations to create a coordinated Federal agenda on pain and symptom management;

(2) the development of proposals to ensure that pain is considered as the fifth vital sign for all patients;

(3) the identification of research needs in pain and symptom management, including gaps in pain and symptom management guidelines;

(4) the identification and dissemination of pain and symptom management practice guidelines, research information, and best practices;

(5) proposals for patient education concerning how to access pain and symptom management across health care settings;

(6) the manner in which to measure improvement in access to pain and symptom management and improvement in the delivery of care; and

(7) the development of an ongoing mechanism to identify barriers or potential barriers to pain and symptom management created by Federal policies.

(e) RECOMMENDATION.—Not later than 2 years after the date of enactment of this Act, the Advisory Committee established under subsection (a) shall prepare and submit to the Secretary recommendations concerning a prioritization of the need for a Federal agenda on pain, and ways in which to better coordinate the activities of entities within the Department of Health and Human Services, and other Federal entities charged with the responsibility for the delivery of health care services or research on pain, with respect to pain management.

(f) CONSULTATION.—In carrying out this section, the Advisory Committee shall consult with all Federal agencies that are responsible for providing health care services or access to health services to determine the best means to ensure that all Federal activities are coordinated with respect to research and access to pain and symptom management.

(g) ADMINISTRATIVE SUPPORT; TERMS OF SERVICE; OTHER PROVISIONS.—The following shall apply with respect to the Advisory Committee:

(1) The Committee shall receive necessary and appropriate administrative support, including appropriate funding, from the Department of Health and Human Services.

(2) The Committee shall hold open meetings and meet not less than 4 times per year.

(3) Members of the Committee shall not receive additional compensation for their service. Such members may receive reimbursement for appropriate and additional expenses that are incurred through service on the Committee which would not have incurred had they not been a member of the Committee.

(4) The requirements of appendix 2 of title 5, United States Code.

SEC. 402. INSTITUTES OF MEDICINE REPORT ON CONTROLLED SUBSTANCE REGULATION AND THE USE OF PAIN MEDICATIONS.

(a) IN GENERAL.—The Secretary, acting through a contract entered into with the Institute of Medicine, shall review findings that have been developed through research conducted concerning—

(1) the effects of controlled substance regulation on patient access to effective care;

(2) factors, if any, that may contribute to the underuse of pain medications, including opioids; and

(3) the identification of State legal and regulatory barriers, if any, that may impact patient access to medications used for pain and symptom management.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the findings described in subsection (a).

SEC. 403. CONFERENCE ON PAIN RESEARCH AND CARE.

Not later than December 31, 2003, the Secretary, acting through the National Institutes of Health, shall convene a national conference to discuss the translation of pain research into the delivery of health services to chronic pain patients and those needing end-of-life care. The Secretary shall use unobligated amounts appropriated for the Department of Health and Human Services to carry out this section.

TITLE V—DEMONSTRATION PROJECTS

SEC. 501. PROVIDER PERFORMANCE STANDARDS FOR IMPROVEMENT IN PAIN AND SYMPTOM MANAGEMENT.

(a) IN GENERAL.—The Secretary, acting through the Public Health Service, shall award grants for the establishment of not less than 5 demonstration projects to determine effective methods to measure improvement in the skills and knowledge of health care personnel in pain and symptom management as such skill and knowledge applies to providing services to chronic pain patients and those patients requiring pain and symptom management at the end of life.

(b) EVALUATION.—Projects established under subsection (a) shall be evaluated to determine patient and caregiver knowledge and attitudes toward pain and symptom management.

(c) APPLICATION.—To be eligible to receive a grant under subsection (a), an entity shall prepare and submit to the Secretary an application at such time, in such manner and containing such information as the Secretary may require.

(d) TERMINATION.—A project established under subsection (a) shall terminate after the expiration of the 2-year period beginning on the date on which such project was established.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

The CHAIRMAN pro tempore. Pursuant to House Resolution 339, the gentlewoman from Connecticut (Mrs. JOHNSON) and a Member opposed will each control 20 minutes.

The Chair recognizes the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise to speak in strong support of aggressive pain management and palliative care. We need the opportunity to oppose physician-assisted suicide and advance the cause of pain management without having to support an aggressive new Federal role in the practice of medicine.

In the next several years, we will see tremendous growth of the elderly population. As we advance medical science to prolong life, we must also do all we can to make people's final months and days pain free. Too many patients with terminal illness and chronic conditions suffer extreme pain without receiving adequate treatment or even knowing the treatment options. Because acute prolonged pain is a significant cause of people seeking to end their lives, the substitute strikes at a major cause of suicide in an effective and progressive way.

Our substitute amendment clearly opposes physician-assisted suicide. But it would also eliminate the need for such extreme measures by advancing

the science of pain management and making it more available to patients.

Our substitute would help broaden access to palliative care through the creation of family support networks and outreach programs. It would also help disseminate information to patients, their families, and physicians through a centralized health and human services Web site specific to pain management and far more accessible information than the existing Web site.

It would also help develop the science of pain management and advance the state of medical practice at the patient's bed side. It would train and educate physicians at the local level through the use of peer review organizations and direct the National Institutes of Health to convene a conference to put new developments in pain research into practice and the health care system.

It would create an 11-member advisory committee to coordinate efforts within the Federal Government to make recommendations about additional research needs, practice guidelines, and other areas of pain management practice.

Finally, the amendment would instruct the Surgeon General to issue a report on the legal and regulatory barriers to pain management, the level of competence in treating pain by physicians around the country, the amount and quality of training received by medical students and residents, and other issues relating to pain management.

I deeply respect the opposition to physician-assisted suicide of the gentleman from Illinois (Chairman HYDE). Congress has already stated its opposition when it overwhelmingly passed legislation to ban Federal funds and Federal health programs from funding assisted suicide.

Most States, including my home State of Connecticut, ban assisted suicide, prohibit it as a matter of State law and as a matter of medical practice.

Our substitute reflects the will of Congress in its clear language opposing assisted suicide, but it goes beyond that to strike at one of the most significant reasons people feel that suicide is the only answer: the sheer desperation and hopelessness that severe pain causes.

Our amendment would address this desperation by promoting the development of pain management, advancing physician knowledge, and increasing patient expectations that their pain should be properly managed.

In contrast, the underlying bill would discourage physicians from prescribing appropriate pain medications. I have a long list of quotes from physicians that demonstrates what a chilling effect this bill would have on current practice.

This is why I have been trying to intervene when my colleagues were saying we do not change the law, because we do change the law, it will have a chilling effect on the willingness of physicians to deliver pain relief care. For the first time, under the Hyde language, DEA agents would be required to judge retroactively the intent of a prescribing physician. With little or no medical training, agents would have to judge if a physician intended to relieve pain even at the risk of death or intended to ''hasten death.''

Now, remember, Mr. Chairman, there is always a risk of death when prescribing controlled substances for extreme pain suffered by very ill patients. Patients build up resistance to medications and require stronger doses for relief. As a result, there is nearly always a risk of death to the patient.

How is a DEA agent to judge whether the stronger dose was appropriate, though it risked death, which is legal under the Hyde language, or it was not appropriate because it hastened death? Does this House want to delegate to nonmedical professionals that kind of authority? Do we want the Federal Government writing regulations to implement this section of law?

Pain management is a developing science and each terminal case has its own tragic reality. Under current practice, the DEA already has clear regulatory authority over physicians who are illegally trafficking drugs and misused controlled substances.

On matters involving questions of medical judgment, however, the DEA defers to the State health agencies and State medical boards which have historically governed the scope and standards of medical practice.

Why would we want to change this? Why would we ask DEA agents to judge the intention of physicians managing extreme pain in very sick patients?

Ironically, a few weeks ago, this body passed legislation to prevent insurance companies from the second guessing of physicians. We should not now require DEA agents to second-guess physicians.

I urge my colleagues to support the substitute amendment that addresses the desperation and hopelessness of suffering severe pain by developing the science of pain management, advancing physician knowledge, and increasing patient expectation and access to proper pain management. I urge support of my amendment.

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

The CHAIRMAN pro tempore. For what purpose does the gentleman from Oklahoma (Mr. COBURN) rise?

Mr. COBURN. Mr. Chairman, I rise in opposition to the amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The gentleman from Oklahoma (Mr. COBURN) is recognized for 20 minutes.

Mr. COBURN. Mr. Chairman, I yield myself 15 seconds so that I might respond.

The gentlewoman from Connecticut (Mrs. JOHNSON) might not recognize that every narcotic prescription that I write today, when it is reviewed and surveyed and sampled, a DEA agent makes a decision whether or not my judgment was appropriate in that. If there is any question, they are in my office looking at my medical records. So the statement to say we do not allow them judgment today is wrong.

Mr. Chairman, I yield 8 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I thank the gentleman from Oklahoma for yielding me this time.

Mr. Chairman, much of the debate surrounding the Pain Relief Promotion Act focuses on whether it is more likely to have a positive or a negative impact on those who suffer from severe and continuing pain. I believe the experience in my own State of Kansas can shed important light on this question.

Major medical organizations, including the American Academy of Pain Management, the American Society of Anesthesiologists, and the American Medical Association say the bill will live up to its title. They emphasize that, for the first time, the bill writes into the Controlled Substances Act protection for physicians who prescribe the large doses of drugs sometimes necessary to manage intractable pain, even when it may increase the risk of death, so long as the drugs are not prescribed intentionally for the purpose of assisting suicide or euthanasia.

However, a dissident group of State medical societies and some other medical organizations predict that this very provision will lead some physicians to hesitate to prescribe needed drugs, fearing that their intentions may be subject to question by the Drug Enforcement Agency, or the DEA.

Fortunately, there is evidence from a number of States against which we can test these competing predictions. In the period from 1993 through 1998, Kansas and four other States enacted new laws similar in effect to the disputed provision in the Pain Relief Promotion Act.

Like H.R. 2260, these State laws have combined a provision specifically protecting doctors who prescribe medications for pain relief with provisions preventing their use for purpose of assisting suicide or euthanasia. Let us look at what happened at the drug prescriptions following enactment of these laws.

Let us begin with my own State of Kansas. The bill preventing assisted suicide was enacted in our State legislature in 1993 while I served in the State Senate. Did that cause doctors to be less likely to prescribe high doses? Look at the chart here. Per capita

morphine usage increased a little bit for a couple of years, then in 1996, began to rise dramatically. In 1998, the law on assisting suicide was strengthened. At the same time, language specifically protecting prescriptions for pain relief was added.

It read: ''A licensed health care professional who administers, prescribes, or dispenses medications or procedures to relieve another person's pain or discomfort, even if the medication or procedure may hasten or increase the risk of death, does not violate this law unless the medications or procedures are knowingly administered, prescribed, or dispensed with the intent to cause death.'' That is very close, indeed, to the language of the Pain Relief Promotion Act.

What happened to the prescriptions for pain killing drugs? Based on the figures for the first half of 1999, per capita use of morphine rose 22 percent in Kansas. The experience has been replicated in State after State after State.

Let us look at a chart for Kentucky. In June of 1994, Kentucky passed a law banning assisted suicide, but specifically allowing pain control that may unintentionally risk death. That year, per capita use of morphine increased. While there was a little dip in 1995, usage was still higher than either of the 2 years before the law passed. Since then, morphine usage per capita has increased over 2,200 grams for every 100,000 people in 1997 and 1998, and projected from half-year figures in 1999.

Next is Iowa. In 1996, Iowa enacted legislation against assisted suicide. The law included language to protect prescriptions for pain relief very similar to that of Kansas and the Pain Relief Promotion Act.

What happened? Again, let us look at the chart. Before the bill, prescriptions of morphine per 100,000 people were almost flat, ranging from 935 to 1,100 grams. With the bill's enactment, the amount of morphine used in prescription soared. By 1997, it had almost doubled.

Next a chart for Louisiana. In 1995, Louisiana passed a law preventing assisted suicide which stated that it did not apply to prescribing medication if the intent is to relieve the patient's pain or suffering and not to cause death. As the chart dramatically shows, in the 4 years preceding the law's effective date, the use of morphine was below 1,000 grams per 100,000 people. In the 4 years since, it has soared. So that, in the first half of this year, it has stood at 3,659 grams per 100,000 people.

Michigan, the home of Jack Kevorkian is next. That chart shows a checkered history of the laws on assisted suicide in their State compared with morphine usage per capita. As my colleagues can see, there is certainly no downward effect on morphine usage associated with the periods the ban was in effect.

□ 1330

Since a permanent statutory ban, which includes language like that in H.R. 2260 promoting pain relief, went into effect in 1998, the trend of morphine usage has been steadily upward.

Rhode Island. Now we will look at this particularly interesting case because the Rhode Island Medical Society is opposing the Pain Relief Promotion Act, saying that preventing the use of drugs to assist suicide will chill prescriptions for pain control.

In 1996, the organization made the same argument against an assisted-suicide bill in the State legislature that passed despite its opposition. That Rhode Island law included the following language: ''A licensed health care professional who administers, prescribes, or dispenses medications or procedures to relieve another person's pain or discomfort, even if the medication or procedure may hasten or increase the risk of death, does not violate the provisions of this chapter, unless the medications or procedures are knowingly administered, prescribed, or dispensed to cause death.''

Again, this is quite similar to the language of the Pain Relief Promotion Act.

What happened? As my colleagues can see from the chart, per capita prescriptions of morphine shot up to almost double the highest pre-law rate. Since then they have dropped off a little bit, but remaining far above the pre-law rate.

Next is Tennessee. In July, 1993, a law with language very much like the Pain Relief Promotion Act was enacted. Morphine usage that year and the next year was up from the year before. In 1995, there was a dip, but morphine usage per capita was still greater than that of the year before the law. Since then it has continued up.

Virginia. Briefly let us look at Virginia. In the spring of 1997, the Virginia legislature passed a measure to prevent assisting suicide, which went into effect after reaffirming the vote in the spring of 1998. That law contained language differentiating between the intent to relieve pain, even with the risk of death, and the intent to cause death, just like the Pain Relief Promotion Act.

The result is clear on the chart. Per capita use of morphine has not been deterred. In fact, it went up.

Finally, some of my friends from Oregon make the argument that passing the law legalizing assisted suicide in some cases has freed doctors to provide needed higher doses to accomplish pain relief. But let us look at the Oregon chart.

True, morphine use per capita has increased in Oregon, but virtually all of that increased while the suicide law was not yet in effect, because it had been enjoined by a court order. That means the increase occurred while physicians remained subject to investigation and revocation of their DEA registration if they used federally controlled drugs to assist any suicide. Clearly, that did not deter Oregon doctors from significantly increasing their prescriptions for the pain killing morphine.

Remember, other than Oregon, all of these States' new laws distinguish between the intent to alleviate pain and cause death. Because of experiences in Kansas and other States, we can be confident that a vote for H.R. 2260 will promote and not threaten improved pain relief. I urge a vote of passage and opposition to any substitute or amendments.

Mrs. JOHNSON of Connecticut. Mr. Chairman, may I inquire as to how much time I have remaining?

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentlewoman from New Jersey (Mrs. JOHNSON) has 13 minutes remaining, and the gentleman from Oklahoma (Mr. COBURN) has 11¾ minutes remaining.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. Mr. Chairman, I rise today in opposition to the Pain Relief Promotion Act and in support of the Johnson–DeFazio amendments.

I share many of my colleagues' discomfort with the issue of assisted suicide, and I certainly respect the desire of the gentleman from Illinois (Mr. HYDE) to improve palliative care and to ensure that the seriously ill receive safe, quality, and effective pain management.

However, I also support States rights. The people of Oregon, not once but twice, through long and through thoroughly debated ballot measure campaigns, affirmed their desire to allow terminally ill people to seek help from their physicians in ending their lives. For most Oregonians, deciding on how to vote on this issue was a deeply personal and moral process. I know, because I too agonized over how to vote on this measure.

I agonized as a father, who watched the life drain from a young son, and who watched as cancer worked its wicked will on a mother. I voted against assisted suicide when it was on the ballot because I personally have serious moral misgivings for it. But I also have a deep respect for the underpinnings of our democracy in our State and our country, and I respect the right of the initiative and the referendum process.

Oregon voters are probably the only ones that have voted both through the initiative and the referendum process to stand up for what they felt was right for their loved ones and for their lives. Now, more than 2500 miles away, a Congress, foreign to many in my State, wants to overturn their will, wants to make that very personal decision for them.

I have to tell my colleagues that in the year that I was out campaigning for this very office there were many times people came up to me and said, ''Are you going to go back there and undo what we did?'' Not on this issue, but on others. Do my colleagues realize how cynical people are about how they act at the ballot box, only to have some level of government higher or the Judiciary overturn what they seek to do?

So, Mr. Chairman, I stand here today in support of this amendment and of the DeFazio amendment. And I want to close with a quote from Time magazine from a cancer specialist, Dr. Nancy Crumpacker, who said, ''If this bill is passed, doctors will never again be able to treat suffering people without the fear of punishment.''

I do not want them to have to operate under the fear of that kind of punishment. I want this decision, a very personal decision, to remain the way it has been crafted very carefully, not only by Oregon voters but by their legislature as well, so that it is between the terminally ill person, witnessed in that person's physician. So I support the amendments to this legislation.

Mr. COBURN. Mr. Chairman, I yield myself 15 seconds, and I want to quote Herbert Hinden, Professor of Psychiatry at New York Medical College.

''The proposed law provides protection for physicians who prescribe medication with the intention of relieving pain, even if that medication has the secondary effect of causing death.''

Mr. Chairman, I yield 2½ minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, what we are talking about here is the relationship between a doctor and a patient. Most of these patients are dying patients, at least that is what we assume.

These people are at their weakest, they are at their most vulnerable, their complete trust, in fact, their life is in the hands of their doctor. They have every right to expect that their doctor is going to be a healer and not a killer; that their doctor is not going to seek a quick fix. Doctors have the right to prescribe very useful, very strong, very powerful drugs to alleviate pain. But to alleviate pain, not to eliminate patients. It is to eliminate pain.

We, in this country, believe in the sanctity of human life. I can remember my grandmother, very ill in the hospital. I can remember the doctor telling us she would not live through the night. She did live through the night. She came home and she spent 3 more years with my grandfather, and they were productive years. She was not confined to a wheelchair, she was not confined to a bed.

Now, this bill has been misrepresented. I want to commend the gentleman from Illinois (Mr. HYDE) and I want commend the gentleman from Florida (Mr. CANADY) for bringing this bill.

Once again let me repeat what this bill does allow doctors to do. And let me say this, doctors support this bill. The American Medical Association has endorsed this bill. The organization that cares for these dying patients and knows more about them, the American Hospice Organization, has endorsed this bill. Americans support this bill by more than two to one.

This bill allows physicians to do their job effectively and compassionately. Those with terminal illnesses often find themselves in terrible pain, and under current laws many doctors do not have the ability to help those sickest patients. Under this legislation, and it clearly states this, that alleviating pain or discomfort is a legitimate medical purpose consistent with public health and safety, even if the use of such substance may increase the risk of death.''

This bill allows doctors to effectively prescribe medication to control pain of patients and to improve their last few days of life, but at the same time ensures to all of us that they will be healers and that they will conform to their ethical code never to kill, only to cure.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentlewoman for yielding me this time. I want to associate myself with the remarks of the gentleman from Oregon (Mr. WALDEN).

Like the gentleman from Oregon, I too have watched a loved one die of cancer. I did not want her to commit suicide nor be put to death. I wanted her to be healed, as the previous speaker has said, and I believe all the doctors that dealt with her wanted to do that. But anybody who has gone through that experience, I think, is convicted of the fact that they want the doctor to have the latitude to use such means and devices as in the doctor's judgment is best to relieve that patient from the agony of death.

I will vote for this substitute and urge the adoption of this substitute because I believe it gives that latitude. It states as a policy that we are against assisted suicide, but it also goes on to train and to offer counseling and education in this very difficult time for families and individuals.

Mr. Chairman, I rise today in support of the Rothman-Johnson-Maloney-Hooley ''Conquering Pain Substitute'' to H.R. 2260—''The Pain Relief Promotion Act.''

Assisted suicide remains a divisive issue around the nation. For young and old alike who suffer from terminal illness, finding a way to ease excruciating pain is a complex and difficult task.

The ''Conquering Pain Substitute'' provides a viable alternative to the '''Pain Relief Promotion Act.''

Not only does it express this body's opposition to assisted suicide, but it implements a variety of programs to provide information on pain management and learn more about the importance of controlled substances in treating the seriously and terminally ill.

The ''Conquering Pain Substitute'' puts more emphasis into research and insuring that health professions have the information they need in making pain management decisions.

The substitute expands access to pain management by establishing family support networks, a pain guidelines web-site, and insures that all Medicare recipients are informed of their insurance coverage of pain treatment.

The bill also calls for a report by the Surgeon General on legal and regulatory barriers to pain management as well as establishing an advisory committee on pain to coordinate efforts to the Federal Government.

This substitute provides a sensible approach to a difficult and emotional issue and I hope my fellow colleagues will join me in supporting it.

From time to time a few egregious cases, like assisted suicide, lead us to adopt legislation with broad implications and possible unintended consequences.

However, if the substitute fails, I will vote for final passage of H.R. 2260.

Representatives HYDE and STUPAK have made a concerted effort to win wide-spread support of their bill including support by the American Medical Association, and the National Hospice Association. This bill is far superior to the Lethal Drug Abuse Prevention Act that was introduced in the 105th Congress.

Once again I urge my colleagues to support the ''Conquering Pain Substitute''

Mr. COBURN. Mr. Chairman, I yield 2½ minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise here today in the first place because I have been wrongly identified as a supporter of the substitute, and secondly I rise in support of the base bill.

But I also wanted to tell my colleagues, that I, too, like the gentleman from Maryland (Mr. HOYER), have had to care for terminally ill members of my family as both a daughter and a mother. I cared for my father at my home during his last weeks as a prostate cancer patient and for my own son, Todd whom I lost to leukemia, and I cared for him. Sincerely and seriously, I address this issue from the memories of the trauma—physical and mental that my loved ones endured.

I have to tell my colleagues that originally I was too focused on only the palliative care questions because the issues had been misrepresented to me. And as I investigated, both with the Justice Department and with the AMA as to their reasons for supporting these portions of the bill, I learned that absolutely this does not interfere with the doctor-patient relationship.

I want to read from the October 19 letter that the Justice Department wrote to the gentleman from Illinois (Mr. HYDE), and I want to be specific

about this because there is a lot of rhetoric around here and we are talking about legal questions. The Department of Justice fully supports these measures. ''H.R. 2260 would eliminate any ambiguity about the legality of using controlled substances to alleviate the pain and suffering of the terminally ill,'' and I want to emphasize this, because they go on to say, ''by reducing any perceived threat of administrative and criminal sanctions in this context.'' That gives me the assurance that I believe I need.

Further on, they go on to other questions. But, clearly, the palliative care and the protection of the physician's professional actions are there.

□ 1345

But, in addition, I questioned at length, the AMA. At first I called the AMA with deep concern about their support for the bill. And then after discussing with the AMA, they sent me documentation as to their reasons for support.

Because I am the wife of a doctor and I have had all kinds of contacts with medical provisions, and they specifically explicitly state in black and white that the addition of language explicitly acknowledging the medical legitimacy of the double effect in the CSA provides a new and important statutory protection for the physicians prescribing controlled substances for pain, particularly for patients at the end of life.

It is unambiguous and the AMA supports this because their previous concerns have been addressed quite correctly by the gentleman from Illinois (Chairman HYDE) and the committee.

I strongly support the bill; and oppose the substitute as ambiguous and inadequate.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, the gentlewoman from New Jersey (Mrs. ROUKEMA) described herself as wrongly identified. I would like the RECORD to note that she asked to be a cosponsor of the amendment, voluntarily signed ''dear colleagues,'' and was part of a letter to the leadership; and while she may have changed her mind, things were not misrepresented and she was not wrongly identified. She has merely changed her position. And I certainly accept and respect that.

Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I oppose assisted suicide. If I had the opportunity either as a Member of Congress or in a referendum, I would vote to make that illegal. However, I am concerned about the unintended consequences that this bill would place on providers and patients at risk, as well as preempt State laws that have already addressed this issue.

All of us have had experience with very dear and close family members who have died and had to have hospice treatment. In my State of Texas, where a physician-assisted suicide is not legal, the definition of ''intractable pain'' and the rules that govern its treatment are carefully worked out and negotiated.

Over the past years, the Texas Board of State Medical Examiners has modified their rules to fine tune them so that they will provide for best care for patients without undue interference. Our pain act was passed to reassure physicians that they would not have enforcement action taken against them if they prescribed a prescription for a controlled substance.

Now I see we have a difference between the AMA and Texas Medical Association. Because before this act was passed by the legislature, many physicians were consciously undertreating patients because of the fear of State disciplinary action. I worried this would happen. That is why I stand in support of the Johnson-Rothman-Hooley substitute.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1½ minutes to my colleague, the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, I rise in support of this amendment. This will improve the bill. I am very concerned, as a physician, that this bill will do great harm to the practice of medicine. This is micromanaging the palliative care of the dying.

So I strongly support this amendment because it will remove the severe penalties and the threats. Physicians are accustomed to practicing with lawyers over their shoulders. Now we are going to add another DEA agent over our shoulders to watch what we do.

It is said, well, there is not going to be any change in law. Well, if there is not, why the bill? Certainly there is a change in law. This bill does not state that it is dealing with euthanasis. It says it is a pain relief promotion act.

Generally speaking, I look at the names of bills and sometimes intentionally and sometimes just out of the way things happen here, almost always the opposite happens from the bill that we raise up. So I would call this the pain promotion act. I really sincerely believe, as a physician, that this will not help.

Too often physicians are intimidated and frightened about giving the adequate pain medication that is necessary to relieve pain. This amendment will be helpful. This is what we should do. We should not intimidate. The idea of dealing with the issue of euthanasis, euthanasia is killing. It is murder.

I am pro-life. I am against abortion. I am absolutely opposed to euthanasis. But euthanasis is killing. Under our Constitution, that is a State issue, not a congressional issue.

I strongly urge the passage of this amendment.

Mr. Chairman, today Congress will take a legislative step which is as potentially dangerous to protecting the sanctity of life as was the Court's ill-advised Roe versus Wade decision.

The Pain Relief Promotion Act of 1999, H.R. 2260, would amend Title 21, United States Code, for the laudable goal of protecting palliative care patients from the scourge of ''assisted'' suicide. However, by preempting what is the province of States—most of which have already enacted laws prohibiting ''assisted suicide''—and expanding its use of the Controlled Substances Act to further define what constitutes proper medical protocol, the federal government moves yet another step closer to both a federal medical bureau and a national police state.

Our federal government is, constitutionally, a government of limited powers. Article one, section eight, enumerates the legislative areas for which the U.S. Congress is allowed enact legislation. For every other issue, the federal government lacks any authority or consent of the governed and only the state governments, their designees, or the people in their private market actions enjoy such rights to governance. The tenth amendment is brutally clear in stating ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.'' Our nation's history makes clear that the U.S. Constitution is a document intended to limit the power of central government. No serious reading of historical events surrounding the creation of the Constitution could reasonably portray it differently.

In his first formal complaint to Congress on behalf of the federal Judiciary, Chief Justice William H. Rehnquist said ''the trend to federalize crimes that have traditionally been handled in state courts . . . threatens to change entirely the nature of our federal system.'' Rehnquist further criticized Congress for yielding to the political pressure to ''appear responsive to every highly publicized societal ill or sensational crime.''

However, Congress does significantly more damage than simply threatening physicians with penalties for improper prescription of certain drugs—it establishes (albeit illegitimately) the authority to dictate the terms of medical practice and, hence, the legality of assisted suicide nationwide. Even though the motivation of this legislation is clearly to pre-empt the Oregon Statute and may be protective of life in this instance, we mustn't forget that the saw (or scalpel) cuts both ways. The Roe versus Wade decision—the Court's intrusion into rights of states and their previous attempts to protect by criminal statute the unborn's right not to be aggressed against—was quite clearly less protective of life than the Texas statute it obliterated. By assuming the authority to decide for the whole nation issues relating to medical practice, palliative care, and assisted suicide, the foundation is established for a national assisted suicide standard which may not be protective of life when the political winds

shift and the Medicare system is on the verge of fiscal collapse. Then, of course, it will be the federal government's role to make the tough choices of medical procedure rationing and for whom the cost of medical care doesn't justify life extension. Current law already prohibits private physicians from seeing privately funded patients if they've treated a Medicaid patient within two years.

Additionally, this bill empowers the Attorney General to train federal, state, and local law enforcement personnel to discern the difference between palliative care and euthanasia. Most recently, though, it was the Attorney General who specifically exempted the physicians of Oregon from certain provisions of Title 21, the very Title this legislation intends to augment. Under the tutelage of the Attorney General, it would thus become the federal police officer's role to determine at which point deaths from pain medication constitute assisted suicide.

To help the health care professionals become familiar with what will become the new federal medical standard, the bill also authorizes $24 million dollars over the next five years for grant programs to health education institutions. This is yet another federal action to be found nowhere amongst the enumerated powers.

Like the unborn, protection of the lives of palliative care patients is of vital importance. So vitally important, in fact, it must be left to the states' criminal justice systems and state medical licensing boards. We have seen what a mess results from attempts to federalize such an issue. Numerous states have adequately protected both the unborn and palliative care patients against assault and murder and done so prior to the federal government's unconstitutional sanctioning of violence in the Roe versus Wade decision. Unfortunately, H.R. 2260 ignores the danger of further federalizing that which is properly reserved to state governments and, in so doing, ignores the Constitution, the bill of rights, and the insights of Chief Justice Rehnquist. For these reasons, I must oppose H.R. 2260, The Pain Relief Promotion Act of 1999.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Clerk will report the motion.

The Clerk read as follows:

Mr. OBEY moves that the Committee do now rise and report the bill back to the House with a recommendation that the enacting clause be stricken out.

Mr. OBEY. Mr. Chairman, many of us are against assisted suicide. But, in my view, in an attempt to get at that problem, this bill is a blunder and it pushes us away from added protection for patients.

I am for the amendment that is being considered. Because what this bill does is to say that, when a doctor prescribes pain killing agents, the Drug Enforcement Agency could look over the doctor's shoulder and threaten that doctor with 20 years in jail.

That is an outrageous Big Brother intrusion in the doctor-patient relationship. Nobody, not government, not religion, not politicians have the right to tell any individual how much pain they have to endure and how it has to be managed. That is my business and my doctor's business. It is not yours or yours or yours or anybody else's.

Does anybody really believe that today there is too much bias in medicine toward relieving pain? If they think that is the case, they have not been in many hospital rooms lately.

The fact is that today incentives are in the opposite direction to make doctors so careful that they often will err on the side of not enough pain relief. This bill would make that problem worse. That is why I am opposed to it, and that is why I support the amendment.

Mr. COBURN. Mr. Chairman, I seek time in opposition, and I yield to the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to bring to the attention of the House why we are here today, and that is because the Attorney General of the United States has made a determination as the Attorney General that physician-assisted suicide is legitimate medical practice. That is what she decided.

Now, that was a break with tradition. That was a break with the policy of the Federal Government. She decided that. And we are here today, as the Congress, to express our view legislatively on whether she was right or wrong. I submit to the House that she was wrong and this House should not endorse the position of the Attorney General that physician-assisted suicide is legitimate medical practice.

That is the real issue before us here today. There has been a lot of things talked about, but I want to thank the gentlewoman from New Jersey (Mrs. ROUKEMA) for bringing out the fact that the Department of Justice has endorsed the provisions of this bill that deal with palliative care.

There have been many things said about those provisions, criticizing them and saying they are going to create additional problems. But the Department of Justice has written in a letter of October 19 that H.R. 2260 would eliminate any ambiguity about the legality of using controlled substances to alleviate the pain and suffering of the terminally ill by reducing any perceived threat of administrative and criminal sanctions in this context. The Department, accordingly, supports these portions of H.R. 2260 addressing palliative care.

This is a very important statement coming from the Department of Justice, and I think the Members should evaluate some of the attacks that have been made on this bill and look at what the Department of Justice, which does not support the overall bill, I hasten to add, they do not support provisions with respect to the effect on Oregon. That is very clear, as well. But palliative care they support.

I suggest that the Members ask themselves as they consider how they are going to vote on this whether we wanted to say that the Federal Government will support and encourage assisted suicide or are we going to authorize the use of controlled substances for the purpose of killing human beings?

It is the Federal Government that authorizes the use of controlled substances. We have a general prohibition on them. But we allow them to be utilized in certain circumstances. Is it going to be the position of this Federal Government that we will authorize them for the purpose of killing human beings? That is the issue that is before us here today, will we allow this well-established regulatory scheme governing controlled substances to be undermined in that way. It is my view that to allow it to be used in that way would be to undermine it.

Now remember, when a physician authorizes the use of a controlled substance, he has to take out a special prescription pad is my understanding, a prescription pad that is authorized by the DEA; and on that special controlled substance prescription pad, he is going to write out a prescription to kill somebody.

Now, do we want to put in place a mechanism where that sort of thing takes place? I do not think so. But we have got to decide today, are we going to go on record supporting the decision of the Attorney General that this is a legitimate medical practice, or are we going to say no?

Now, it is very interesting that each of the proponents of the bill say they are against physician-assisted suicide. Well, if they are against physician-assisted suicide, why do they want to allow a Federal regulatory scheme to be utilized in a way that supports and encourages it? Why do we want to authorize the use of federally controlled drugs for physician-assisted suicide if we are opposed to physician-assisted suicide? I think there is a fatal contradiction.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I would like to ask the gentleman from Oklahoma (Mr. COBURN) a question.

Whenever he prescribes a controlled substance, does not the DEA review that prescription?

Mr. COBURN. Mr. Chairman, reclaiming my time, absolutely.

Mr. HYDE. Mr. Chairman, if the gentleman will continue to yield, now did my colleagues hear that? Every time he writes a prescription for a controlled substance, the DEA, that horrible gestapo, reviews the prescription and the purpose for it.

Now, therefore, the DEA has a role to play today as we speak in the existing law, and this bill does not change it. It just says to Oregon that they are back in with the rest of the 50 States now.

We do not create a gestapo. We simply say that what exists now will continue to exist, but they cannot use controlled substances to execute people, however directly or indirectly.

Mr. CANADY of Florida. Mr. Chairman, the gentleman from Illinois (Mr. HYDE) is absolutely correct.

The CHAIRMAN pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY).

The motion was rejected.

The CHAIRMAN pro tempore. The Chair would advise that both Members have 6½ minutes remaining in the debate.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1 minute to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I thank my colleague for yielding.

Mr. Chairman, we should not support H.R. 2260 in its present form. As a physician, I rise in support of the substitute amendment offered by my colleagues, the gentlewoman from Connecticut (Mrs. JOHNSON), the gentleman from New Jersey (Mr. ROTHMAN), the gentlewoman from New York (Mrs. MALONEY), and the gentlewoman from Oregon (Ms. HOOLEY), which tries to lessen the damage that would be done by the underlying bill.

Mr. Chairman, one would believe that the proponents of this bill never have had someone close to them terminally ill, their body taken over by cancer and racked with pain. The only thing that families ask for at times like these is that the last days of their loved ones be as comfortable as possible. And the only thing that we as physicians can offer is palliative treatment or pain relief.

This is not assisted suicide. It is good and caring medical practice. What we need to be doing as a Congress, instead of preventing physicians from providing the care that a person needs, is to do precisely what the amendment asks us to do, allow us to practice our healing arts with compassion and also provide for research and training to expand our options for palliative care so that our loved ones can transition with dignity.

Mr. Chairman, this bill is misguided and it is one more attempt to interfere with the practice of good medicine. Let us pass this amendment. I would want my doctor to be able to provide needed pain relief if I were terminally ill, and so would my colleagues.

□ 1400

Mr. COBURN. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise in opposition to the substitute. I would like to make it quite clear to all of my colleagues what the substitute does. Both bills have funding and authorization for more education for physicians so that they will more aggressively treat patients with pain. I think the gentlewoman from Connecticut one-ups the authors of the original bill. She has got $19 million in there and a website, et cetera. But she very strategically does not have the language that addresses what is going on in the State of Oregon, and I will again reiterate what I said earlier. When you hold out suicide as an option, it is a fraud. You can take care of these patients.

I practiced treating these people. I took care of them. In proper hands you can manage their pain. You can treat their depression. And to say that in some cases we cannot handle those things and therefore you have to allow them to commit suicide to me is a hoax.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. WU).

Mr. WU. I thank the gentlewoman from Connecticut for yielding me this time.

Mr. Chairman, so much has been said in this debate already. I seek not to restate any of that. I ask my fellow Members of the House to do one thing and one thing only, and, that is, to read the Oregon statute before they vote. Please read the Oregon statute before you vote. There are dozens of protections in the statute. They should be fully informed about what they vote on today, because this body is about to substitute its judgment for the judgment of individuals in small rooms in my home State. Please read the statute before you vote.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the bipartisan Johnson amendment. This debate today is not about squashing the Oregon law 3,000 miles away. It is about whether or not people can get appropriate pain relief in our own neighborhoods at home, our parents, our friends.

One of my constituents writes, ''After 5 years and one suicide attempt and my doctor saying he could not legally go any higher on my pain relief medication, I do not want to live anymore. I want to be productive and see my young girl grow up but I really feel I have been sentenced to death.''

I ask my colleagues to consider the lives of people who depend on appropriate pain medication to live. It is not our place or government's place to come between doctors and their patients and potentially criminalize their efforts to ease the suffering of those who need help, who need pain relief.

I urge all of my colleagues to vote for the Johnson substitute and against the base bill.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Chairman, first let me correct my colleague and friend from New Jersey. On page 3 of the Justice Department's letter to the gentleman from Illinois (Mr. HYDE), they say specifically they oppose the portion of the bill with regards to the Oregon law. They are in favor of the palliative portion but oppose the Oregon portion. That is clear.

Now, let me read from the substitute: ''The purpose of the act is to enhance professional education in palliative care and reduce excessive regulatory scrutiny in order to mitigate the suffering, pain and desperation many sick and dying people face at the end of their lives in order to carry out the clear opposition of the Congress to physician-assisted suicide.''

That is the substitute. We are against physician-assisted suicide but we want to foster palliative care to the tens of millions of Americans suffering chronic, debilitating, horrible pain. Now, the doctors in this Chamber, Democrats and Republicans, are on both sides of this question. The doctors in the major organizations in the United States are on both sides of this question. Most of the nursing organizations are for the substitute. Why? Because they know that there is a chilling effect, a real one, on doctors in prescribing pain medication if the underlying bill is passed and we reject the substitute. If you are against the Oregon law, go to the Supreme Court and throw it out. But do not affect the ability of tens of millions of Americans to get the pain relief that they need. Vote for the substitute that says we are against physician-assisted suicide but we want doctors to be able to prescribe pain medicine to relieve the pain of people suffering horrible, debilitating pain in their last weeks and days of life.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself the balance of my time. I rise in strong support of my amendment and urge my colleagues to support it as well.

It is far more aggressive in developing the science of pain management and advancing physician knowledge of pain management and increasing patient expectation of pain management. That is why the National Foundation for the Treatment of Pain, the American Pain Foundation and many other organizations, including the American Academy of Family Physicians, the Society of Critical Care Medicine, the Emergency Room Physicians, the Hospice and Palliative Nurses Association

and many others support my amendment. It is also why many State medical societies support this in spite of the AMA's stand.

Furthermore, it is very clear, according to the former counsel of the DEA office of the chief counsel, that under current DEA law and policy, physicians can prescribe controlled substances for pain management, but it is also true that this new bill contradicts the Department of Justice's and DEA's findings that the agency should defer to the medical community on appropriate standards for providing palliative care and that the PRPA would for the first time establish Federal criteria in statute to define ''legitimate medical purposes''. This is a departure from current law that would prevent deferring to State and medical standards and create a conflict with State medical guidelines as to the appropriate standard of medical care. It would create conflict with State law, conflict with State guidelines, conflict with the State agencies that have traditionally implemented this part of the DEA statute. It is a significant change in Federal statute, because for the first time it requires federal criteria as to what is ''legitimate medical purpose'' and requires DEA agents to judge the intent of a physician as he administers to a patient suffering acute pain during the concluding days of serious illness.

I urge support of the amendment.

Mr. COBURN. Mr. Chairman, I yield myself the balance of my time.

I think three points need to be made. There is well-intended thought in the substitute but there are a couple of factual errors. Number one, we would not be here if the Attorney General had not said that physician-assisted suicide is the legitimate practice of medicine. It is not. That is number one.

Number two is the rules and regulations that the Oregon law put up were good. They are intended to make sure the wrong things do not happen, to make sure that if in fact somebody helps somebody die, that they did that when they are not depressed, when they are not coerced, when they are not in a position. But we already have this experiment that has been carried out for us in Holland. They have the exact same rules.

I want to quote to Members the testimony before the Committee on Commerce. There is a substantial practice of euthanasia now, primarily voluntarily, but definitely also not voluntarily. Even 5 years after the regulations were established, the majority of cases of euthanasia and physician-assisted suicide and almost all cases of nonvoluntary euthanasia are not reported, making effective control by the legal authorities impossible in Holland.

In fact, the first publicly reported case of assisted suicide in the State of Oregon involved an out-of-State woman who was found to be depressed by one doctor that she consulted. Within 3 weeks of contacting Compassion in Dying and moving to Oregon, she was dead by lethal overdose. Significantly, while two doctors rendered opinions against the assisted suicide, including a physician who believed the woman was suffering from clinical depression, these opinions were not included in the Oregon Health Division Report of the law's first year after enactment.

So we can be well-intentioned. We can try to design it, but the fact is there are holes. And the very first case in Oregon slipped through the cracks.

Let me read to Members about what we are going to see in the future, and I am not saying this is happening in Oregon today but this is where we are going:

''Thanks to another 'prosecution' of a doctor who euthanized an infant, euthanasia, already practiced on adults in the Netherlands, will soon openly enter the pediatric ward. Dr. Henk Prins killed a 3-day-old girl who was born with spina bifida, leg deformities and hydrocephaly, which all babies who have spina bifida have. The doctor, a gynecologist, not a pediatrician or medical expert in such cases, although experts were consulted, was defended. He testified in the trial court that he killed the child with her parents' permission because of the infant's poor prognosis.''

I am not saying that is going on right now. And I understand and believe the people in opposition to this base bill that they do not believe in physician-assisted suicide. But I beg you to open your eyes to see where we are going. When abortion was first made legal in this country, it was to prevent back alley abortions. The number one reason for abortion today is birth control. That was not the intended purpose when we said we should allow medical abortions. But where are we? Just 50 million babies that are not here for birth control. The lazy birth control. Have an abortion.

So think about what can come out of this. There are legitimate options in the substitute as far as enhancing the treatment of pain control. There is no question. But the fact is this bill will protect physicians. My own experience tells me that. My own gut tells me that. But most importantly we will not violate the State right of Oregon. If Oregon wants to kill somebody not using a Federally controlled drug, they have every right to do it. But what we are saying is, if you are going to use a Federally controlled product, you do not have that right.

The CHAIRMAN pro tempore (Mr. NEY). The question is on the amendment in the nature of a substitute offered by the gentlewoman from Connecticut (Mrs. JOHNSON).

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

Mrs. JOHNSON of Connecticut. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 339, further proceedings on the amendment in the nature of a substitute offered by the gentlewoman from Connecticut (Mrs. JOHNSON) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 339, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 1 offered by the gentleman from Virginia (Mr. SCOTT); amendment No. 2 in the nature of a substitute offered by the gentlewoman from Connecticut (Mrs. JOHNSON).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. SCOTT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. SCOTT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 160, noes 268, not voting 5, as follows:

[Roll No. 542]

AYES—160

Abercrombie	DeGette	Jones (OH)
Ackerman	DeLauro	Kaptur
Allen	Deutsch	Kennedy
Andrews	Dicks	Kilpatrick
Baird	Dixon	Kind (WI)
Baldacci	Doggett	Kolbe
Baldwin	Dooley	Lampson
Barrett (WI)	Engel	Lantos
Becerra	Eshoo	Larson
Berkley	Evans	Lee
Berman	Farr	Levin
Bishop	Fattah	Lewis (GA)
Blagojevich	Filner	Lofgren
Blumenauer	Ford	Lowey
Bonior	Frank (MA)	Luther
Boucher	Frost	Maloney (NY)
Boyd	Gejdenson	Markey
Brady (PA)	Gephardt	Matsui
Brown (FL)	Gilman	McCarthy (MO)
Brown (OH)	Gonzalez	McDermott
Campbell	Greenwood	McGovern
Capps	Gutierrez	McKinney
Capuano	Hastings (FL)	Meehan
Cardin	Hilliard	Meek (FL)
Carson	Hinchey	Meeks (NY)
Castle	Holt	Menendez
Chenoweth-Hage	Hooley	Metcalf
Clay	Horn	Millender-McDonald
Clayton	Hoyer	Miller, George
Clyburn	Inslee	Minge
Conyers	Jackson (IL)	Mink
Coyne	Jackson-Lee (TX)	Moore
Crowley	Jefferson	Moran (VA)
Cummings	Johnson (CT)	Morella
Davis (IL)	Johnson, E.B.	Nadler
DeFazio		

Napolitano
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Pickett
Porter
Rangel
Reyes
Rivers
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Walden
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

NOES—268

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kildee
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Ose
Oxley
Packard
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Schakowsky
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Delahunt
Hinojosa
Mascara
Rush
Scarborough

□ 1437

Messrs. TANCREDO, PASCRELL, MARTINEZ, BENTSEN, HALL of Texas, BILBRAY, OBERSTAR and Ms. PRYCE of Ohio changed their vote from ''aye'' to ''no.''

Mr. WISE, Mr. BOYD, Ms. JACKSON-LEE of Texas and Ms. SLAUGHTER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. NEY). Pursuant to House Resolution 339, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. JOHNSON OF CONNECTICUT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 2 in the nature of a substitute offered by the gentlewoman from Connecticut (Mrs. JOHNSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 239, not voting 6, as follows:

[Roll No. 543]

AYES—188

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Cooksey
Coyne
Cramer
Crowley
Cummings
Davis (IL)
Davis (VA)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kilpatrick
Kind (WI)
Kolbe
Kuykendall
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Porter
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scott
Serrano
Shaw
Shays
Sherman
Shuster
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Walden
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

NOES—239

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Borski
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cook
Costello
Cox
Crane
Cubin
Cunningham
Danner
Davis (FL)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kildee
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kucinich

LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Ose
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickett
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Schaffer
Schakowsky
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Delahunt
Hinojosa
Mascara
Pickering
Rush
Scarborough

□ 1449

Mr. HAYWORTH changed his vote from ''aye'' to ''no.''

So the amendment in the nature of a substitute was rejected.

The result of the vote is announced as above recorded.

Stated against:

Mr. PICKERING. Mr. Chairman, on rollcall No. 543, I was unavoidably detained. Had I been present, I would have voted "No."

The CHAIRMAN pro tempore (Mr. NEY). The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HOBSON) having assumed the chair, Mr. NEY, Chairman pro tempore 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. 2260) to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes, pursuant to House Resolution 339, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BLUMENAUER

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

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BLUMENAUER. In its present form, Mr. Speaker, I am.

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

The Clerk read as follows:

Mr. BLUMENAUER moves to recommit the bill H.R. 2260 to the Committee on Commerce with instructions to report the same back to the House forthwith with the following amendment:

Page 3, line 25, before the period insert '', except a law adopted or confirmed through a State citizen initiative or referendum''.

Add at the end of title I the following:

SEC. 103. EXCLUSION OF CRIMINAL LIABILITY.

No person shall be held criminally liable for any violation of law based on the effect of the amendments made by section 101.

Mr. BLUMENAUER. Mr. Speaker, this motion to recommit is offered on behalf of myself, the gentleman from Oregon (Mr. WU), the gentleman from Oregon (Mr. DEFAZIO), and the gentlewoman from Oregon (Ms. HOOLEY).

The supporters of this legislation have every right to attempt to ban assisted suicide or to promote the pain management in this country. Unfortunately, the legislation that we have been offered today is the worst of both worlds. It does not just trample on States rights, but it most assuredly does so, effectively overturning legislation that has been approved, not just once, but twice by the citizens of Oregon.

In addition, the physicians that I represent in Oregon tell me that, regardless of their position on physician-assisted suicide, it will make it much, much harder to manage pain, allowing additional second-guessing of their professional judgments as they seek to meet the needs of their patients.

I sincerely believe that virtually nobody outside this Beltway wants to criminalize doctor-patient decisions of this most sensitive manner. Tough decisions are made every day in hospitals all across the country, withdrawing life support, and sometimes, in instances, withdrawing drugs that can, in fact, hasten death.

There are some tragic cases that involve actual suicide. Outside of Oregon, people are often driven to desperate acts alone, seeking to insulate their families from the trauma.

We have heard repeatedly in the course of this discussion that pain management is a serious problem around the country. But most often in this country, as these decisions are made in quiet, most of America looks the other way and ignores the difficulty and the trauma. The citizens of Oregon have taken a difficult decision to help deal with these end-of-life questions, providing the only framework in the United States.

Those of us who listened to the debate on the floor of this assembly heard very eloquent statements by my colleagues about how they arrived as individual citizens in making the decision to vote on that measure themselves, the eloquence of the gentleman from Oregon (Mr. WALDEN) from Hood River talking about very personal instances that affected his family.

Twice Oregonians have decided this is the way they want to go. Despite all the rhetoric about opening the flood gates for physician-assisted suicide, such has not been the case. There are only 15 cases last year in Oregon, and in fact the research suggests and common sense would reinforce that when we give people, their families, and their physicians control over the situation, they are less likely to take desperate and unfortunate action.

The ironic approach that is taken by the supporters of this legislation may actually lead to an increase, if they are successful, in suicide in my State but without the framework.

Mr. Speaker, I strongly urge that Members of this assembly move this bill back to committee to strip away the provisions that would criminalize the decisions that are made by physicians exercising their professional judgment on how best to meet the needs and wishes of their patients and the patients' families, and that we would exempt States which have, by a vote of their citizens, squarely addressed this issue.

Mr. Speaker, I yield the balance of my time to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I ask for my colleagues' recommittal of this bill. What I have heard around this place today are a lot of people talking about this group supports it, that group does not support it. What we are talking about are real people in every one of our districts.

If that doctor feels a threat of law enforcement, the DEA looking over their shoulder, will they give one's friend, one's neighbor, one's son or daughter, one's wife, one's husband, will they give them adequate pain medication? That is what it is about. It is about whether or not we are going to let people that we care about suffer. Please recommit.

The SPEAKER pro tempore. For what purpose does the gentleman from Oklahoma (Mr. COBURN) rise?

Mr. COBURN. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. COBURN) is recognized for 5 minutes.

Mr. COBURN. Mr. Speaker, this is a difficult issue. End of life issues always are. What the people of Oregon have done, they have every right to do as long as they follow the laws of the United States that do not supersede that.

The fact is, this bill will not keep Oregon from having physician-assisted suicide. What it says is they just cannot use federally controlled drugs to do that.

Now, how did we get where we are? The Attorney General of the United States decided that physician assisted-suicide as far as Oregon's law is concerned is a legitimate practice of medicine.

□ 1500

I am here to tell my colleagues that that is not a legitimate practice of medicine. Matter of fact, even Oregon put great safeguards into their bills to make sure that mistakes were not made. Let me read to my colleagues what happened with one of the first cases.

The first publicly reported case of assisted suicide in Oregon involved an out-of-state woman who was found to be clinically depressed by her doctor. Within 3 weeks of contacting the Compassion in Dying and moving to Oregon, she was dead by lethal overdose. Significantly, two other doctors had rendered opinions against the assisted suicide, including a physician who believed the woman was suffering from a clinical depression. These opinions were not included in the Oregon Health Division report in the law's first year.

The fact is with this motion to recommit what we will be saying, if we follow it in its essence, is that it is okay for a doctor in Oregon to use federally controlled substances to kill a patient, but it is not okay to harm them. So what we will see is, if they harm someone, they are going to be held liable; but if they kill somebody, they will not.

I would put forth to the body of the House that we have a wonderful example of what happens when a group of people follow this logic, and all we have to do is look at Holland. Last year in Holland, a very small country, 80 babies were euthanized by their gynecologists. Now, I know Oregon does not allow euthanasia of babies, but neither did Holland when they first started. The vast majority of people, well over 2,000 people in Holland, were euthanized against their choice. What is in the testimony is the fact that they are incapable in Holland of knowing how many people were euthanized against their will.

I would ask the Members of this body to throw off the false argument that we are having the DEA look over the shoulder of doctors. In fact, the opposite is true. We have created a safe harbor for doctors that says if their intent is to eliminate pain, then they are held without liability. We also had charts presented and facts presented that showed that in every State that had put in a common-sense approach like this, the use of pain controlled medicines, morphine, has dramatically risen in helping those who are in the pains of dying with manageable pain. And, in fact, we are now moving as a Nation to manage that pain.

I reject this motion to recommit, and I ask the House to support that position.

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

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

There was no objection.

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

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. CANADY of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 271, noes 156, not voting 6, as follows:

[Roll No. 544]

AYES—271

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cook
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kildee
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moore
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Ose
Oxley
Packard
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Schaffer
Schakowsky
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—156

Abercrombie
Ackerman
Allen
Baird
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Blagojevich
Blumenauer
Bonior
Boucher
Boyd
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Cooksey
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gilchrest
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Holt
Hooley
Horn
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kilpatrick
Kind (WI)
Kolbe
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moran (VA)
Morella
Nadler
Napolitano
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Pickett
Porter
Price (NC)
Rangel
Rivers
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scott
Serrano
Shays
Sherman
Shuster
Slaughter
Smith (WA)
Snyder
Stabenow
Stark

Stump	Towns	Watt (NC)
Tanner	Udall (CO)	Waxman
Tauscher	Udall (NM)	Weiner
Thompson (CA)	Velazquez	Wexler
Thompson (MS)	Vento	Woolsey
Thurman	Walden	Wu
Tierney	Waters	

NOT VOTING—6

Delahunt	Kennedy	Rush
Hinojosa	Mascara	Scarborough

□ 1519

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

OFFERING CONDOLENCES TO FAMILIES OF VICTIMS AND PEOPLE OF ARMENIA

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

Mr. GILMAN. Mr. Speaker, we were appalled to learn earlier today of the assassination of Armenia's Prime Minister Sarkisian and several other high officials in the Armenian Government. It is tragic that this form of political violence has intruded upon the democratic path to which the Armenian people have committed themselves.

It is our hope and prayer that the people of Armenia not allow this kind of despicable terrorism to deter them from pursuing their democratic ideals and the institutions that provide for a free society.

Armenia has been a good friend of our Nation, and America stands ready to continue to provide the assistance needed to our friends to help them overcome this tragedy. It is our profoundest hope that Armenia will speedily recover from this violence and resume the practices that have provided its people the full measure of political freedom and opportunity.

I want to offer our condolences on behalf of the Congress to the families of the victims and to the people of Armenia.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. NEY). 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.

TRAGIC EVENTS IN ARMENIA

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

Mr. PALLONE. Mr. Speaker, it is with profound sadness that I rise today to indicate to my colleagues and the American people the tragic events that have taken place in the Republic of Armenia.

News reports indicate that Prime Minister Vazgen Sarkisian has been assassinated in an attack by four gunmen who stormed into Parliament during a session earlier today. Other lawmakers and government officials were killed in the attack in the Parliament chamber, including the Speaker of Parliament Karen Demirchian, according to news reports. The death of the Prime Minister and the Speaker of the Parliament have now been confirmed by the office of Armenia's president.

The gunmen are currently holding some 100 hostages, including members of Parliament. However, the government is in full control of the situation outside Parliament in the Armenian capital of Yerevan and throughout the country. There is no state of emergency. There are no indications that this was part of any organized coup, but merely the action of a few gunmen whose motives are not yet clear.

The Prime Minister and members of the government were gathered in Parliament for a presentation of the budget. So, clearly, the gunmen chose an occasion when they could attack many of the top leaders at one time. The gunmen have reportedly released the women hostages.

Armenia's President Robert Kocharian was not at the Parliament complex at the time of the shooting. He is there now personally directing the security forces and trying to negotiate for the release of the remaining hostages.

I want to stress, Mr. Speaker, that democracy in Armenia is strong. The commitment on the part of Armenia's elected leaders and the vast majority of Armenia people to democracy, to the orderly transfer of power, to peace and stability in Armenia and within the region, all remain as strong as ever.

Clearly, Armenia must be in a state of shock right now. The same is true for me, Mr. Speaker, and for all the friends of Armenia in this Congress on both sides of the aisle and for all the American friends of Armenia, including more than one million Americans of Armenian descent. But Armenia will continue to move forward with the political and economical reforms it began when it won its independence more than 8 years ago.

Mr. Speaker, there is a special poignancy for me and many of my colleagues in learning of the death of Prime Minister Sarkisian. The Prime Minister was our guest in this very Capitol building just a few weeks ago, 4 weeks ago to be exact. More than 30 Members of Congress and many of our staff had the opportunity to hear the Prime Minister give a very strong speech in which he stressed his commitment to continuing with economic reforms while working for a settlement of the Nagorno Karabagh conflict and greater integration between Armenia and her neighbors.

Vazgen Sarkisian had only been Prime Minister since May of this year following nationwide elections for the National Assembly, the Parliament. His party was the Unity Federation. Prior to becoming Prime Minister, he served as Defense Minister from 1995 to 1999. And like many political figures in Armenia, his real involvement in politics began in 1988, as the Soviet Union was collapsing. That year he joined the National Liberation Movement for Independence of Armenia and Constitutional Self-Determination of Nagorno Karabagh.

Also, like many of the political leaders of today's Armenia, Prime Minister Sarkisian was quite young. He was only 40 years old and had an extremely bright future ahead of him as leader of his country.

Mr. Sarkisian was committed to the goal of reform, rebuilding the nation after decades of Soviet domination. He supported integration of Armenia's economy with the region and the world. He sought to promote a society that protects private property with a stable currency and a balanced budget, while providing social protections to its citizens.

During his visit to Washington, the Prime Minister met with Vice President GORE, attended World Bank and IMF meetings, and met with officials of the Overseas Private Investment Corporation, as well as other Members of Congress.

Mr. Speaker, Speaker Demirchian had been the leader of Armenia during Soviet times. In the post-Soviet Armenia, he has emerged as a champion of reform. I have had the opportunity to meet Mr. Demirchian during a congressional delegation to Armenia that I participated in this summer with four of my colleagues. We were all struck by the fact that the new leadership, with President Kocharian, Prime Minister Sarkisian, and Speaker Demirchian represented an extremely strong leadership team poised to lead Armenia into a new millennium and into an economic area of prosperity and peace.

While I am sure President Kocharian will continue at that legacy, he has lost two valuable partners. Armenia and the world have lost two fine leaders. But even on this saddest of days, and it really is a very sad day, I am confident that Armenia will continue its progress in establishing a strong, prosperous, and free society.

SOCIAL SECURITY TRUST FUND

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

Mr. SMITH of Michigan. Mr. Speaker, I come to the well of the House today with what I consider good news but also maybe some bad news, a little bit sweet and a little bit sour.

The good news is that there is a great deal more attention to the serious problem of saving Social Security. The bad news is that we are not doing too much about it.

I was disappointed when the President sent over his proposed legislation that in effect says, let us add another IOU promissory note to the Social Security Trust Fund. An IOU is, of course, a promise to pay in the future. And that is what this would do is say, somehow, some way, raising revenues from some source down in future years, Congress will come up with the money to keep Social Security going for a little while longer.

Let me, Mr. Speaker, just give a little background on Social Security. It was started in 1935. It was a program then and always has been a pay-as-you-go program. In other words, existing current workers were asked to pay a Social Security tax. That tax came in and was immediately sent out to senior citizens, retirees, beneficiaries.

So today the money comes in one day and by the end of the week it is sent out in benefit payments. Right now we are bringing a little more in because we have substantially increased the FICA tax, the Social Security tax; we are bringing a little bit more money in than is needed to pay benefits. That is what is called the Social Security Trust Fund. And that is what Republicans, the Democrats and the President have been arguing about, should we continue spending that Social Security Trust Fund money for other government programs.

I think now most of us agree, no, that we should not. And the challenge is how do we calm the desire of the President and some of the spenders in this body that would like to spend more money and yet not spend the Social Security Trust Fund reserve.

□ 1530

That, however, not spending that Social Security trust fund, does not solve Social Security. The trust fund, the IOUs in the trust fund, the money the government has borrowed in the past, now accounts for approximately $800 billion. But when we consider that benefit payments are $400 billion a year, that trust fund reserve would not even hardly last the full of 2 years. The actuaries at Social Security and the CBO, the Congressional Budget Office, estimate that the unfunded liability, I will go into detail on those words, but the unfunded liability of Social Security is $9 trillion. In other words, if we were to hire a private firm and say we want you to continue paying Social Security benefits indefinitely, they would say, okay, you have got to give us the right to tax all workers 12.4 percent of their taxable payroll, plus you have got to give us $9 trillion today to put in an interest-bearing account so that that will be the only way that we will take on as a private sector industry the responsibility of paying Social Security benefits in the future. $9 trillion. Compare that with our annual budget in this country of $1.7 trillion. It means that we have got a long ways to go. It means that Social Security is not solvent and cannot continue the way it is currently structured.

So back to the good news. The good news is there is more attention to it. I say hurrah to the President for the last two State of the Union speeches, saying let us put Social Security first and so the Republican leadership, the Democrats, all of us in Congress have said, good idea, let us put Social Security first but we have not done it yet. We have not come up with the kind of proposals that are going to keep Social Security solvent.

Next Wednesday at 11 a.m. in room 210, Mr. Speaker, I will be announcing my Social Security bill that does just that. It keeps Social Security solvent into the future. It is not easy. To pretend that somehow the Social Security trust fund and the promise that government has made that it will somehow pay that trust fund money back is going to save Social Security is not true. It is not right. It will not work. Somehow, we have got to increase benefits for widows and widowers that are asked to substantially reduce their money coming in from Social Security as they try to survive. I think we are challenged with a situation that Congress does not usually react and do something unless the people of this country demand that something be done. That has not happened yet. There needs to be better information. There needs to be more understanding that at risk are future generations and current retirees if we do not step up to the plate and solve Social Security now.

MARKING 100TH YEAR ANNIVERSARY OF H. HORWITZ CO., CHICAGO'S OLDEST FAMILY-OWNED JEWELER

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

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to pay tribute to one of Chicago's finest and most longstanding family-owned businesses, the H. Horwitz Company, jewelers since 1899. 1999 marks the 100th year anniversary of H. Horwitz Company, Chicago's oldest family-owned jeweler. Founder Hyman Horwitz emigrated to the United States from Russia in 1895, equipped with a jeweler's training and desire to start his own business. At first, his one-room loop shop handled only jewelry repairs. But it soon blossomed into a thriving boutique that in addition to gems, provided gainful employment for a passel of Horwitz's Russian Jewish brothers and sisters. Scooping Service Merchandise by decades, he sold his diamonds alongside luggage, radios and cameras from the 1930s through the 1960s through his jewels values catalog. Horwitz and his son Donald, who ran the shop until 1998, experimented from the start with cutting edge jewelry designs. Theirs was one of the first companies to produce the pearl mystery clasp, a setting in which a necklace or bracelet clasp is drilled into two pearls, allowing them to screw together. The all around channel setting, now a common setting for diamond rings, was another pioneering step forward in jewelry design for the company.

This spirit of innovation also characterized Hyman Horwitz's humanitarian interest. In addition to supporting several Chicago charitable organizations, such as the Shrine Foundation and Chicago's Scholarship Fund, Horwitz created a custom braille watch to give to the blind of Chicago. This watch was made to size with the bracelet band and engraved with the name on the back. Of the luminaries who have shopped at H. Horwitz, least surprising is the one famous for his diamond fetish, Liberace. Other patrons have included former Illinois Governor Otto Kerner, Henry Youngman, Archbishop Samuel Cardinal Stritch, Chicago's Goldblatt family and insurance magnate and philanthropist W. Clement Stone.

Now run by Donald's wife Phyllis and son Craig, H. Horwitz and Company continues to offer fine jewelry at a discount. The company also imports all of its diamonds and precious gems directly from diamond cutters.

Mr. Speaker, 100 years is a long time, especially is it a long time to own and operate a business in one of the Nation's finest cities, Chicago, the windy city, city of the big shoulders, the city of neighborhoods. Yes, Chicago, the home of Horwitz jewelers. Yes, Ms. Phyllis Horwitz, we salute you and your family for an outstanding century of providing services to Chicagoans and all of those who have come to know of your service, professionalism and contributions to humanity. We say congratulations. We wish you well as you continue down the road to success. You are makers of history and we are pleased that you are a part of our community and that you prepare and distribute some of the finest jewelry in the world.

''CUBA PROGRAM,'' TORTURING OF AMERICAN POWs BY CUBAN AGENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, the Geneva Convention prohibits violence to life and person, in particular

murders of all kinds, mutilation, cruel treatment and torture and outrages upon personal dignity, in particular humiliating and degrading treatment. That is an exact quote.

However, all of those barbaric acts are exactly what took place in a prison camp in North Vietnam known as the Zoo, seen here in a declassified photo. North Vietnamese POW prison called the Zoo, site of tortures of American POWs by Castro agent. During this period of August 1967 to August 1968, 19 of our courageous servicemen were physically and psychologically tortured by Cuban agents working under orders from Hanoi and Havana.

Assessed to be a psychological experiment to test interrogation methods, the Cuba Program, as the torture project was labeled by our Defense Department and intelligence agencies, was aimed at obtaining absolute compliance and submission to captor demands. It was aimed at converting or turning the POWs and to be used as propaganda by the international Communist effort. It was inhumane. It was incessant. It was barbaric.

Air Force Major James Kasler, who is pictured here in one of the posters, 19 of the U.S. POWs in the Cuban program, Major Kasler said that during one period in June 1968 he was tortured incessantly by a man known as Fernando Vecino Alegret who had been identified as Fidel, the Cuban agent in charge of this exercise in brutality. In a Time magazine report entitled ''At Last the Story Can Be Told,'' after one beating, Kasler's buttocks, lower back and legs hung in shreds. The skin had been entirely whipped away and the area was a bluish, purplish, greenish mass of bloody raw meat. The person he has identified as the possible torturer is this man who is the current Minister of Education in Cuba. He could be one of the agents identified by our POWs as Fidel.

Colonel Jack Bomar, another victim of the Cuba Program, pictured here, has described the beating of a fellow prisoner and Readers Digest printed this eyewitness account for an article they wrote on POWs. It says, The sight of the prisoner stunned Bomar. He stood transfixed trying to make himself believe that human beings could batter one another. The man could barely walk. He was bleeding everywhere. His body was ripped and torn. Fidel, Fernando Vecino Alegret perhaps, smashed a fist into the man's face, driving him against the wall. Then he was brought to the center of the room and made to go down on his knees. Screaming in rage, Fidel took a length of rubber hose from a guard and lashed it as hard as he could into the man's face. The prisoner did not react. He did not cry out or even blink an eye. Again and again a dozen times Fidel smashed the man's face with the hose. He was never released.

This man who stood firm in the face of such brutality, who would not surrender himself to the wishes of his torturer was Air Force pilot Earl Cobeil. Earl Cobeil died in captivity, and he is pictured here. As a result of being tortured by a Castro agent, Earl passed away.

These accounts are but a microcosm of the terrible acts committed against American POWs in Vietnam by Castro agents, acts which are in direct violation of the Geneva Convention on prisoners of war. To violate the provisions enshrined in this document run against the grain of civilized society and undermine the integrity of the international community as a whole. Humanity is one. When one suffers, we all suffer. Thus, violations of this protocol are not just crimes against one individual but against all of humanity.

The Cuba Program was part of a difficult period in our Nation's history, one which many would like to forget. However, we cannot allow the suffering of those brave soldiers to have been in vain. Thus, the unconscionable acts which they were subjected to cannot and must not go unnoticed and they must not go unpunished.

Substantiated by declassified DOD and CIA documents, survivors have been eager to identify and trace the Cuban agents who systematically interrogated them and tortured their fellow Americans. Yet despite their best efforts, a successful resolution of this matter has still not been achieved.

For them and to ensure that the facts about the program are fully uncovered, the Committee on International Relations will be holding a hearing on this issue next week. We thank the gentleman from New York (Mr. GILMAN) for his leadership in order to get leads that could get us closer to identification of the Cuban torturers and have the Department of Defense continue their investigation into this new evidence. We hope that this hearing will serve to honor all of those POWs who sacrificed themselves for us.

EXPORTATION OF TECHNOLOGY REGARDING SUPERCOMPUTERS AND ENCRYPTION SOFTWARE

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

Mr. SMITH of Washington. Mr. Speaker, rapid advances in technology have presented challenges to all of us on a number of levels but one of the most profound challenges that our Nation faces is in the area of national security. These rapid advances in technology place new challenges to our folks who are trying to protect our Nation and protect our security interests as they try to figure out how to deal with this new technology. As technology changes basically the old rules do not apply but the challenge that faces us is figuring out what the new rules are. How do we deal with the changes in technology in a way that will protect our national security? The area that I want to talk about this afternoon is in the area of the exportation of certain technology, namely supercomputers or so-called supercomputers, today a lap top almost qualifies as a supercomputer by the old standards, in fact a few of them do, and also the exportation of encryption software, the software that helps encode messages and protect it from outside sources gaining access.

In the old days, the method for protecting national security was, if a new weapon was developed on a horizon that presented a threat to us, one of the things we tried to do was to make sure that nobody else had access to it. If it is a product that is developed in the U.S., we try to severely restrict the exportation of that product.

□ 1545

That is, in fact, what we have done with encryption software and with supercomputers. We have placed severe restrictions for years on the ability of U.S. companies to export either something that is classified as a supercomputer or encryption software to any place outside the United States, and these restrictions were intended to prevent that technology from getting into the hands of other people.

This has not worked, and I rise today to offer a better solution and to offer a solution that will best protect our national security, and that is the critical point here. It is not my argument that we should export this stuff because it is good commercially and the national security losses are minimal. On the contrary, it is my argument that if we do not allow greater exportation of this technology, our national security will be threatened, and let me explain that.

It is threatened by two realities. One of them is ubiquity. What that means is that things become easily accessible anywhere in the world. It used to be that a supercomputer was a rather large cumbersome series of machines and boxes that were very difficult to put together and even more difficult to transport. That is no longer the case. You can put together a supercomputer now with the chip that is really basically about the size of the tip of my finger; put together that, pull together seven or eight of those chips, and you have a computer capable of something way beyond what any computer was capable of even a decade ago. Therefore, Mr. Speaker, controlling this becomes very, very difficult.

In addition to being small and easily transportable, the other thing that has happened is a lot of other countries have started to catch up in the area of technology. If you want to buy the computer chips that will put together a

supercomputer, you do not have to come to the U.S. You have literally hundreds of other options. So we in the U.S. are not able to restrict that. We can restrict our own exports, but that does not stop other countries from having companies develop that product.

It is even more true in the area of encryption software. Encryption software is now produced by over a hundred countries. If you want access to top-of-the-line encryption, you can get it from dozens of other places other than the United States of America. We are powerless to control it.

Now you may argue, well, so what? At least we can do our part. We can control what the U.S. exports and, therefore, protect national security, at least to the best that we are able. But the problem with that is the second key point I would like to make, and that is something that everybody acknowledges from the FBI to the NSA to the most ardent opponents of exporting technology. They all acknowledge that one of the keys to our national security is for the U.S. to maintain its leadership in technology, and the reason for this is obvious.

Technology is critical to our national security. If we are developing the best encryption software, the best computers here in the U.S., then our FBI, our NSA, our national security and Armed Forces units will have access to that information that they will not have if some other country develops it; and if we allow our countries to get ahead of us in the area of both supercomputers and encryption technology, pretty soon nobody will be buying from the U.S. because we will not have the best product. Our industries will die and we will not have access to the best technology.

Now recently, after years, the White House has stepped up and expanded our ability to export both supercomputers and encryption technology. I rise today to make the critical point that that is a good move not just for our industry, not just for jobs in the U.S., which is not an insignificant concern, but it is also a good move for our national security, and I want folks to understand that because I think for too long we have been stuck in thinking that has long since been passed by technology.

We cannot wrap our arms around technology and keep it here in the U.S.; those days are gone. If we want to protect our national security, we need to maintain our leadership in both the development of the best computers in the world and the development of the best encryption software in the world, and the only way to do that is give U.S. companies access to the foreign markets they so desperately need to maintain that leadership.

I am very pleased as a member of the new Democratic Network that the new Democratic Coalition and Caucus have so much to do with pushing this issue, making the White House aware of it, because I think it is critical to the future of our country both economically and in terms of national security, and I urge that we continue down the sensible path to protecting national security.

A SAD DAY FOR ARMENIA

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

Mr. KENNEDY of Rhode Island. Mr. Speaker, today is a very sad day for democracy. Today is a very sad day for those of us who are friends of Armenia. Those of us who have been able to watch today's unfolding news have been struck by the horror in the government in Armenia as the prime minister and several lawmakers were struck down by bullets in the middle of their session.

I had the opportunity to meet Prime Minister Sarkisian last year when I visited Armenia and just 2 weeks ago when he walked the halls of this United States Congress to bring the cause of Armenia here to the bastion of democracy, and Prime Minister Sarkisian was struck down and murdered and assassinated today in Armenia. All of us in the United States Congress and all friends of Armenia all over this country, our hearts go out to the families of Prime Minister Sarkisian and all those lawmakers who lost their lives today in Armenia.

For all Armenian Americans today is a very sad day, and I must say for all of us today is a sad day because this kind of senseless act of violence threatens the very foundations of democracy which we hold so dear here and which Armenia is struggling so much to establish in that former Communist country.

Mr. Speaker, our sympathies go out to the families with our condolences.

CAMPAIGN FINANCE REFORM

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

Mr. HOLT. Mr. Speaker, as a new Member of Congress this year, I am pleased to be here to represent the 12th Congressional District of New Jersey. Running for Congress is indeed a wonderful experience. It reminds one of what a magnificent place America is, a place full of hard-working, talented people. It reminds you that citizens here truly care about important issues facing our communities throughout the Nation, things like improving our schools and fighting suburban sprawl, protecting Social Security, holding the line on taxes for seniors and middle-class families.

But running for Congress also reminds one of something else, that our country's campaign finance system is broken and needs to be fixed. We all know it. A campaign system where wealthy corporations can donate millions of dollars to political parties has the potential to drown out the voices of ordinary citizens. A campaign system where special interests can spread an unlimited amount of money on attack ads to smear and distort a candidate's record is wrong; a campaign system where we, as elected representatives, have to spend time raising money instead of addressing the issues.

One of the best ways, I believe, that this can be accomplished is through a restructuring of our campaign finance laws. It is one of the essential steps to begin restoring people's faith in government. That is why the first act I undertook after being sworn in as a Representative was to become an original cosponsor of the reintroduction of the Shays-Meehan bipartisan Campaign Finance Reform Act, and furthermore it is why I voted in favor of the legislation when it came under the consideration of this House.

It appears that this legislation will not pass Congress this year, that we who care about a government that is responsive to the people rather than special interests must not let up. This bipartisan bill is desperately needed to shut down the out-of-control soft money system which undermines the values upon which our democratic system of government is based.

The stakes are high and we must act.

SAVING SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from North Dakota (Mr. POMEROY) is recognized for 60 minutes as the designee of the minority leader.

Mr. POMEROY. Mr. Speaker, I am very pleased to for the next hour be coordinating a special order on the very important topic of Social Security. In the course of the next hour I am going to be talking about the very critical importance of this program. We are also going to put in perspective something about the present debate waging in this Chamber even as Congress works to conclude this session, and clearly we are in the final weeks of this session.

I also want then to highlight the emerging opportunity that we have in this Congress still this year to take the steps necessary to do something to strengthen Social Security, to prolong the solvency of the program, to push the life of the trust fund out from its present expectation, and these will be the areas that we will be discussing.

I am very pleased that joining me during this hour to discuss this matter will be a number of Members, and we will be pleased to incorporate them into the discussion.

I will begin just by talking about the Social Security program. It is our foremost family protection program. It is truly, when you talk Social Security, a program of all of us for each of us, and it has been that way for 6 decades. I do not think there is much question about what has made Social Security America's most successful Federal program. It comes down to the fact that it helps families in very real ways with risks that they otherwise cannot avoid. We all have risks of life. We may die too soon. We may become ill and unable to work. We may outlive our assets. Maybe we live too long and outlive our assets.

All of these are risks, all of us have them, and yet Social Security steps in and helps mitigate those risks by helping us in very fundamental ways. Let me just outline three of the coverages of the Social Security program.

The first, retirement income. There are millions in this country that every month receive a Social Security check that are in retirement years. This retirement check will continue as long as they live. It will be inflation adjusted to keep pace with rising costs. This program is the primary source of income for more than two-thirds of those on Social Security. It is 90 to 100 percent of the income for one-third on Social Security.

Let me make that clear again. Social Security is most of the income for two-thirds of Social Security's retirement recipients. It is all of the income for one-third of the recipients. You do not have to figure too hard given statistics like that to conclude how vitally important this program is to seniors on retirement depending upon this income.

But that is not what is the best known of the Social Security coverages. It is certainly not the only coverage because Social Security also provides a survivors benefit. Now what is that?

That is coverage that applies when the bread winner dies prematurely leaving dependents at home. Ninety-eight percent, 98 percent of the children in this country are covered under that survivor's protection. If their dad dies, they are going to have some support while the family tries to recover from that devastating tragedy. There, I do not think, is another program that has ever been passed that provides such comprehensive coverage to the children of this country, 98 percent.

The third is disability benefits because if you become disabled and are unable to make an income, what are you going to do? There are an awful lot of people in that category that simply have no other means for support. In fact, the disability benefit provided from Social Security is the only disability protection for three out of four in the workplace today.

You think about it. All the millions of people in the workplace today, driving to work this morning, absolutely depending on their paycheck at the end of the day or the end of the month or the end of the pay period to make it. Suddenly they become disabled, unable to work. What happens then?

Well, thanks to Social Security, they can make it because there is a Social Security check under that disability component of the program.

Now sometimes, as my colleagues know, we get up here and we talk about programs, and it sounds like just so much politics and government nonsense.

□ 1600

Social Security has had a very personal impact in the lives of millions of Americans, and I know well, because it has had a very personal impact in my life. My dad died when I was a teenager. I received a Social Security check. I have been a Social Security beneficiary. I, quite frankly, have no idea what my family would have done without the protection of Social Security, as we tried to regroup after the unanticipated death of my father at a relatively young age.

My mother now has another experience with Social Security. She is now, some 25 or more years later, 79 years old. She is living independently, thanks to that Social Security check that arrives every month.

My grandmother really did not have that opportunity. In the late fifties and early sixties, my grandmother's final years, she had to live with my family because she did not have the financial independence that my mother now has because of the Social Security check. Again, it could not be more personal to me, this program, which allows my mother the independence that she wants and deserves, thanks again to Social Security.

Well, Social Security is running a surplus now, but we know that that changes in the years ahead. Right now, the demographic bulge known as the baby-boomers are in prime career years, and they are generating the surpluses into the Social Security account. Those surpluses end in the year 2011, and at that time the claims payments equal the cash inflow from the FICA tax. Over the next 10 years we actually have to draw down the interest on the trust fund that has accrued in the Social Security trust fund to make the cash flow obligations of the Social Security system.

But it does not stop there, because in the year 2024 the interest part has been exhausted and you are dipping into principal, and, for the next 10 years, that principal is drawn down. So the Social Security checks are paid by the FICA taxes coming in and the liquidation of the Social Security trust fund until the Social Security trust fund is broke in the year 2034.

At that time, the only thing available to pay the benefits will be the cash flow coming in from the taxes, and that will only pay 75 percent of what the Social Security recipients would otherwise be expecting to receive. Benefits will fall by one-quarter in the year 2034 if we do not take steps now to strengthen the trust fund, to prolong the life of the system, and that is why taking steps now to address the long-term are so critically important.

Take note of these changing demographics: In 1960, 5 workers per retiree; in 1998, 3.4 workers per retiree, so today, 3.4 workers per retiree; the year 2035, when the baby-boomers are fully into retirement and advancing in age, 2 workers per retiree, just 2 workers per retiree.

So if we do not bank this money now and keep it and take steps to strengthen the trust fund going forward, we are going to have the prospect of collapsed benefits and a tax obligation on our children and grandchildren that is impossible for them to bear. That is why we have to act.

Basically there are three ways to strengthen the solvency of Social Security. It is very, very simple. You can cut benefits, reduce that benefit, kick out the COLA, the cost of living adjustment. I do not think you ought to do that.

The average Social Security check in this country is $700 a month. Remember, one-third of the people are living on that. For two-thirds of the recipients, that is most of their income. So we better not cut that monthly benefit. Far from it, we must stand resolved to hold that benefit and the cost of living adjustment on it.

Another way to cut benefits is to raise the retirement age. But, you know, the retirement age is already set to go up to 67. I do not think we ought to have 70-year-olds in the workforce because they cannot draw a Social Security check. I am against raising the retirement age. We have had people work for decades, counting on Social Security to be there when they retire, and to raise that retirement age, I believe, is just fundamentally wrong.

So if you are not going to cut those benefits, what else can you do to prop up Social Security solvency? Well, you can raise taxes. But I do not think you should do that either. The FICA tax presently is 12.4 percent. We are at a point in this country where more people pay more in FICA taxes than they pay in income taxes.

For those of us that have an employer, we pay the employee's share and the employer pays the employer's share, but I represent a lot of farms and self-employed people. They pay the whole 12.4 percent, and it is breaking their back to do it. So that tax is as high as it can go. I would like to see tax relief on that one.

So what else are you going to do? You cannot raise the taxes. The only other way to strengthen the solvency

of the Social Security trust fund is to invest general fund revenues so that this Social Security program, the crown jewel of the Federal Government, stays able to meet its commitments over the long haul.

Fortunately, there is a plan that has been advanced that would afford us doing that, and I will describe it in a minute. Before I do, I want to describe instead the position taken by the House majority this session on Social Security, because right now we are in the middle of a pitched battle where the House majority has launched frankly the most audacious attack against Democrats that I have ever seen launched on this issue. They have accused us of raiding Social Security to pay for programs, to finance government programs, and they say they are trying to stop it and they are going to save Social Security. These charges are unfounded, they are hypocritical, and they are untrue. Let us look at the record.

First of all, this is a GOP-controlled Chamber. They have the majority. We are operating under their budget. Their majority passes the appropriations bills. So for them to suggest that the Democrats, operating from the minority position, are raiding Social Security, is flat-out baseless and untrue. In short, it is a damnable lie.

You do not have to take my word for it, because it has been very heavily covered in the media across this country. Take a look at this Wall Street Journal coverage. ''Social Security surplus triggers concern. CBO study shows Congress intends to spend billions on unrelated programs.'' Wall Street Journal coverage of the GOP budget and appropriations bills.

Here is what the Congressional Budget Office shows has already been spent out of the Social Security surplus, looking at the appropriations bills passed and marked up by this Republican majority. Already into it to the tune of $14 billion. And yet this same crowd that is spending the surplus are running the ads in my district and other districts across the country saying that the Democrats are doing it.

It is really a new level of political hypocrisy: Do something, and then charge your opponents with doing that very same thing.

Washington Post story: ''GOP spending bills tap Social Security surplus. CBO notes planned use of $18 billion.''

Again, the source document for all of this is the Congressional Budget Office, the nonpartisan number crunchers in the bowels of the Capitol here that relay the factual information on the budget. ''CBO notes planned use of $18 billion of Social Security revenue.''

Here is in fact a copy of the letter from Dan Crippen, head of the Congressional Budget Office, that outlines where that spending has occurred.

So for a start you have to fault them on the pure baseless hypocrisy of their attack that the Democrats have raided Social Security. The spending that has occurred in this Chamber has been under the GOP budget by GOP-passed appropriations bills. Make no mistake about that.

Even more importantly than that, however, is that this focus on trust fund spending as we try to get the last appropriations bills worked out distract from the true measure of who has done something for Social Security. The true measure of who has done something for Social Security depends upon who has advanced the life of the trust fund. That trust fund, slated to go bust in 2034, that trust fund that, if not replenished, will cause benefits to fall 25 percent just when baby-boomers are most dependent on Social Security.

We are now at the end of a full legislative year. The President advanced a plan for Social Security in January, and what have we seen come to the floor? Nothing. Not one thing, not one vote, not one debate on the floor of this House on how to strengthen the Social Security trust fund. They are not even talking about it.

Why are they not talking about it? I think they are not talking about it, frankly, because the tax bill that passed this very Chamber last summer, and, fortunately, was vetoed by the President in September, would have taken all of the general fund revenues that we need to fix Social Security for the long haul and sent it out the door in a tax cut benefiting disproportionately the wealthiest people in this country. That is the hard fact.

Their tax bill, passed by this majority, vetoed by the President, would have taken the general revenue we need to strengthen Social Security and it would have shipped it out the door, forcing us to one of the following alternatives: Benefit cuts, tax increases, or a busted trust fund in the year 2034.

We have quite a different plan. The plan of the Democrats is to take the Social Security surplus and preserve it for Social Security. Put them in and invest those proceeds in a way that draws down the national debt.

This national debt drawdown will produce tremendous savings for this country. Debt held by the public in 1997 was $3.77 trillion, 47 percent of the gross domestic product. Today it stands at $3.4 trillion. By drawing down the surplus in this fashion, we can reduce this debt to a point that by the year 2011 we are saving in interest charges paid alone $107 billion every year.

Do you know that 15 percent of every tax dollar today goes to pay interest on this debt? Fifteen percent. If you just think about it for a second, if you bring that debt down, think of the money you save, that you no longer have to pay in those interest charges.

The Democrats' plan is pay down the debt, take the interest money saved and invest that back in Social Security. That is where you get the general fund revenue available to invest in Social Security to strengthen the trust fund, to prolong the life of the trust fund, to strengthen Social Security, so that it is there past the year 2034 when we need it most.

That is the President's plan. That is the plan that is being introduced into this Chamber, and we strongly support, because it really gets to the core issue, who is doing something to strengthen Social Security for the long haul? And on that one, this majority has fallen woefully short.

I used to be an insurance commissioner. I would regulate agents. Sometimes I would see sales practices that were really shocking. The more they talked, the louder they talked, the more fancy materials they had, often masked the fact they were doing the opposite of what they were saying, and time after time I would revoke their license and put them out of business for lying to their customers.

You know, sometimes I wish we had kind of similar restraints on the action of both political parties here. If that was the case, these guys would be out of business, because they are flat out lying to their customers, the taxpayers of the United States, about their intentions for Social Security.

I am very pleased that we have had a couple of other Members join me in this Chamber. I would like to incorporate them into the discussion right now, beginning by yielding to my friend and colleague, the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Speaker, the gentleman was just talking about the use of the interest. I wonder if he would reclarify that. He is telling us we can get rid of the interest on our debt, which is almost $4 trillion, and by paying down our debt, that interest payment, that amounts to almost as much as we are paying on defense for our whole Nation, could ultimately be used in the Social Security program and Medicare. Talk about that for a minute, would you, please?

Mr. POMEROY. I certainly will. Then I would very much invite the gentleman's presentation on this vital topic, because I want to hear it and I know that we all do.

The way we have constructed this package is that the general fund money we get to strengthen Social Security comes from the interest we are no longer paying on this debt. Remember again, there are three ways to make this trust fund more secure: Cut benefits, you do not want to do that; raise taxes, you do not want to do that. You have to invest some general fund money. Where are you going to find the general fund money? Over time, by drawing down that debt, you free up interest payments that we are now having to make.

□ 1615

You have got a smaller debt. You have got a smaller interest payment. You take the difference in interest payment, and you put it into the Social Security Trust Fund, and you strengthen it for years.

In fact, under the plan that we have introduced, it will carry the life of this trust fund out to the year 2050, 2050. What is so important about that is this baby boom demographic bulge that we have got, it will be pretty well wiped out by then. I say so as a baby boomer myself, born in 1952. I would be 98 years old in 2050. Quite frankly, I do not think I will be drawing a Social Security check anymore personally. Most of us will not be. Our time will be at an end.

That is why our children and grandchildren and their children will have a shot at getting a Social Security benefit themselves because we will have seen this program pass the middle of the 21st century, and that is exactly the steps we need to take to make sure this program can meet our needs going forward.

Mr. Speaker, I yield to the gentleman from Texas (Mr. LAMPSON), because he has been very patient listening to me, and I would like to hear his presentation, his own personal reflections on Social Security.

Mr. LAMPSON. Mr. Speaker, I thank the gentleman from North Dakota (Mr. POMEROY) for yielding to me.

It is nice to be able to rise and join the Speaker and other Members and begin to talk about this particular issue because it affects hundreds of seniors, millions of senior citizens across this country and their families. They are the people that I am hearing about in my own office. It is not just the comments that I get from my own mother and others in my family, my uncles and aunts; but it is the letters that are written there concerning the future of Social Security.

Americans from all walks of life recognize that this sacred contract between the public and their government must be addressed and must be addressed now. If it can be done as simply and logically as what the gentleman from North Dakota (Mr. POMEROY) has just said, then it does not make sense for us not to pick it up and go forward with it.

The people do not want Congress to play games with this matter, with this retirement security that they feel so strongly on. As we look toward the 21st century, we cannot afford to risk losing this opportunity to save Social Security by allowing ourselves to become mired in partisan rhetoric or by failing to use creative approaches to problem solving.

It has been said that opportunity knocks but once, and Congress has to answer the door. We owe that to the American people.

Nancy Lampson happens to be my mother. She lives in Texas. She is 89 years old and lives by herself. Like millions of other senior citizens, she is worried about the future of Social Security. She, indeed, relies on it. She is afraid that it will not be there for me and my brothers and sisters. She knows what it has done for her. My mother knows that Social Security is not just good for retirement security for her. It is also good for me, her children, her grandchildren, and great grandchildren, including my own grandchild who will be born in just a few weeks.

Just as the gentleman from North Dakota (Mr. POMEROY) spoke a few minutes ago about his own personal experiences, my mother, who is now 89, faced the task of raising six children when my father died when I was 12 years old. Not an easy task for a family to face, not an easy task for a single mother who had no education to be able to face in this country.

Without the assistance of Social Security survivors benefits, our family would not have stayed together. It is difficult to imagine, as the gentleman from North Dakota said, what would happen to those families who do not have that kind of security, that wherewithal. One child goes off to live with one relative, another goes off with another. Perhaps they never see each other again. Perhaps they are not able to grow up in the manner that we all believe so strongly in, as family can support each other in their quest to become productive citizens in this country.

Well, many claim that this Congress is claiming, and particularly the Republicans within Congress, claiming their budget does not touch the surplus. But such a claim is a ruse. The leadership of this House continues to use gimmicks and false promises in an attempt to mislead the American public. We need to put aside the surplus for Social Security, not spend it and, in turn, reduce the national debt and the billions of dollars that we are wasting each year on those interest payments that I asked the gentleman from North Dakota (Mr. POMEROY) about a minute ago. Winnowing down the national debt will be good for my mother's great grandchildren, my grandchildren.

Currently, the United States of America spends nearly as much on interest payments as it does on national defense. If we wisely invest the surplus in Social Security, then we can reduce our interest payments from almost 20 percent of the budget in 1999 to around 2 percent in 2014. It is just 15 years away.

Investing in Social Security will not only reduce the debt, but it will also lower interest rates, boost economic growth, and increase the financial security of working families. One does not have to be a Harvard economist to know that this makes good sense for the American people.

Well, I am dedicated to ensuring the long-term solvency of Social Security and committed to guaranteeing American families financial security upon retirement and in the event of death or disability. Social Security has kept millions of retired seniors from living in poverty and by providing a guaranteed cash benefit with a lifetime protection against inflation.

That amount of money only amounts to $571 for my mother, but it makes a difference in her life. For about two-thirds of the beneficiaries, Social Security provides about half of their annual income. For 30 percent of the beneficiaries, Social Security provides 90 percent of their annual income. Social Security is the only source of income for one in six older Americans. If the Republicans succeed with their budgetary sham, the quality of life of seniors in this country will be put at risk.

On behalf of my mother, on behalf of the people of my district in southeast Texas, on behalf of the millions of people across this country that we in Congress represent, I urge all of my colleagues to avoid the trap that is being set by the leaders of this House. Before we do anything else, we must save Social Security.

We need to focus on the present and the future by investing the budget surplus in Social Security.

Mr. Speaker, I would love to participate more as this dialogue continues. I thank the gentleman from North Dakota (Mr. POMEROY) for the leadership that he is showing on this issue.

Mr. POMEROY. Mr. Speaker, I want to thank the gentleman from Texas very, very much for that very compelling statement. In his family, as in my family, this is a program that has really mattered. I cannot think of anything more important for us to do than to join forces and try to protect it for the millions of families that are depending upon this program.

It really all comes down to, are we taking the steps necessary to strengthen the trust fund, prolong its solvency? If this Congress leaves in the face of these surpluses without lengthening the solvency of that trust fund, we will have failed the people mightily.

I am terribly concerned at this very late point in this session, here we have been here all year, not one bill on the floor, not one hour of discussion on the majority side in terms of actually pushing out that solvency date, strengthening the Social Security program. Without, really, that key point, we really miss the mark in terms of taking steps to shore this program up for, not just our retirement needs, but our children and grandchildren as well.

Mr. Speaker, I am very pleased to yield to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank the gentleman from North Dakota (Mr. POMEROY) for organizing this

special order this afternoon, since Congress got out much earlier than we normally do, and to talk about Social Security.

But because I, like a lot of Members, have seen, not only here in Washington but around the country, the ads that our Republican colleagues have that shows the Democratic Caucus squandering Social Security funds. I kind of laugh. The gentleman from North Dakota has been in our caucuses, and they are pretty boring compared to those ads. Obviously, I do not think they are getting their money's worth. In fact, some of us have said, well, we need to go to where they have those ads.

But it is amazing to me that they would spend whatever they are going to do, the millions of dollars, to put those out in selected districts around the country when, historically, Social Security was not created with any Republican support. It has not been supported typically, in fact even the gentleman from Texas (Mr. ARMEY), the majority leader, has said that Social Security is something that he would not have supported. It is a falsehood on the American people.

But since the 1930s, and following the gentleman from Beaumont, Texas (Mr. LAMPSON), and how important Social Security is, it is one of the most successful domestic programs we have ever seen. It guarantees retirement security for millions of Americans and health care benefits for the disabled.

It also, as the gentleman from Texas said, survivors benefits for children, if a person who pays his Social Security dies, his children, until they are of age, can have some help in just surviving.

So what we are seeing here today, instead of those ads that are saying something about Democrats challenging or threatening Social Security, I think it is ridiculous. I think the American people know that. What we are seeing, though, is the rhetoric for one side who is just about the biggest falsehood I have seen in history, because we know that threatening of the program is because of what is happening now with their budget projections.

In the article of the gentleman from North Dakota (Mr. POMEROY), he has, CBO notes a planned use of $18 billion of Social Security surplus. It was $14 billion, but up here we change those numbers almost on a daily basis because of appropriations.

As always, my colleagues on the other side of the aisle leave everything to the last minute. So that is why we are here today looking at a Labor, Health and Human Services appropriations bill tomorrow that very well could go higher in Social Security numbers. Instead of $18 billion, it could go as high as $24 billion in using Social Security and trying to scramble to balance the budget.

But even with that, even with going as high as $24 billion in using Social Security trust funds for their budget, they are still going to cut math teachers and reading teachers for public schools. They are going to cut veterans health care programs with that proposed across-the-board 1 percent cut. It was 1.4 percent 2 days ago. Now it is a 1 percent cut.

But even then, they are still dipping into Social Security. We cannot allow that to happen. Social Security is simply too important, not just to my father who will be 85 years old and who benefits from Social Security, but not only for the baby boomer generation that we are members of, but also for our children and our grandchildren.

Social Security is a primary source of income for two-thirds of all Americans over 65. Two-thirds of all Americans is the primary source. For one-third of seniors over 65, it represents 90 percent of their income. That is not just true for those recipients today, not just like my father or the mother of the gentleman from Texas (Mr. LAMPSON), it is going to be true for our generation.

Sure we have opportunities to save and invest and things like that. But, again, Social Security was created not to make one rich. I use the example, it will not buy one one's Cadillac, but it may buy one a used Chevy. That is what we need to make sure, that it is there for every generation, not just the current generation, but for every generation.

It is more than a retirement program. It is a critical survivors benefits, as the gentleman from Beaumont, Texas (Mr. LAMPSON), said. One out of every five Social Security beneficiaries receive survivor or disability benefits.

So many children in the United States receive some type of benefits from Social Security. It provides disability benefits for our Nation's workers. Three out of four of the workers sometimes can benefit from disability in some form.

So where is the Republican plan to extend the life of the Social Security Trust Fund? Well, obviously from that article we see and the article we have seen, it really does not exist. Because, again, if it gets as high as $24 billion with the drastic cuts in programs and diversions of money, I guess what worries me is the 1 percent I am hearing today would be across the board.

Instead of prioritizing our appropriations, it is much easier to say, well, I am going to let a $500 million aircraft carrier that the Navy does not want, we are going to cut it 1 percent. But we are also cutting math and science teachers and reading teachers in our public schools.

While my Republican colleagues for months were proposing an irresponsible tax cut and talking about how they were really saving Social Security, but that is not so. Thank goodness the President vetoed that. They have not brought that up to try and override the President's veto. Maybe we need to talk about that sometime on the floor.

They propose a budget that does not do anything to, again, reduce the class size, put more police on our streets. In fact, they are cutting the successful Cops on the Beat program. Computers in the classroom, like I said math and reading teachers, after-school programs, and, worst of all, they are proposing to cut immunizations for children with that 1 percent, yet still spend $24 billion of Social Security trust funds.

Their budget plans leaves nothing for strengthening the fund. It does not leave anything to extend the life of Medicare Trust Fund or modernize Medicare to provide for prescription medication.

Now, there is a plan that both the administration and Democrats have proposed that we have talked about to extend the solvency of Social Security to 2050 and avoid the difficult choice of reducing Social Security benefits or raising the retirement age of seniors. According to the primary estimates by the Social Security program's Office of Actuary, the administration's proposal would extend the solvency until 2050. This is an extra 16 years added to the program.

□ 1630

The administration's proposal would devote the entire Social Security surplus over the next 15 years to paying down the debt held by the public. This would reduce the debt held by the public by $3.1 trillion over the next 15 years.

We have a responsibility to take the necessary steps to make Social Security safe and strong, and not only for our baby boomers and our parents' generation, but also for future generations. Hard-working Americans pay a lot of their income into Social Security, both themselves and their employers, and they are relying on that program to make sure they are not in the poor house as they used to be before we had a Social Security program for our seniors.

Mr. Speaker, I think it is time we put politics aside and also put gimmickry aside and really get down to trying to do what we can to make sure we balance the budget and still provide for the safety of Social Security, and looking at the Medicare Trust Fund too, along with prescription medication. We can commit enough money to shore up both Medicare and Social Security.

Again, I want to thank my colleague, the gentleman from North Dakota (Mr. POMEROY), for asking for this special order and giving us the chance to come and talk about it.

Mr. POMEROY. Mr. Speaker, I thank my friend and colleague for participating and the observations that he has made. They are so apt.

Basically, we have a majority here that says the Democrats are spending the Social Security money, when in fact the media coverage, based on the Congressional Budget Office shows it is the GOP spending bills, based on the GOP budget. After all, they are the majority party in the body. If anyone is raiding Social Security, it is the majority, not the minority. We do not have the votes, if we wanted to, and we do not want to.

Second, they accuse the Democrats of jeopardizing Social Security when this same crowd running the Chamber has not offered a proposal and debated on this floor any ideas relative to strengthening the trust fund.

I think it is terribly unfortunate that we cannot work together, Democrats and Republicans, to strengthen this program. Because it is not a Democrat program or it is not a Republican program, it is America's program. And in the middle of all this political smoke I hope Americans keep one thing in mind: The way to evaluate whether anything is happening or not on Social Security is to look at that 2034 date, the date at which the trust fund goes bust. If that date is not addressed, those benefits are going to fall by 25 percent. And the prospects of our children and grandchildren getting a meaningful Social Security benefit are greatly reduced, even though they definitely face the prospects of significantly higher taxes.

So has the trust fund been strengthened? The answer; not by anything they have done so far this year. And that is a deep disappointment to me, and I am sure the American people.

Joining me, Mr. Speaker, is the gentleman from Arkansas (Mr. VIC SNYDER), from Little Rock, Arkansas. Well, from the State of Arkansas, I am not certain if Little Rock is in the gentleman's district or not. I am happy the gentleman has joined us for this special order, and I yield to him at this time.

Mr. SNYDER. Well, I thank the gentleman, Mr. Speaker. I was over in my office and watching the gentleman's usual thoughtfulness. The gentleman has been a beacon in this town for the last several years, a light in all this fog that is surrounding us here right now.

As the gentleman knows, when I first came here 2½ years ago, I was invited to attend the gentleman's Democratic budget study group that meets every Wednesday morning, and it has been through those group meetings that I have been helped in sorting through this fog of these numbers and in trying to understand in an unbiased way what all these numbers mean.

I remember when the gentleman had that terrible tragedy of the floods in North Dakota and he was literally immersed in flood waters and stayed overnight in the shelters there, at least for one night. Well, now the gentleman has immersed himself with these budget numbers trying to understand this very, very complicated issue of budgets and how it impacts on Medicare and Social Security. And I appreciate the tremendous work that the gentleman has done.

I have seen these ads that have been running against the gentleman in North Dakota, and those are an insult to the people of North Dakota. Anyone wanting to put out those ads does not understand the kind of man the gentleman is and the kind of work the gentleman has done in trying to provide for the long-term solvency of Social Security and Medicare.

Anyone can put together a 30-second ad for short-term political advantage, but that is not what I think the people of America want us to do, it is certainly not what the people in North Dakota and Arkansas want us to do. They want us to work on long-term solvency of these very important programs, not short-term political advantage.

It is 4:30 in the afternoon. We have our usual about empty Chamber here when we are doing these special orders. I would like to think that everyone is out trying to solve the problem of Social Security. My guess is a lot of them are out trying to raise more money trying to figure out how to run more ads against good people like the gentleman from North Dakota. But I do not think that will work and I commend the gentleman for his efforts in this regard.

I want to pick up on the some of the last comments the gentleman made about the importance of Democrats and Republicans working together. We cannot solve the long-term problems of Medicare and Social Security, and I will put down there defense and veterans issues, in a partisan manner. We cannot do it. And the American people will not stand for it. Any party who has the votes can put bills through, but that will not lead to the ultimate long-term solvency of these programs that the American people care about so much.

Somehow we have to get past all this. We also have to recognize that this country has a lot of needs. Our senior citizens have a lot of needs, not just Social Security, even though it is vital. Veterans. Very important to senior citizens. Medicare is very important to senior citizens. A lot of the senior citizens in my district care very much about our defense budget. They came through World War II and the Korean War and the Vietnam War, and they recognize the importance of a strong defense. They also recognize the problems of paying for drugs when on Medicare, and they care about that deeply.

They also understand the importance of education. When I go visit a friend in the hospital, I am very much aware most of the people working in the hospital are fresh out of our high schools and colleges. We depend, even in our retirement years, on the education level of the generations coming behind.

So for many what long-term solvency means is to have a program that my mother can depend on, that I can depend on, and that the staff that work for me in their 20s in my office can depend on. I have one pregnant staffer. To me, long-term solvency means that those kids that are coming behind us, that are now toddlers and in grade school, that they know that their Congress is watching out for this program, not for short-term political gain, not to run a 30-second political spot to try to hurt a good Member like the gentleman from North Dakota (Mr. POMEROY), but that we are working together in a bipartisan way, Republican and Democrat, old and young, so that we can make this Social Security, Medicare, and veterans programs be there for all our retirees in the future.

And once again I commend the work the gentleman has done on this issue and, I am confident, will do for many years.

Mr. POMEROY. I thank the gentleman for those kind comments. The gentleman's measured, reasoned analysis is once again so directly on point relative to what types of response we ought to work together in this Chamber to take. Not running 30-second attack ads, just playing politics with an issue that is as important as Social Security, but working to strengthen the Social Security Trust Fund by taking the interest savings generated by Social Security, as we pay down that debt, and putting it into the Social Security program.

I am very pleased to call on my colleague, the gentlewoman from Cleveland, Ohio (Mrs. JONES), who has been very patient in the course of this afternoon. I thank her very sincerely for staying and participating, and I yield to her now.

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman, and I want to salute him for spending time to put together this special order with regard to Social Security. And as my colleagues have said, I would say to him that he should stand tall; we know that the gentleman is doing a great job here in the Congress of the United States. Those ads will not last for long, because we are going to get the message out that the gentleman is doing a great job and that the Democrats are not trying to raid the Social Security fund. So I thank the gentleman very much for his consistency.

Mr. Speaker, Social Security is the cornerstone of our retirement system. Social Security is the principal source of retirement income for two-thirds of the elderly. In 1959, the poverty rate for senior citizens was 35.2 percent. In 1998, it was 10.5 percent, the lowest on

record. Last year, Social Security benefits lifted roughly 15 million senior citizens out of poverty. At the same time, poverty remains high for widows and other groups.

Social Security is more than just a retirement program. One in five beneficiaries is under the age of 62, receiving either disability or survivor benefits. As my colleagues have said, I am blessed to have parents who are living and healthy, 78 and 79 years old. I am blessed to have in-laws who are living, whose health is somewhat in disrepair, who are also 78 and 79. And as I campaigned throughout the City of Cleveland back in 1998, the major issue that senior citizens brought to my attention was Social Security and they told me that they were counting on me to go to Washington and save Social Security.

Now, over this past year, as a new Member of Congress, I have watched and learned about this discussion with regard to Social Security, and I am begging my colleagues, both Democrat and Republican, to stop talking the political language of Social Security and get down to the issues that are important with regard to Social Security; that the people of these United States expect that we are going to do.

Social Security is projected to become insolvent by 2034 as a result of the demographic pressures it faces. In 1960, there were 5.1 covered workers for every Social Security beneficiary; in 1998, there were only 3.4 workers for every beneficiary; and by 2035, there are projected to be only two workers for every beneficiary. That is why it is so important that we now hold on to the dollars for Social Security and put them aside, put them into a fund so that they will be maintained and be able to bear interest so that Social Security will be around. It is important that we assure the young, the old throughout that Social Security is something that they can count on over time.

I do not know who else has been on the floor today with the gentleman from North Dakota, but I think it would be of interest for those who are listening to us to hear about The New York Times piece that said, and I quote the next to the last paragraph: ''Asserting that it is merely trying to save money for Social Security, the Republican leadership in Congress wants to cut spending by 1.4 percent,'' or now I understand it is 1 percent, ''across the board, and block the White House's initiatives for money to hire new teachers and police officers. The leaders' approach has been so wrongheaded that yesterday it provoked a revolt in the party rank and file, and the cuts were being scaled back. But it is not necessary to slash programs to 'save' Social Security. More to the point, there are better places to save money, by cutting billions of dollars in pork barrel projects and eliminating some of the expensive tax breaks for special interests that have made big campaign donations to the party in recent years.''

This is clearly on line and on point with what we have been trying to say over the past few days. The House GOP'ers have already dipped into $14 billion of Social Security surplus. They are on track to spend $24 billion of that surplus. The appropriations exceed the President's request by $14 billion. The majority leader, the gentleman from Texas (Mr. ARMEY), is on record as stating he never would have created Social Security. The number of days the GOP budget plan would extend the life of Social Security is zero.

By way of contrast, the number of years the Democratic tax budget plan would extend the life of Social Security is 16 years.

Finally, while ignoring the needs of the Social Security System and its financial viability, the Republican leadership, through tax breaks, provides for the wealthiest and special interests, and that amount would come to close to $1 trillion.

As a freshman Member of Congress, I have had an opportunity over the past year to get to know some of my Republican and Democratic colleagues. I am confident that through working together, through strong leadership, we can arrive at a resolve for the Social Security System. And that resolve is in saving Social Security dollars, putting it aside, investing it, paying down the dilemma that we are in in terms of debt as a country, and moving on to dealing with the other issues that impact the people of these United States.

Again I would like to congratulate the gentleman from North Dakota on his leadership on this issue, and I yield back.

Mr. POMEROY. I thank the gentlewoman very much for her comments.

There have been, in the course of our discussion, some comments made as to a series of ads, and among the places they are being run is in the State of North Dakota. I would just read for my colleagues the text of this ad, to put in context what we are dealing with as we try to make difficult decisions at the end of a legislative session. The majority party has unfortunately decided to launch, as a political strategy, apparently some sleight-of-hand way to disguise what they are doing on Social Security.

This is the text of the ad that has already run in North Dakota. It begins with a fadeup of shots of threatening criminals looking at the camera. Cut to the criminals. He looks to the camera and smiles, and here is the text: Imagine a world where there's no punishment for committing a crime, where thieves can steal from unsuspecting victims. It is hard to imagine, yet it is about to happen in Washington. The Democrat and the President's budget could raid Social Security and spend our retirement money on big government programs. Protect your family's future. Insist every penny of the Social Security trust fund go to the people who paid into it.

□ 1645

''Call Congressman POMEROY. Tell him keep his hands off Social Security.''

This ad, run to the people that I have lived with all my life, actually implies that somehow I am engaged in criminal activity involving a raid of the Social Security Trust Fund. It is run by the same majority that the Washington Post has analyzed has already spent Social Security surplus, ''CBO notes planned use of $18 billion.'' That is the crew that paid for that television ad. So they have done what they are actually buying advertising to accuse others of doing.

This is a House operating under the GOP budget. It is a GOP majority. Those are GOP appropriations bills. It is their control of this chamber that would result in spending that Social Security-derived revenue.

But the question, the broader and most important question, is has anyone in the majority offered on this floor a plan to strengthen the trust fund? And on that one, regrettably, we must conclude, no, there has not been a plan to strengthen the trust fund.

Any plan that does not call for an additional infusion of resources to strengthen Social Security for the long haul is going to rely instead on benefit cuts, higher retirement age, or higher FICA taxes. There is just no other way around it.

So when the Republican tax plan took all the available general fund revenue and kicked it out the door, going primarily to the wealthiest people in this country, it was a plan that would have savaged Social Security and required steep benefit cuts after the year 2034 because there would have been no way to make the fund solvent for the long term. That is their record.

Not only have they done that which they accuse us of doing, they have passed a tax bill, fortunately vetoed, never to become law, that would have taken the means to strengthen Social Security and taken away from us instead forcing us to rely on benefit cuts.

We are now in the final minutes of this presentation, and I have a request that has come in from the gentlewoman from North Carolina (Mrs. CLAYTON) who has experienced a situation I am very familiar with, disastrous flooding for her neighborhoods. And so, for the concluding 5 minutes of this special order, I yield to the gentlewoman from North Carolina (Mrs. CLAYTON) to bring us up to date as to the heartache and the tragedy her folks are experiencing.

I would just say to my colleague in yielding, representing the City of

Grand Forks, the city that was inundated in 1997 and is clawing its way back now thanks to the strong support of Federal disaster aid, we would not have made it without disaster aid programs.

I will listen closely to the description of the problems of my colleague. And if we can help, we need to help with a similar Federal response so that her brave constituents can similarly make the tough road back.

Mr. Speaker, I yield to the gentlewoman from North Carolina (Mrs. CLAYTON).

FEDERAL DISASTER AID

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from North Dakota (Mr. POMEROY) for yielding and thank him for his offer to help.

By the way, my citizens also are concerned about Social Security spending. I want my colleague to know that. But, in addition to being fearful of how they will have Social Security or how we will manage it, they must now manage this disaster.

My colleague knows well how this sort of disaster not only unsettles the community but frightens human lives. It puts everything in uncertainty and fear and the anxiety that prevails and the lack of hope.

I have come to just raise with my constituents and I am so pleased that my colleague is willing to assist and I want to tell my constituents they need additional help.

This is a picture of Tarboro taken some weeks ago. It is not flooded like that now. But I will have my colleagues know that 68,000 persons have now called the FEMA line for assistance. 68,000. More than 46,000 homes have been damaged. The governor has now brought his figures thinking that maybe 10,000 of those homes will not be able to be built back again.

So we are now wanting Congress to begin helping us just move beyond just the relief and have a recovery fund. And what we are doing, by the way, as Members of Congress, many of us are going to North Carolina to give a hand, to share our concern, but also to express our personal participation. Members from Congress, on November 6, will be going on buses with their staff and other public officials to eastern North Carolina, working in five selected communities helping to remove debris, clean up, give hope, have discussion with the local leaders and, in the afternoon, to have a rally of hope.

There will be gospel singers and inspirational singers, B.B. Weiner, C.C. Weiner, Shirley Caesar and our former Member. And Bill Hefner, who was a Member with us here who sings gospel, has agreed that he may come. We want to make sure Bill Hefner hears us and comes on down. And the Phelps brothers. We have a Member from Illinois, and he is going down.

So we have a strong delegation of American citizens for us, yes, Congresspersons, but American citizens too who want to identify and say, beyond just thinking about you or looking at these pictures. Because you see, now the stories have ceased, we do not see the cameras, but the mud is there. The flood has done devastation.

There is one other final piece I want to show my colleagues. This is showing the devastation to infrastructure where roads have been just devastated, bridges, the waterway, the environment. This is showing a hole in the road in 301. By the way, the railroad came across this way, too. So it has not only interrupted the water and the travel by car, but also the railroad system had to be rebuilt.

So the power of water first sustains life, but also we saw the power of water where it has taken life.

Finally, more than I think now 51 persons have died because of this. Life indeed is precious. But what we want to do is to make sure those who are living and those who are struggling with that will have a sense of hope.

So I am urging my colleagues to consider a bill before we end this session so we can show a sense of passion, not only the resolution we passed, but having the monies. We need the money to go build the houses.

And my colleague is right, FEMA is that relief that the Federal Government has, but we need those extra resources to allow individuals to build their homes back, to have structure.

By the way, more than 2.5 million chickens were killed, 120,000 hogs. I mean, the wildlife suffered just tremendously. And the environmental impact, we are still assessing that. We do not know what it will mean to our beaches and our waterways and our fishermen. Because if we do not mitigate this harm and do it very rapidly, we will be paying a severe price.

I would say more than just have relief, we need opportunity for a major recovery for more than 18 counties who are involved.

I thank the gentleman for both sharing his time but, more importantly, understanding the need for support for the people in North Carolina.

Mr. POMEROY. Mr. Speaker, I thank the gentlewoman for her comments.

Clearly, the initial disaster package added to the agriculture appropriations bill does not begin to compensate the economic loss that North Carolina has sustained.

I just know from again my own flood experience in North Dakota, everything that filthy water touches it destroys. And so, once that water recedes it leaves your families' belongings, some of their most treasured things, in a distorted, grotesque, and disgusting condition requiring removal. And then you build back starting from scratch. We are going to have to have a bigger Federal response helping your people off the floor, just as the Federal Government helped Grand Forks, North Dakota off the floor; and I stand to help my colleague.

ONE-PERCENT SOLUTION

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 60 minutes as the designee of the majority leader.

Mr. HAYWORTH. Mr. Speaker, I thank my colleagues from North Dakota and North Carolina for the conclusion of their time on this floor as they renewed their calls for something quite needed.

As a North Carolinian by birth, but now proud to represent the State of Arizona, Mr. Speaker, I would assure those North Carolinians and all Americans who have been affected by Nature's wrath and fury that we are acutely concerned for their plight. And I believe that we can work in a bipartisan way to solve those problems of an emergency nature, although one cannot help but note, Mr. Speaker, how much better it would have been if some $20 billion in American taxpayers' money had not been used for foreign adventurism in the Balkans, but instead that money remained in the Treasury of the United States to help Americans when they were put in harm's way.

Mr. Speaker, I rise this afternoon to respond to some of the other less bipartisan statements made earlier by my colleagues on the left. I think it is important to offer straight talk, Mr. Speaker, to the American people about what we can call the 1-percent solution.

First we must celebrate our achievement. And my former colleagues in journalism, as I spent many years in radio and television covering the news before I was honored to be sent by the people of the Sixth District of Arizona to this chamber, I would commend to my former colleagues and, Mr. Speaker, to the American people news that may have escaped the notice of the American people over the last 10 days as the budgeteers in both the White House and the Congress sat done and reevaluated what has transpired.

The fact is there is very, very, very good news. Because, for the first time since 1960, for the first time since Dwight David Eisenhower served as our President, this Congress has not only balanced the budget, this Congress did so without using one penny of the Social Security surplus. And moreover, Mr. Speaker, this Congress generated a surplus for the American people of $1 billion over and above the reports we received today of close to $124 billion of Social Security surplus money. So that is indeed good news.

But it does not change the fact, Mr. Speaker, that good people can disagree.

And even as we welcome former President Ford and his lovely wife, Betty, today to receive jointly the Congressional Gold Medal and, in so doing that ceremony, we welcome the current President of the United States, it is worth noting that there are profound differences in our approaches.

Even as we celebrate the achievement of not raiding the Social Security Trust Fund for the first time in 40 years, we must remain steadfast in our resolve to stop that raid. And accordingly, those of us in the common sense conservative majority have offered the 1-percent solution.

I am holding in my hand, Mr. Speaker, a shiny new penny, no doubt made with copper from my home State of Arizona; and I hold this up, Mr. Speaker, to symbolize the 1-percent solution that we offer. Because we in the majority, to preserve and make sacrosanct the Social Security Trust Fund, say to the American people, Mr. Speaker, we simply need to have savings of one penny out of every Federal dollar in discretionary spending, a 1-percent savings; and in so doing, Mr. Speaker, we will continue to protect the Social Security surplus.

Now, sadly, from time to time in the discussion of public policy and different philosophical approaches, there is a casualty. The casualty is truth. And perhaps there were mistakes offered unintentionally by the House minority leader earlier today. Perhaps there were mistakes, misunderstandings offered by the White House press spokespeople today. But as former President Reagan used to say, ''Facts are stubborn things.''

□ 1700

Here are the facts with all due respect to Education Secretary Dick Riley, a former governor of South Carolina who stated yesterday that there would be massive cuts in education. Let us state for the record the fact, our majority budget plan spends $34.8 billion on education. The President's proposal was $34.7 billion. In other words, Mr. Speaker, our common sense conservative majority is prepared to spend an additional $100 million on education but to put those funds in the hand of the people who can make the difference, teachers in the classroom locally. Because while we understand that education is a national priority, it fundamentally remains a local concern. And again the math lesson is quite simple and unequivocal and apparent to all. We are using more resources and more dollars for education but we are using them at the local level. There is no cut. And quite frankly, Mr. Speaker, I wish the fear and smear and the failure of the Education Secretary to apparently learn his own mathematical lessons, well, I wish he would simply pay attention to this particular lesson: More funds than the President even requested but spent where it counts, in local classrooms, in local school districts, by local teachers and local school boards.

Mr. Speaker, I must also confess my surprise and remorse at the statements of General Shelton, Chairman of the Joint Chiefs of Staff. General Shelton, a fellow alumnus of North Carolina State University, Mr. Speaker, was quite simply wrong in his testimony to the Senate Armed Services Committee yesterday. I find it amazing that the minority leader claims that there would be military layoffs. Again, Mr. Speaker, facts are stubborn things.

Here are the facts. This common sense conservative majority in Congress has sought time and time and time again to increase our spending for national defense and indeed a check of the budget requests will bear this out. Our majority has devoted $265.1 billion. The President proposed expenditures of $263 billion. Simple mathematics points out that our common sense conservative Congress offers more than 2 billion additional dollars to keep America strong. It is unfortunate that those relied upon to lead our American fighting men and women have somehow descended into the realm of politics. I regret that, but I offer this criticism candidly and publicly to General Henry Hugh Shelton, Chairman of the Joint Chiefs. Mr. Speaker, General Shelton is wrong. Mr. Speaker, the administration and the minority on the Hill is engaged in a game of fear and smear.

I mentioned earlier, Mr. Speaker, the President of the United States joined us for a ceremony in the Capitol Rotunda just a few minutes ago. I appreciate the bipartisan sentiment there, and I would ask the President in a true spirit of bipartisanship to join with us in leading through example. Because, Mr. Speaker, this House is prepared to reduce its salary, the men and women who serve in the Congress of the United States within our common sense conservative majority, have pledged to reduce salaries by 1 percent. Constitutionally, we cannot do that for the executive branch at this juncture, but, Mr. Speaker, I would ask the President, does he share that commitment? Will he voluntarily reduce his salary by 1 percent? Will he ask his Cabinet secretaries and other employees of his administration to reduce their salaries by 1 percent? Indeed, the 1 percent solution while we are intent on wiping out Washington waste, fraud and abuse, there are actions we can take to lead by example. How refreshing it would be, how truly bipartisan it would be if the minority in this House, Mr. Speaker, if our President at the other end of Pennsylvania Avenue would in fact join with us. We are happy to hear legitimate criticism. We took the remarks to heart, Mr. Speaker, and we hope the President would join us.

While I was meeting the press along with many of my colleagues who will join me here in short order in this special order, White House spokesman Joe Lockhart was meeting with the White House press at the other end of Pennsylvania Avenue. Let me quote from his press briefing today. The question comes on Social Security. The question for Mr. Lockhart is as follows:

''Just to be clear, the third option, you would under no circumstances accept going to the Social Security surplus at this point, is that correct?''

Mr. Speaker, listen to Press Secretary Lockhart's answer:

''We have put forward a better way. We hope they'll consider it. We'll be here. They understand what our ideas are.''

Mr. Speaker, the ideas are encapsulated in the President's budget plan. The ideas have been borne out in a veto of some of our appropriations bills. Indeed, Mr. Speaker, we have the sad and sorry spectacle of the President of the United States vetoing a foreign aid bill because he says it does not spend enough money. He wants to increase those foreign expenditures by 30 percent, by some $4 billion, and, Mr. Speaker, he offers no plan of where to find that money. Quite the contrary. The implication is clear, Mr. Speaker, for all to see. He has made a choice to take those funds out of Social Security, to take the retirement funds of American taxpayers who have paid into that system for years and years and years and use those funds, not for Americans but for others around the world. Facts are stubborn things. And in this day and age where we have to parse statements, where we fail to see a clear answer to the questions, we have to parse the statements. Again let me repeat the question from a member of the fourth estate from the journalistic fraternity at the White House:

''Just to be clear, the third option, you would under no circumstances accept going to the Social Security surplus at this point, is that correct?''

Lockhart's answer:

''We have put forward a better way. We hope they'll consider it. We'll be here. They understand what our ideas are.''

Mr. Speaker, it would be refreshing if those who seek to offer variations on the definition of what ''is'' is, if those who parse so many different statements could simply offer to the American people what President Ford gave us in his time of healing, what he in his first televised address to the American people called ''A Little Straight Talk Among Friends.'' How refreshing it would be if this White House could say ''yes'' means ''yes'' and ''no'' means ''no'' and ''is'' means ''is.'' The sad fact, Mr. Speaker, is clear. There is a clear and present danger to the Social Security funds of America's retirees because this administration in its budget pronouncements, in its veto messages, is prepared once again to

raid the Social Security trust fund. Mr. Speaker, ''no'' means ''no.''

Mr. Speaker, I am honored to be joined on this floor for this hour by three hardworking Members of Congress. I would yield at this point to a gentleman who has served capably as an educator, who understands educational administration, who comes to this Chamber from the great State of Colorado, I yield now to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I am a freshman Member of the Congress. I have been here all of 10 months. I must say that in that time, I have witnessed a number of strange things, of course. I am sure that has been the case of all of my predecessors who came in. In their first time around this particular hall they saw things that were astounding to them. Recently, we put forward a plan, what I consider to be a very modest plan to achieve a very important goal. That goal, of course, is to hold inviolate the Social Security trust fund. In order to do that, we have to reduce some spending of the Federal Government. About $600 billion worth of spending that the Federal Government now undertakes in discretionary programs alone, that is what we are going to have to reduce, by about 1 percent, or $6 billion, in order to achieve the laudable goal that I described earlier. And the amazing thing that I have seen as a freshman is this reaction, the reaction of the administration, the reaction of my colleagues on the other side of the House, the reaction to a proposal to save 1 percent. Because people use the term ''cut,'' and we get into that weird sort of definition of what a cut is. Are we really cutting any agency of the Federal Government if we were to reduce the budget by 1 percent? No, of course not. Because all of them, what we are talking about is next year's budget and all of the budgets have been increased fairly dramatically. So to cut from a proposed increase is not truly a cut. It is a savings. So we are talking about a savings of 1 percent.

You would think, of course, that we had proposed the end of civilization as we know it. You would think that the results of a 1 percent savings in the departments of the government that spend $600 billion, you would think that it would mean blood in the streets if it were to be accomplished. That is what is incredible to me as a freshman, to observe something like this. Then you see statements, statements of the President's Cabinet, members of the President's Cabinet. This one is just another amazing thing. Here is a statement by Interior Secretary Bruce Babbitt just yesterday. Pool reporters asked Secretary Babbitt, ''Can I just say based on your answers generally that there really, as a practical matter, there is no more waste in government in your department?'' To which Secretary Babbitt replied, ''Well, it would take a magician to say there was no waste in government, we are constantly ferreting it out, but the answer otherwise is yes, you got it exactly right, that there is no waste in the Department of Interior.''

Now, what is really incredible about this, on its face it is idiotic, that is for starters, but beyond that, at the same time that the Secretary of the Interior was telling the pool reporter that there was no waste in his department, a member of his department was telling the Committee on Resources that in fact they had lost $7 million. The Committee on Resources heard testimony by Assistant Secretary Don Barry of the Fish and Wildlife Service explaining that his department could not account for $7 million. Beyond that, the Department of Interior officials in the Department of Insular Affairs have used Federal property. Right now there is a major investigation going on because government employees in that department have used time and resources to assist the campaigns of Members of the Congress, Democrat Members of the Congress. I would say to my colleague, is that not a waste?

Mr. HAYWORTH. If the gentleman will yield on that point, I think, Mr. Speaker, that this bears amplification. What the gentleman from Colorado is telling this House at this hour, based on investigations by the House Committee on Resources, officials within the administration, on government time, using taxpayer dollars, were involved in partisan political campaigns.

Mr. TANCREDO. That is exactly what has happened. And it has happened to an extent that is quite extraordinary. I think we see these kinds of things periodically where someone might put up a poster in their office or something like that and maybe that is a technical violation but in fact it is no big deal and there is not a major case made.

□ 1715

What has happened in this particular department is egregious, the violations are egregious, and there are certainly going to be ramifications to it, and there is an ongoing investigation. But already people have left the government.

As my colleagues know, they have seen this happen before when somebody accuses this administration, when facts are uncovered about what this administration does. All of a sudden people start leaving the country, are no longer to be found. Well, that is what is happening now in this particular case.

Remember this is the same gentleman, Secretary of Interior, telling us there is no waste in his department.

Mr. HAYWORTH. It would seem to me that the gentleman from Colorado has not only pointed out wasteful spending, but something that is equally, if not more, troubling, the blatant disregard for simple ethics and honest stewardship of the organs of government.

Indeed my friend from Colorado mentions his experience now as a freshman. I can harken back to my first term in office, honored to come here as part of a new majority, also serving at that point in time on the House Committee on Resources; and let me tell you this waste notion is nothing new. I can remember our first hearing on the subcommittee dealing with parks.

Now, Mr. Speaker, government does this, and my friend from Colorado can bear this out with his past administrative experience because government gives an interesting name to accountants. The Federal Government calls them inspectors general.

And so the Inspector General for the Interior Department was seated besides at that time the Director of the National Park Service, and the audit offered by the Inspector General at that time said that the National Park Service could not account for over 70 million dollars of taxpayer funds; and indeed, as we have seen from the latest study offered by our budgeteers and the General Accounting Office, the folks who do this to check on the business of government, if you will, there is waste and a lack of accountability to the tune of $800 billion, and yet there are those in this administration who refuse to stand up and offer straight talk, who sadly, as agents that are in essence political provocateurs, abuse government property and taxpayer funds for political endeavors and still cannot seem to come to grips with a 1 percent solution that we need now more than ever to save Social Security and make sure that the raid is not renewed, a raid that will come based on the insistence of this President who vetoed a foreign aid bill saying he wanted to spend $4 billion more on non-Americans. One penny out of every dollar of discretionary spending is all we ask.

And I appreciate the service of the gentleman from Colorado who will offer us more thoughts on his past experience in a moment, but I must turn now to a gentleman in his second term in office who honors us and honors the people of the Lone Star State of Texas. I yield now to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. I appreciate the gentleman's leadership in trying to cut the waste and fraud and abuse from our government, working hard as a Member, esteemed Member, of this body that has tried to get more bang for the buck, to be the first Congress to balance the budget without using the Social Security Trust Fund to rebuild the defense we all know has us so vulnerable today and to start, finally, after so many decades of deep digging such a deep hole for Social Security, being the first Congress to stop digging, to stop digging a deeper hole

and to start rebuilding it; and I thank the gentleman from Arizona for his leadership.

During the Civil War, President Abraham Lincoln received a report from one of the generals that the President suspected was probably exaggerating the damage that he had inflicted upon the confederate soldiers in battle. Lincoln said the report reminded him of a man he knew who used to lecture about his travels abroad, but in his lectures often played sort of fast and loose with the facts. Well, the lecturer, knowing he was prone to exaggeration, asked a friend of his to yank on his coattails every time he drifted from the truth.

Well, soon after that, the other was telling an audience about a tall building he had seen in his recent trip to Europe. He was describing it, and he said, ''and this building must have been a mile high and a mile and a half long.''

Now just then, feeling a tug on his coattails, someone in the audience called, ''And how wide was the building?''

Scrambling, the lecturer replied quickly, ''Oh, about a foot wide.''

There must be a lot of coattails being tugged over at the White House these days as the President, his dutiful military leaders and agency heads scramble to outdo each other in exaggerating the impact of our tiny 1 percent savings in this large and growing Federal budget. America, I think though, knows best because here is the real question we are facing:

Is there anyone in America who does not think Washington cannot become 1 percent more efficient? Is there a taxpayer anywhere who believes that we cannot work 1 percent smarter, 1 percent better? Because these taxpayers know they have, and even government employees we have got, well, we have got a big bureaucracy. We have got some very good people in these agencies, and even they are frustrated with the money they see wasted at work each day.

As my local constable, David Hill of Magnolia, told me Monday following a drug awareness program we had before one of our schools for Red Ribbon Week, he said, ''One percent is nothing. Anyone can do that and especially to save Social Security.'' Well, David Hill is right; 1 percent is nothing. Anyone can do that, Mr. Speaker, and especially because we have Social Security at stake.

Look at some of the duplication we have. As my colleagues know, just look at some of the duplication we have here in Washington. Despite our best efforts, and I think we are just getting started, we still have more than 500 inner-city programs, 500 different urban aid programs, more than 300 different economic development programs, more than 200 education programs, and recently people were congratulating us because we had consolidated down to only 100 different job training programs. That duplication has a real cost to taxpayers, Mr. Speaker; and it means that we are not helping the people the way we can.

In the Committee on Resources, which I serve on, it is the House Subcommittee on Energy and Mineral Resources, I was shocked recently to learn that each year government spends about 1 billion, that is with a ''B,'' $1 billion, helping about 5,000 salmon swim upstream, back upstream each year. The Federal Government share for each fish each year is between 2,000 and $20,000 each year. Literally it is cheaper for us to rent a limousine for each fish or to put them in a first-class airplane seat and fly them to the top of the river each year. That would be cheaper than the way we go about saving these fish today, if indeed we need to.

The bottom line, as we all know, there is enough money for defense and health care and Social Security and the essentials here in Washington. There is not enough money for the foolishness. Despite our best efforts, we still have pork barrel projects, and they are real stinkers that we want to root out.

People want money left here in Washington so that votes can be traded. Well, last year during the Fast Track debate, one of the Democratic Members of Congress went to the White House to have his arm twisted to support Fast Track, and as he left, he quipped to reporters, ''Well, the good news is I have six new bridges. Now if I only had a river.''

The fact of the matter is that if we leave these dollars in Washington, they are going to go for pork barrel projects, they are going to go for trading votes, and again families and businesses have had to trim their budgets, set priorities. In Texas we all made it through a recession recently. It was not much fun. We all hunkered down, and we did it.

But government in Washington has never had to make the tough decisions. In government, Washington does not want to have to tell no to anyone. We do not want to make those tough decisions.

Mr. HAYWORTH. I thank my colleague from Texas (Mr. BRADY) because he points out something that there are so many examples of, and some of these examples, quite frankly, you laugh to keep from crying, Mr. Speaker.

For example, the Agency for International Development. Now remember, the President has just vetoed a foreign aid bill saying we are not spending enough on other folks around the world, we need to take $4 billion of the Social Security Trust Fund, or I guess he is suggesting we ought to raise taxes, to take care of this. But here is an example of international development, the Inspector General, the accountant, checking that from the report.

Ben and Jerry's Ice Cream, the folks up in Vermont; they have a few stores in Arizona, a couple of stores in the Sixth District, but also they have an interest in the former Soviet Union, the Russian Republic. In fact, the Agency for International Development, Mr. Speaker, gave Ben and Jerry's $850,000 to develop and distribute ice cream in Russia. Now the folks at Ben and Jerry's wrote our majority in Congress and told us, ''Oh, this is a pretty good idea to use taxpayers' money for ice cream going to Russians, and instead of following the free market route, to have taxpayers pay for the marketing of Ben and Jerry's ice cream.''

Oh, there was something else, Mr. Speaker, that the Ben and Jerry's folks added in their letter; their belief, Mr. Speaker, that we should completely zero out defense spending and defense capabilities.

Mr. Speaker, I hope I can arrange an introduction of General Henry Hugh Shelton, Chairman of the Joint Chiefs, to Ben and Jerry and their ice cream, and I would just like to clear up any rumor, Mr. Speaker. There apparently is no truth to the rumor that Ben and Jerry want to develop a new flavor in honor of their pacifist leanings, even as they are happy to take American tax dollars to market ice cream in Russia. There was some talk going around that they had developed a new flavor: surrender sarsaparilla. But I do not think that is going to happen.

I gladly yield to my friend from Texas.

Mr. BRADY of Texas. I agree so much with what you are saying and examples of duplication and waste that we have here in Washington. Let me conclude with this:

My constable back in Magnolia, Texas, is right: 1 percent is nothing, and we can do that especially to save Social Security. It seems to me that this is kind of a hopeful start, to start to trim the fat here in Washington, to start to eliminate obsolete agencies and duplication, just to give people a better bang, a bigger bang for the buck that they send up here because 1 percent savings is so small. And I am convinced that because we are dealing with Social Security and our kids' futures, their retirement, and our neighbors' future and retirement, I guess I would ask that the President rather than the President acting like a Democratic President and perhaps trying to make us just conduct ourselves a Republican Congress, I am convinced that if we acted as an American President, an American Congress, worked together on this, that would solve this.

So I ask, Mr. President, join us in cutting wasteful spending that tiny little bit, 1 percent; and we will join with

you together, Republicans in Congress and a Democratic President, to save Social Security. But let us stop digging now.

Mr. HAYWORTH. I thank my colleague from Texas, and I think, Mr. Speaker, the American people reflect the sentiment expressed by my friend from Texas (Mr. BRADY). We need to approach this not as Republicans or as Democrats, but as Americans; and yet even as we celebrate that notion of nonpartisanship, we cannot help but note a difference that, Mr. Speaker, we need to inform the American people about.

You see, to us we have taken the commitment. No means no, hands off Social Security funds, Social Security funds should be used exclusively for Social Security. No means no to this common sense conservative majority, and yet to my friends in the minority and the folks at the other end of Pennsylvania Avenue no means maybe.

Here is the minority leader, the gentleman from Missouri, on ABC's This Week last Sunday. The gentleman from Missouri says, quote:

''We need to save the Social Security surplus as much as we possibly can.''

□ 1730

Again, Mr. Speaker, why can he not join with us to say let us save 100 percent of the Social Security surplus?

Mr. Speaker, I am pleased now to yield to another newcomer to this Chamber, the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman from Arizona and appreciate the opportunity to join him here tonight to discuss waste, fraud and abuse.

Yesterday House Minority Whip TOM DELAY and Republican Conference Chairman J.C. WATTS gave the American people specific examples of wasteful spending in the Federal Government. These examples included the construction of a $1 million outhouse in Glacier National Park and the Department of Defense misplacement of two tugboats.

Continuing with this theme of promoting and advancing better and more efficient government by rooting out waste, fraud and abuse in Federal agencies, I come to the floor this evening to speak about management's problems that permeate the Federal student loan program.

American taxpayers currently provide through the Department of Education more than $48 billion annually in Federal finance aid to roughly 8.5 million students. Unfortunately, the Department has serious problems monitoring these dollars and the individuals to whom they are awarded.

For almost 10 consecutive years, the General Accounting Office has put the Department of Education on its high risk list for waste, fraud and abuse because of its management shortcomings. Among other things, the GAO has reported that, first, the Department does not adequately oversee schools that participate in student loan programs; second, that the Department uses inadequate management information systems that contain unreliable data; third, that the Department has too little information on the program's effectiveness to meet the information needs of Congress and other decision makers; and, finally, it cannot determine the taxpayer liability associated with almost $150 billion in outstanding student loans.

These problems were outlined in a report released earlier this year by the Department's own Inspector General. The Department's Inspector General found that the Department of Education has forgiven over $3.8 million in loans to individuals who were reported dead, but in fact were alive. The Department's Inspector General also found that roughly $73 million in loans were forgiven to individuals who claimed to be permanently disabled when in fact they were not. That is what I call fraud.

Congress and the Department have taken steps to correct problems in this program by creating the Federal Government's first performance-based organization within the Office of Student Financial Assistance. While I applaud this effort and recognize the progress made by the Department, problems persist. A recent Associated Press article outlined errors made by the Department on 3.5 million college financial aid forms, 100 of which were distributed to colleges across the country.

Fixing this problem, which included recalling, destroying and reprinting these forms, will cost the American taxpayer another $480,000, a half a million dollar mail mistake. That is what I call waste.

At a time when Congress is struggling to find the dollars needed to fund so many important programs, waste and mismanagement similar to the examples mentioned are unacceptable. Not only do the Department's management deficiencies hurt the taxpayer, but they also take away from the parents and students who legitimately need this aid. The millions lost by the Department's mismanagement might have been used to fund other critical programs such as educating homeless children and youth. This is a program that has not seen so much as a dollar increase for the past few years. Yet the $4 million the Department lost by forgiving loans to the living dead would have gone a long way to helping homeless children across the country to succeed in school.

The millions lost by the Department's mismanagement could have been part of the saving of the 1 percent across the board efficiency we are looking for, not the wasteful spending that has occurred.

Mr. Speaker, we all understand the difficult funding circumstances under which this Congress and the administration are working. We can begin to ease these problems by working with the Federal agencies to identify and to root out and then correct the problems that waste hundreds of millions of dollars of taxpayer money.

While the Federal student loan programs would be a good place to start this process, every other area of spending needs to be looked at as well, which we are doing tonight on several of the issues. But the education of our children is one of our top priorities, if not the top priority, and, as a matter of fact, this side of the aisle is spending $34.8 billion on education in our appropriation bills versus the President's proposal of $34.7 billion. So there will be no cuts to our children's needs. In fact, there will be more money than the President even requested. But we must be ever-vigilant to ensure that there is no fraud, waste and abuse so that we will have the money to spend on those critical programs that are necessary.

Mr. HAYWORTH. Mr. Speaker, I thank the gentlewoman from Illinois, because she points out the vital human equation at stake here. Not a mere recitation of facts and figures, though they are important, but the question becomes not only how much is set aside in terms of funding, and a substantial amount more by this common sense conservative majority in Congress than even proposed by the President in his budget when it came to education, but more how it is spent in local communities, for more accountability at home, and also honoring the commitments this Congress made when it was in the hands of the left back in the mid-seventies with reference to special education, the IDEA program that was left unfunded for so many years. This Congress stepped up. That is true compassion, when you couple a sense of commitment with accountability, and we are indebted to the gentlewoman from Illinois for sharing those very cogent points about inaccuracies, and, yes, fraud in terms of student loans and a breach of trust that goes beyond simple inefficiency, simple negligence, to in essence be a crime against the American taxpayer. We are indebted for her point.

Again, we should reaffirm this. We are talking about a 1 percent solution. One penny out of every dollar, one penny out of every Federal dollar spent will keep the budget balanced, stop this raid on Social Security and pay down $2 trillion in public debt.

Mr. Speaker, my colleagues, can we not save a penny for grandma, because, in so doing, Mr. Speaker, we are helping her grandchildren.

Mr. Speaker, I am pleased to be joined by another newcomer to Congress. He is a gentleman who has

learned his lessons well in the field of business, a noted restaurateur and a capable new representative from the Commonwealth of Pennsylvania. I yield now to my good friend, the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I thank my colleague from Arizona for yielding. I want to commend the gentleman for the effort he has made consistently to establish and reiterate the importance of fiscal discipline and the opportunity we have before us, which is truly remarkable. But I wanted to suggest that we consider that there are three alternatives, really, to resolving this dispute that we have with the current administration versus Congress in how we are going to end up in this appropriation process this budget process.

The first is the easy way out. The first way would be to follow the suggestion, the budget that the President presented back in February. The easy way out, that has been done for the last three decades at least, and that would be simply raid that Social Security trust fund. That is what has happened so many times in the past. That would be the easy and, I would argue, irresponsible and the wrong way out. We have made it such an important priority of this Congress that we are not going to take that easy, irresponsible way out, that I am delighted to see that it appears that the President has come around to our point of view on this, and it appears that the President recognizes that it would be wrong to spend that Social Security surplus.

There is another way that Congress could get out of this apparent dilemma. That would be to raise taxes. Let us consider this for a moment. This year Federal spending will be higher than it has ever been in the history of this great Nation. This year Federal taxes are higher than they have ever been in the peacetime history of this Nation. The Federal tax burden on working Americans is consuming almost 21 percent of the entire output of our economy.

Now, even after we set aside all the Social Security funds for the next decade, for the purpose of either reforming Social Security or retiring debt, without a penny of that being in the calculations, we still have unprecedented surpluses, projected as far as the eye can see by administration budget forecasts, Congressional budget forecasts, private forecasts.

Mr. Speaker, it strikes me that when taxpayers are paying more than it takes to fund the biggest Federal Government in history, and in addition to that taxpayers are paying Social Security benefits for the next 10 years and then $2 trillion above and beyond that, which is going to be used for the Social Security trust fund and for retiring debt, when in fact taxpayers are paying $1 trillion above and beyond all of that over the course of the next 10 years, it seems obvious to me that taxes are simply too high. For the President or anyone else to seriously consider raising taxes in that context is an outrageous infringement upon the freedom of working Americans.

We need to lower taxes, and I am happy that yesterday this body voted on a resolution which I authored which expressed the sense of Congress that we will not raise Federal taxes. That resolution passed with a vote of 371 to 48. I think it is worth noting, however, that there were 48 Members of this Chamber who felt that despite a record high tax burden on the American people, we should make it an even higher tax burden.

Well, we do not have to worry about that, I do not think, because an overwhelming majority said no, we are not going to raise taxes. So we have established that we are not going to spend that Social Security money on the President's spending wishes.

I think we have established that we are not going to raise taxes to do it. How else do we deal with this issue? We do it from the spending side. This is the common sense solution that we have before us.

Frankly, the fact that a 1 percent across-the-board reduction in waste and fraud and abuse that is in so many of our government programs can solve this problem, can solve this entire budget problem, makes it the obvious solution to me.

As my colleague from Arizona pointed out, my background is in business. I am to this day an owner of two restaurants. Prior to getting in the restaurant business I was in the business of finance.

I can tell you that despite the incredibly intense pressures in the private sector, the pressure that comes from competition, the pressure that comes from another operator, whether it is a restaurant or a shoe store or you name it, despite enormous pressure to be efficient, to lower your costs, any halfway decent business manager can find 1 percent of his budget to trim when he has to. That is despite the enormous ongoing pressures that he already faces.

Now, the government, of course, does not live under the same kind of economic pressures. The Department of Energy, for instance, does not have a competitive Department of Energy down the road against which it has to compete, against which it has to demonstrate consistently that it can lower its costs. The government just does not face those kinds of pressures, which only means it is even easier in government to find out opportunities to eliminate some waste, some excess costs.

That is the opportunity before us. This is a no-brainer. This is an easy opportunity for us to do the right thing, not the irresponsible thing, but to go ahead and allow 1 percent, just 1 percent across the board, of the waste and excesses and frivolous expenses that we know we spend in virtually every government program to be taken out and to achieve the fiscal discipline, the fiscal responsibility, that comes with that.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Pennsylvania, and I congratulate him on the overwhelming passage of House Concurrent Resolution 208. I was honored as a member of the Committee on Ways and Means to bring that legislation to the floor and then yield the time to my friend from Pennsylvania to manage, which he did quite capably, and, Mr. Speaker, we saw evidence of his expertise in the real world dealing with budgets, being responsible for employees offering services to his clients and customers, lessons that served him well in the private sector, Mr. Speaker, lessons that serve us well in the Congress of the United States.

Mr. Speaker, before I yield to one of my friends who preceded all of us in this Chamber, another former broadcaster, in fact, let me just point out again something that the American people may have missed, because on Sundays Americans are at church, enjoying time with their families. The truth be told, Mr. Speaker, a lot of folks do not hunker down for all the public affairs programming that exists, no matter what may happen within the banks of the Potomac.

□ 1745

The gentleman from Missouri (Mr. GEPHARDT), the House Minority Leader, on ABC's ''This Week,'' when asked about the Social Security Trust Fund and keeping those funds off limits for spending, said this, ''There is a feeling now that, since we have a surplus, and since we have got to get ready for the baby boomers, that we really ought to try to spend as little of it as possible.'' He later said, ''Oh, we need to save the Social Security surplus as much as we possibly can.''

Again, Mr. Speaker, even though I heard the gentleman from Missouri (Mr. GEPHARDT) offer a wonderful tribute to President Ford, where he called on the need for bipartisanship, I would note the gulf between rhetoric and reality, how he has instructed every Member of the minority to vote no on our appropriations bills, how he has said that, while no means no on the constructive business of governing in terms of the appropriations bills, when it comes to keeping the Social Security Trust Fund off limits, no means maybe.

Mr. Speaker, no means no. All we are saying is this, one penny out of every dollar spent, realize those savings, and my colleagues will save Social Security in the process. They will pay down

$2 trillion in public debt. We will continue to balance the budget.

Mr. Speaker, I am pleased to yield to the gentleman from Oklahoma (Mr. ISTOOK), the man who has to make so many challenging decisions as the chairman of the Subcommittee on District of Columbia of the Committee on Appropriations, the gentleman who will have some action on this floor, dare I say, tomorrow as we vote for this 1 percent solution.

Mr. ISTOOK. Mr. Speaker, I was watching as the gentleman from Arizona (Mr. HAYWORTH) was making some of the comments. Tomorrow on the floor of this House, as the gentleman has mentioned and so many other Members have mentioned, we are going to have a very, very important vote.

I will be the one that will be handling this particular bill on the House floor, because it is a bill that not only appropriates money for operation of Federal agencies, but it says, okay, what is the final thing we need to do to make sure that the budget being passed by Congress, one, is a balanced budget? It does not spend more than we take in. Secondly, it does not spend any of this Social Security surplus to make sure that the money that we spend is only the money that comes from the other revenues of the Federal Government.

Somebody said this is kind of like sanding a block of wood. When one is trying to make something and one has to get all the pieces to fit in, one gets that last piece, and maybe it does not quite fit right, so one sands it down and gets it down to the right size so it does fit in.

This is going to be sanding down the Federal Government so it fits within the goals of balancing the budget and making sure that we do not spend Social Security money in the process. I think that is a worthy goal.

I have heard my friends on the other side of the aisle say, oh, we share that goal. We want to balance the budget and not touch Social Security. The President of the United States stood here in this House chamber in January and said he was going to save 68 percent of the Social Security surplus and not spend it.

Now, I know math; and I know that if one saves 68 percent, one spends 32 percent. So the President's plan was let us spend 32 percent of this Social Security Trust Fund.

We as Republicans, the majority party in the Congress, said, Mr. President, the right thing is do not spend any of it. We know that for years it has been normal in Washington, D.C. under Democrats and then as Republicans as we were taking those final steps to balance the budget, yes, Social Security money was used in the process for far too long. But that time is over.

Now we can balance the Federal budget without using any of that Social Security Trust Fund, without jeopardizing the future security of people who are now retired or who may be retiring in the future. At the same time, this will be reducing the national debt, so that people who are younger today will have the security of knowing that the national debt either will be smaller or nonexistent so they will not be stuck with paying it off; so people today will know that the size of government has shrunk. Now, that seems to me like that is what everybody is saying.

Yet we had the meeting on the conferees of the bill this morning, the bill that comes up tomorrow, the meeting of the conferees; and I could not believe it, the things I heard from some other person. I will not even name the person who said this. One of the Members of Congress on the other side of the aisle today, he said, ''One, we cannot afford these cuts. We cannot do this 1 percent across the board cut.'' Then he said, ''And, by golly, you are spending money out of Social Security.''

I called him on the carpet, frankly. I said, ''One, I think everybody can afford a 1 percent cut. But, two, if you think that is not enough, if you think we would have to cut further to make sure we do not dip into Social Security, why are you not proposing larger cuts instead of opposing the 1 percent cut?'' He got kind of speechless at that point.

I notice this same rationale or lack of logic in the President's comments. I was reading the transcript of his comments today, saying that he does believe in balancing the budget without using Social Security money, and he wants to claim that Republicans are dipping into Social Security.

So we would think, therefore, he would say cut spending further. No, he says raise spending more. Wait a minute. If they claim we are spending Social Security money at this level, and they want to spend more, they would be spending more Social Security money.

They ought to be helping us. They ought to be helping us reduce the size of government. They ought to be proposing more than 1 percent across the board to save money. But, instead, they want it both ways. That is not right. That is Alice in Wonderland-type thinking. I grew up knowing better.

I remember all the meals that we had in my family, and it was a family of five kids, my mom, my dad. My dad was hard working. He would go to work during the day, come home for dinner, and go back to work.

What we would commonly have for dinner, my favorite dinner when I was growing up, was beans and cornbread. If it was not that, it was sliced diced potatoes and white gravy or Kraft dinners, we called them, the macaroni and cheese.

I thought that we had those meals so often because they were so good. Well, it took a while, until I had five kids myself, that I realized we had those meals so often because they were so economical. They were healthy. They were nourishing. We got by fine, but it saved money. The family needed to save.

Maybe we have some Federal bureaucrats that need to be talking about beans and cornbread instead of doing the things that I have heard them say, Cabinet officers on TV, oh, there is no way that we can do a 1 percent cut. Tell that to Mr. And Mrs. America. Tell that to them when they have to sit around the table and have to balance the family budget, and they have to make decisions a lot bigger than cutting 1 percent.

I remember when Jimmy Carter was President of the United States, and he said we cannot spend so much money and so much expense on energy. He said, turn down your thermostats in the winter. Turn them up in the summer. Do not use so many lights. Conserve electricity. Families do that all the time.

Maybe bureaucrats need some leadership at the top saying conserve things instead of spending more. The President took 1,700 people on a trip to Africa, announced all these government give-aways, and, on top of that, spent, what was it, $50 million, $70 million for that huge entourage.

Mr. HAYWORTH. Mr. Speaker, for three trips, Africa, Chile, China, the grand total was in excess of $70 million with thousands accompanying the President, well over 1,000 in his entourage. That is not taking into account the justifiable needs for security, secret service, and the like for the President of the United States.

I agree with the gentleman from Oklahoma. We need at long last, Mr. Speaker, leadership by example. Part of that bill that the gentleman from Oklahoma will be talking about and helping to manage on this floor tomorrow includes a 1 percent reduction in salary for Members of Congress. Again, I would renew my challenge to the President. He should reduce his salary. Cabinet level officials should reduce their salaries. They should lead by example.

Mr. ISTOOK. Mr. Speaker, if the gentleman will yield, it is especially appalling to see the Clinton-run Pentagon using Clinton-speak. We are putting more money into the Pentagon, even after the 1 percent cut, more money than the President proposed. He had the Pentagon people come to the Congress and say, under the President's budget, they can get along just fine. But now, under the larger budget they will be getting from Congress, the President has been claiming they cannot get by. That does not make sense. They can get by on less from the President. They can get by on more from Congress. They can handle this 1 percent cut like everybody else.

I speak as a member of the Subcommittee on Defense that wants to strengthen our defense, and we are doing it because we are still strengthening it even after applying the same standard to them as to the rest of government.

Mr. HAYWORTH. Mr. Speaker, again, we are actually adding $2 billion more to this defense budget than this White House and the Pentagon requested.

Facts are stubborn things. No means no. But to the minority party in this chamber and to the folks at the other end of Pennsylvania Avenue, no apparently means maybe when it comes to the Social Security Trust Fund.

Mr. Speaker, let me repeat, the transcript of what transpired today in the White House press room, a journalist to Joe Lockhart, the Press Secretary, question: ''Just to be clear, the third option you would consider, you would under no circumstances accept going to the Social Security surplus at this point; is that correct?'' Mr. Lockhart responds, ''We have put forward a better way. We hope they will consider it. We will be here. They understand what our ideas are.''

This President stood in the well. He said save 62 percent of the Social Security surplus, implying he would spend 38 percent of it on other programs. He outlined various new ways to raise revenue. We brought it to the floor of this House. Not a single Member voted for the Clinton tax-hike package, not anyone on that side. So no meant no when it came to raising taxes.

All we say is this, Mr. Speaker, our 1 percent solution, one penny out of every dollar in savings will save Social Security and stop the raid. A penny saved is a retirement secured.

ARMENIAN TERRORISM AN OUTRAGE

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, I appear here to add my voice to those who are expressing our strongest sense of outrage at the reported terrorism against the Armenian Congress which has so far claimed the lives of Prime Minister Vazgen Sarkisian, the Speaker of the Assembly Karen Demirchian, Deputy Speaker Bakhshian, Energy Minister Petrosian, and senior economic official Kotanian.

I was pleased to lead a congressional delegation to visit Armenia during the August month. We had the opportunity to personally meet with these individuals who were clearly professionals on all they did, dedicated to the well being of the country and its people, and repeatedly demonstrated their obvious commitment to bringing peace and prosperity to the region. In fact, we were there to help to promote the peace process with Nagorno-Karabakh and Azerbaijan.

Prime Minister Sarkisian, only a few days before we arrived, had addressed the people of Armenia on a television broadcast talking about the window of opportunity that Armenia had for the peace process as well as opportunities for trade in Armenia by those from other parts of the world, as well as the need to do something about corruption, to prevent corruption, and for transparency, for openness of the system. He got great applause; but it was, indeed, a very courageous statement he made.

He was also here less than a month ago, and many of us who were interested in Armenia met with him and again discussed the process of the peace progress as well as the openness to trade and the advancements that are being made by the brilliant Armenian people.

I am just very saddened by what we have learned about what has happened. This unwarranted intrusion against the Armenian people's democratically elected leaders must not in any way deter the commitment of the Armenian government to further develop and strengthen the nation's democracy.

Our prayers and our best wishes are with the people of Armenia in the hope that the current hostage situation will be peacefully resolved and the perpetrators of this heinous crime are brought to justice.

DIGITAL DIVIDE AND POTENTIAL SOLUTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlman from Connecticut (Mr. LARSON) is recognized for 60 minutes.

Mr. LARSON. Mr. Speaker, today across our Nation, we are most fortunate that this economy that we are participating in continues to surge and roar. Yet, Mr. Speaker, today based on the finding of the Commerce Department, we find an alarming trend throughout this country as it relates to something that is commonly referred to as the digital divide.

□ 1800

The genesis for this special order this evening is to discuss that divide and potential solutions through prospective legislation that will be introduced in a compendium of bills that colleagues from the Committee on Science and the Committee on Education and the Workforce will be addressing as we move forward this evening.

In a conference report entitled Falling Through the Net, Larry Irving, in testifying before the Subcommittee on Empowerment of the Committee on Small Business, and speaking directly to the ranking minority member, the gentlewoman from California (Ms. MILLENDER-MCDONALD), reported the following: He cited that there is an alarming trend that is taking place all across this Nation. Even though there is greater access to the Internet, what we find is that the gap is widening between those who have access to information and those who do not. And for those who do not, most disturbingly we find that it is happening along the lines of race, gender, geography and wealth.

We must seek to close that gap. We must seek to make sure that in the policies that we enact here in the United States Congress that we leave no one behind in this economy.

This poses a problem for us because of this gap. It is three-tiered. First, in terms of the economic isolation that it creates; economic isolation that all too often takes place within our urban areas and, therefore, impacts our minority populations who live there; economic isolation that takes place in our rural communities because of the inability for us to reach those communities with the technology they richly deserve and need; and it also results in an inferior form of education.

The gentleman from Michigan (Mr. EHLERS), who serves on the Committee on Science, and the gentlewoman from Maryland (Mrs. MORELLA) on the Committee on Science, have pointed out, there is not a sufficient pipeline for us to make sure that there is a transition in our public school systems from school to work. In fact, many people have come before this Congress, many from the business community, asking us to ease immigration quotas so that they can import people from abroad to provide for the more than 350,000 jobs in the high-tech area that are currently going unfilled.

Any economist worth their salt has spoken at length about the Information Age. We have come to acknowledge that knowledge will be the future currency in this country, and it is knowledge that will make this economic engine that is propelling us forward continue to thrive in a global economy. Tonight, we hope to address this by way of solutions.

Now, I know all too often that Congress has a deserved reputation of talking at length about the problems but does very little in the way of solutions. What we are hoping to address by way of legislation is to look at three fundamental areas. All of us involved in education understand the three Rs of reading, writing and arithmetic, and yet to guarantee in the future that teachers will have the best tools afforded to them, that we will be able to provide our children with the very best and most up-to-date technology within the classroom, fundamentally we have to do three things: We have to look at retooling our infrastructure; we have to look at retraining our teaching force; and we have to rethink how we look at education from the bottom up.

We are of the mind, and hope to address this this evening as well, three bills that are before the Committee on Science and the Committee on Education and the Workforce. Those bills focus on the problem. And let me start with the issue of retooling.

What do I mean by retooling? Fundamentally, most Americans, when they think of retooling, think of our great failure in the 1970s when we found out what happens when a business does not retool, as was the case with respect to the automobile industry. We did not make the necessary steps in that area, and we found that we lost market share. We found that all of a sudden the United States, once the preeminent producer of automobiles, fell behind competing nations. It is a lesson that we learned hard.

That was in the automobile industry. The industry we are speaking about this evening is education and, fundamentally, it is our children that we are talking about. We need in this Nation, just like we have a national highway system and a highway infrastructure that transports our commerce, and that our parents made sure was constructed after the Second World War, we need to make sure that our children have an information superhighway that links up our public schools and our libraries so that everyone can have access to information; so that everybody will be able to have access to the knowledge that they are going to need to flourish and to grow in the Information Age in an increasingly shrinking world in this global economy of ours.

We expect to close this gap. If we expect not to leave any child behind, we also must provide for having teachers who are able to utilize that technology within our classrooms. I am a former school teacher. I understand implicitly the need and the desire on the part of teachers to be able to individualize instruction for all of their students. We now have the capability, we now have the technology to do just that; to allow the teacher to individualize instruction; to be more diagnostic in their approach to teaching and, therefore, more prescriptive in the remedies that they apply to their students.

We have the opportunity to allow the gifted to learn as fast and as far as their minds and creativity will carry them. We have the opportunity to remediate for those students that need our help the most and, for the vast majority of students, to allow them to participate and thrive in the fullness of this economy, by providing them with the skill sets that they are going to need.

Frankly, that is going to require a change. We have to provide incentives for our teachers. First and foremost, tax incentives so that they can pick up equipment on their own, purchase computers, purchase the hardware and software that they need and receive a tax credit for it; to go back and get an education and receive a tax credit for that so that they can be further trained in their ability to integrate voice, video and data within the context of their lesson plan, within the context of their curriculum, so that they are a more effective and efficient teacher.

And incentives need to be provided to the business community as well; to allow them to buddy up with teachers, to allow them to buddy up with school systems. And where they will provide hours, by lending the expertise of their corporations to public schools, they should receive a tax credit for that as well.

Secretary Riley has pointed out that we are going to need 2 million teachers over the next 10 years, and we have to make sure that our universities are turning out teachers that are well versed in voice, video, and data technology, and capable of integrating them within their lesson plan.

Now, I am constantly reminded by my wife and by others, and I believe this to be true, that no piece of legislation, no bill that is proposed, ever reads to a child at night, or tucks them in, or provides them with encouragement. Only caring parents can do that, and only professionally trained teachers, within the context of the classroom, can provide for the kind of ubiquitous individual education that I believe the technology that we possess now can provide for our students.

But we need to act now. And what I am suggesting this evening is that aside from the infrastructure needs that I know that we must address, and besides the retraining, that we fundamentally have to think about that technology and how our children use that technology. It has been stated on more than one occasion that oftentimes the fifth grader in a local school knows more than the teacher, or is the technology expert in the school. We have to take advantage of this.

We are submitting legislation that focuses on creating a National Youth Tech Corps starting in the fifth grade, reaching out to children, making sure they understand the importance of not only being served but providing service, letting them participate fully in mentoring other students and, in some cases, of course, teachers as well.

We want to let them also participate civilly and understand the importance of putting a civic face on technology and the responsibility that goes along with that. Let them work with the elderly in a community and help shut-ins use E-mail and talk directly through technology to their children and to their grandchildren.

I know that it will take some time to look at what is the most efficient technology and infrastructure. Will it be wide band, will it be radio wave, will it be infrared, will it be satellite transmission that we use to bring this ubiquitous form of technology to our public schools and libraries? And to fully train teachers is going to take time as well. But our youth are already hungry. Our youth already understand and grasp the technology oftentimes better than their parents. And I believe that from the bottom up, if we encourage their involvement, and acknowledge and recognize them for their effort, that we can move this Nation forward.

I have felt for some time that as a nation we have our head in the sand with respect to this issue, and that we, as a Congress, have got to wake up and understand. If we will consider just for a moment the dilemma the local superintendent of schools or boards of education face, all wanting and desiring to light up the desktops of their children and the blackboards of their teachers, but faced with enormous economic costs and something that we refer to as Moore's law on the Committee on Science, where technology is eclipsing itself at a rate so that every 6 to 12 months it has become almost obsolete, no superintendent, no principal, no board of education is going to be able to find themselves in a position to put the monies forward needed to bring this technology into their classroom if there is not a plan for ongoing maintenance, and if the very technology that they install could be obsolete in 6 to 12 months.

Mr. Speaker, this requires the best and the brightest minds in this country, an alliance for progress that will bring together the National Science Foundation, NASA, the Department of Education, the business community, and government focusing on the best solutions to bring that technology into our classrooms and our libraries.

I am joined this evening by a distinguished colleague on the Committee on Science as well, the gentleman from Oregon (Mr. WU), and at this time I would yield to him.

Mr. WU. Mr. Speaker, I thank the gentleman from Connecticut. I have had many occasions in recent months to observe the digital divide as it plays out in my home State of Oregon. On some of my elementary school visits there are whole roomfuls of computers.

□ 1815

In one school that I visited just about 10 days ago, there was a roomful of windows, Intel machines, and there was another roomful of Apple computers; and in that particular elementary school, there was literally dozens of computers on two different software systems. And in stark contrast, in some other schools that I have visited, there are barely two computers available to the entire school.

This is one example of the digital divide. I would guess that the same situation is played out at home, that the wonderful parents that have contributed these machines at the school with

two rooms full of computers, that they also provide computers at home and in the other neighborhoods where they have struggled to put two computers into the entire school, that at home perhaps there is much less access to computer technology and all the marvels that it can bring into our lives.

I think we need to address this digital divide situation and we need to address it aggressively. By all estimates, in this century and going forward in this century, 75 percent of all future jobs will require some form of computer literacy.

Now, one of the things we know is that, just as in the private sector, where the cost of putting a box, a machine, a computer on a desk and its associated software is only about 30 percent of the cost of actually implementing computer technology. The other 70 percent is really the cost of training the users of the computer and fully integrating that into the business.

The parallel in the education arena is that while it costs a lot to put computers into the classroom, and many classrooms still have not successfully done that, it will cost even more and take even more time to integrate the computers into educational curricula, to properly train teachers, as well as students, in the use of the machines which we hope to make available to them.

Mr. LARSON. Mr. Speaker, my colleague has made several good points, and I just want to amplify a couple.

Another concern that has arisen, and I spoke about the need to retool with respect to the need for infrastructure improvement. In this Congress, the gentleman from New York (Mr. RANGEL) has introduced bills with respect to school modernization. It is important that we modernize our schools. It is important as we do this that we bring in the kind of technology, as I will continue to say, that will light up the desktops of children and the blackboards of teachers.

Other nations are moving ahead of us. And just like the automobile industry was arrogant in the 1970s, not believing that anyone could ever compete with them, we are being leap-frogged by other nations. Countries like Costa Rica, nations like India in many instances have more sophisticated technology within their classrooms and understand its importance if they are going to thrive in a global economy.

And so, we have got to make sure that, as a Nation, that if we anticipate leaving no one behind and if we are going to close this digital divide, that the way to do that is through our public education system.

These are not reports that came from the Department of Education. This is the Department of Commerce. The Department is citing this alarming gap; and it understands fundamentally, as does the business community, that we lack the sufficient pipeline coming from our school systems that will provide them with the workforce that they need in the future.

So it is of vital importance that we are able to get this legislation enacted and that we are well on the way to closing this divide.

Mr. Speaker, I yield to the distinguished gentleman from North Carolina (Mr. ETHERIDGE), a member of the Committee on Science and the Committee on Education and the Workforce and a leader in educational issues and an expert in this area.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from Connecticut for yielding.

Let me thank him for bringing this issue before us tonight and hosting this special order so that we could talk about an issue that is important not only to schools. So many times when we talk about them, we talk about as if it is important only to schools and to children and to teachers and to parents. But my colleague has properly framed it. It is important really to this country and our competitiveness.

We have seen in the 1990s, as an example, where business has absolutely used technology to increase productivity at a level that we have not seen since the dawning of the industrial revolution in this country literally, and it has increased our productivity and given us one of the best economies really that we have had in our lifetimes. If we can just sustain it for a few more months, it may be the longest sustained economic period of growth in the history of this country. And a lot of that goes to the technology that is driving our economy.

That being said, your point of acknowledging that the challenges we face at the public school level and the digital divide that is there already, that is why the business roundtable as come forward on education and put their shoulder to the wheel, as some would say, the titans of industry. But they are not industry as we expect; they are industry that understands that a well-educated citizenry, as Thomas Jefferson said, is really our key not only to a democracy but to a thriving economy.

The U.S. Chamber of Commerce and almost every chamber of commerce now across this country, and I had the privilege when I was State superintendent in North Carolina of working not only with our, what is called the Citizens of Business and Industry, which is really our State chamber of commerce, each chamber of commerce now has an education component.

Now, there is a reason to have an education component and a support unit there for public schools. Because they recognize that if we are going to have a strong economy and children are going to be able to produce in the 21st century, and the gentleman from Oregon (Mr. WU) was talking about 75 percent of those who are going to be moving into the workforce need to have computer skills and I would challenge him, I think it is 100 percent, the truth is everyone is going to have to have some knowledge of computers. But we are going to have to have a much higher competency on a large segment of our population in the 21st century because most jobs are going to be driven in one way or another by technology.

The thing that I see in our public schools and the issues my colleague has talked about in the bills, and I want to commend my colleague for the bills that he has in committee that he is working on, I have a bill on school construction that the gentleman from New York (Mr. RANGEL) is on and he has been since I have signed on, it is important to get those bills in and get them moving. Because just to have technology without space for children and to have those buildings, some of those old buildings just absolutely will not take the wiring and the technology that is needed to get on the Internet. The school is the ramp that we are going to get onto the Internet to get to the world, and too many of our schools do not have an on-ramp.

And unfortunately, as we talk about computers and Internets in our schools, as badly as they are needed, too many of our classrooms do not even have telephones, things that we thought of years ago that were important that on every executive desk and that in each one of our offices where we have computers.

I went in a classroom just this past Monday and visited where they are trying to get just five computers in each classroom, a very modern school in a very progressive county in my district. But guess what happened? They could not afford to have them and have them tied to the Internet. So now they have computer labs.

Computer labs are not all that bad. The problem is children get to use them only when they go. How would we like to have all the automobiles that we have placed in a garage and we could only use them once a week? That is really what we are doing with computers. As important as computers are to a child in learning, we are saying you can get to them once a week; and by the way, you can only use them about an hour and we will teach you how to drive it. That is really what we are doing. And an item that is so important, the technology that is driving the changing world and yet we want to deny it to our children.

I commend the gentleman for what he is doing. I think we are on the right track. And I would trust that this Congress would do everything within our power not only to raise the issue to a

higher level but to put some money behind it. Whether it takes allocating resources or whether it takes tax credits to encourage the private sector to help us, it is so important to make sure that that is in the classroom where children can learn, whether they are in the inner city or whether they are in isolated rural areas. If they are part of the digital divide, they suffer just as badly no matter where they are. Every child ought to have that opportunity no matter what their economic or ethnic background might be.

Mr. LARSON. Mr. Speaker, I have been to several hearings and a variety of different forums as it relates to this issue, and the general public and the business community and in fact the academic community is crying out for leadership.

This Nation has always been able to move forward on critical issues. We have always been able to respond, especially when the very fabric of our economy is at stake here. If we are going to continue to thrive and compete in a global economy, then we have got to make sure that we have the students who can make that transition from the school to the workforce, that, in a knowledge-based society, that our students going on to higher education are exposed to the same kind of data and research.

But what we find from the Department on Commerce is that, while more people today have purchased more technology, i.e. computers and voice video and data integration within the context of work and home, fundamentally the gap has widened between those who have access to that information and those who do not, creating the haves and have-nots in the information age.

Mr. ETHERIDGE. Mr. Speaker, if the gentleman would yield on that point for just a moment, because I think he is absolutely correct. But the point he made that was made earlier by the gentleman from Oregon (Mr. WU), as we talk about technology in the classroom, it is imperative that we make sure our teachers get the staff development training they need so that, whatever that technology may be, it is not just computers, it is integrated technology, that they have it so they can integrate it in the curriculum.

Because it has to be a part of the taught curriculum, not just an add-on to the daily activities. And until it is taught and the teachers have the time, and many are doing it and many States are working at it, but they need every bit of help we can give them to do that so it becomes a part of the active curriculum every day.

Mr. LARSON. Mr. Speaker, in my State, in Connecticut, and in my hometown of east Hartford, united technologies have buddied up very successfully with fourth and fifth grade teachers to expose them. These are teachers that had, frankly, not ever used computers, who had never seen a laptop, who were exposed to it. And as they became more familiar and were able, as my colleague pointed out, to integrate the technology within the context of their daily lesson plans and their curricula, then they began to see the wonders of this technology.

I have pointed out this evening that there is wide concern about rural areas, many of which my colleague represents in North Carolina. But there is no one who is more sensitive and understands more succinctly the problems of urban America with respect to technology than our esteemed colleague, the gentleman from New York (Mr. WEINER), who also serves on the Committee on Science with us.

Mr. Speaker, I yield to the gentleman at this point.

Mr. WEINER. Mr. Speaker, I thank the gentleman from Connecticut (Mr. LARSON) for yielding. I also wanted to thank him for bringing this issue to the floor. He has really tried to push this issue to the forefront, and he is frankly bucking some of our conventions around here in the House of Representatives.

One of the things that we are known for in this great body is acting with great alacrity, with great speed in times of crisis. It is a time when we come together on both sides of the aisle and we manage to get the People's work done, whether we stare down the barrel of very often misfortune or war or crisis in the country.

But it is very difficult often to discuss the types of issues that my colleague is discussing here tonight because it requires our making an intellectual leap not just to next week or next year but maybe to events that might happen 10 or 15 years down the road. And when we are looking at issues like this, frankly, this process has never been very good at it. We have never been very good on planning for the next generation for 4 or 5 years hence.

But I would argue, and my colleague has made this point abundantly clear, as has the gentleman from Oregon (Mr. WU) and the gentleman from North Carolina (Mr. ETHERIDGE), that we are at that crisis mode right now.

□ 1830

Our students today are doing very poorly as compared to other major industrialized nations, in math, in science. Frankly they rank near the bottom. And we are also seeing that there is a crisis and that jobs are very mobile. Perhaps no community is more evident of that than the one that the gentleman represents in Connecticut, one where once upon a time it was unheard of that insurance jobs could be anywhere else except around one another in one community. The same is true for my financial services in New York City. Now with the new technologies being what they are, jobs are extraordinarily mobile and it does not just stop at one district, it does not stop at the borders of our country. Jobs could almost overnight at the throw of a switch leave our shore and go overseas. This is a crisis of our economy.

I have to say that this is also a crisis because decisions that we make today in 1999, on the legislation that you are pushing, are decisions that will manifest themselves 5 or 6 or 10 years down the road. If we do not act on these things now, it is going to be too late if we wake up and see, wait a minute, we have got a terrible brain drain, we have a terrible circumstance where we cannot fill the good jobs that our economy is producing, we better hurry up and invest in education. It does not work like that. You have to invest in 1999 to see the benefits in 2009.

So I would argue we are at the precipice of a crisis in our education system right now. But another element that we are kind of bucking against here and this one is a philosophical problem. Many people in this Chamber and perhaps many people in the country at large still have what I would argue is an outdated federalist notion of education issues. We are still very much hung up on the idea that education is an issue that they deal with at the local level and the city council from where I came, in the States from where you came and the gentleman from Oregon (Mr. WU) came and it is really Congress' job to stay out of the way. And in fact we go so far as to say it is our job here in Congress to pave a road but if it goes by a school, we cannot touch it. We can pave a highway but we cannot plug a school into the Internet. That is a philosophical objection that we hear around here from time to time that speaks to a federalist argument that is literally generations behind us.

Today, we have a national crisis. Today, we have an emergency that transcends that type of thinking. Now, I would share the argument that many of my colleagues make here that we should not, once we plug the school in, say here is what we think you should look at with that Internet hookup, here is what we think how many kids you should have in the classroom. Although I have views on that, perhaps that is something for a local school board or a local city or local governance. But for the Federal Government to stand back in the face of what is really an economic battle, an economic war that goes beyond these shores and say we will not get involved really does ignore a major problem.

The legislation that you have proposed and are sponsoring recognizes that the Federal Government has to get in the game, has to begin to participate in solving this problem. This is, I believe, an intuitive point among

parents around this country in districts, Republican, Democrat, independent and the like.

Mr. LARSON. I would like to amplify that point by saying that the legislation acknowledges that decisions with respect to education are best made locally. I am a former member of the board of education in my community in East Hartford. I served locally on a town council and served in the State legislature. I understand the importance of local control. This legislation seeks not to intervene with local control but augment the ability. And to your point, and I think the most critical issue that we face with respect to supplying our schools with the wherewithal to do this without bankrupting them through local property taxes is to come up with a strategic means of supplying information, through whatever conduit, satellite, broad band width, radio wave, infrared, whatever is most economically feasible and efficient to bring technology into those classrooms. That is an information superhighway, not different infrastructurally than a national highway system and only, and I would argue along with you, is the Federal Government in a position to do that. No community, no State, even a city as large as New York or a State as affluent as Connecticut or Oregon can provide itself with the wherewithal to do the kind of infrastructure work and maintenance that will be needed. But this Nation does, because what is at stake here is to make sure that we have the ability to facilitate learning throughout a lifetime.

Mr. WEINER. If the gentleman will yield for a moment, I have to tell you, and it is interesting to hear you use that language. Last night a bipartisan group of Members of Congress sat down and heard a speech by John Chambers, who is the CEO of Cisco. Cisco Systems, they are a company that makes the switches that all Internet commerce and all Internet traffic travels over. They do not actually make the wire. It is kind of like no matter who is carrying the information they are making the switches to get it there. They are a very successful company, a market capitalization that frankly boggles the mind at this point. When he was describing his company, the gentleman sitting next to me was I believe from Chase Manhattan Bank and he turned to me and said, ''That's five times the market capital of my company,'' and he is a major bank. It was interesting because very often we are visited on Capitol Hill by folks who are making narrow appeals for legislation that might help their particular business. But what Mr. Chambers argued for is the two major things that he thought would not only benefit his company but the country as a whole is, as you said, one is the infrastructure, making sure the infrastructure is available for this new economy to travel over, and he harkened again and again to the notion of education. His argument was very simple. He said that a company like his, if he so desired, could in a matter of a year or two move its work elsewhere, move its jobs elsewhere. That is how interconnected the community has become. If you think that is an exaggeration, I would ask you when you go back to your office here at the House of Representatives, if you want a bill, you go onto the Internet and you just print it up on your computer. When I was here working on Capitol Hill, not eons ago, just 5 or 6 years ago, you had to look up in a book the bill number or call over to someone and get the bill number and then there was a House documents room, where you had to walk down, someone would climb up on the ladder and they would actually pull down a copy of the bill and there you had a copy of the bill.

So this is technology that is making every corner of this economy work much faster and much more efficiently. With that same speed, if we are slow on the uptake with education changes, with infrastructure changes, we are simply going to get left behind. It is very easy for somebody like John Chambers who employs thousands and thousands of people at Cisco to say, well, I am going to go to Australia tomorrow because so little of his business actually involves bricks and mortar in Silicon Valley. That was one lesson that I think he left with us that was very poignant.

He kept coming back to education. On some level I would argue, for him, he will find his workforce, because there are going to be countries out there who are smart enough to figure this stuff out and invest quickly. He was describing the slow evolution, perhaps revolution is the wrong word to use about China, I say to the gentleman from Oregon (Mr. WU), but evolution that is going on where they are starting to catch up and investing more and more of their resources in education. So I think we have a window of time here. You have described it very well. We have a window of time here where we can take advantage of the enormous intellectual wealth that is being created in this country and try to pass some of it along to our schools and these three bills do that.

Mr. LARSON. A point very well made. I yield to the gentleman from Oregon.

Mr. WU. I thank the gentleman from Connecticut for yielding and for his strong commitment and leadership to advocating for adequate technology training for our teachers and in our classrooms. To further expand upon the gentleman from New York's comments concerning federalism, what we need is a federalism of commitment and not a federalism of convenience. Today, we saw in this House a situation where our commitment to federalism became inconvenient to certain values and we ran roughshod over a certain State's rights, but we are going to stay focused on the issue of education here. And with respect to local determinations, no one would more strongly advocate for completely taking care of educational issues at the school board level, at the school level, at the classroom level than I. However, in my home State of Oregon, because of certain property tax limitation measures which were passed several years ago, the local school boards no longer have the resources or the authority to take care of some of their crucial, basic mission. As a result of that, some of those financial resources and the authority has gone to our State capital of Salem.

It has also become apparent that between the local school boards and our State capital, there is not enough to go around to solve the problems that the gentleman from North Carolina (Mr. ETHERIDGE) has tried to address with his school modernization and school construction bills. And I would like to thank the gentleman from North Carolina and the gentleman from New York (Mr. RANGEL) for their leadership in school modernization.

In my congressional district, there are schools which are only 2 years old and yet they are already overcrowded. I did a class size study of my congressional district and over 70 percent of the students in grades K through 3 were in class sizes which were over the optimum and a significant percentage were in class sizes of 27 and above. Many high school students are in classes where there are more than 40, 45 or 50 students. That is just not an adequate environment in which to learn. Other schools in my congressional district have a lack of facilities, they need to build the additional space so that additional teachers can teach, and other schools have old facilities. In Astoria, Oregon, there has not been a new classroom built since 1927. Some schools do not have telephones. Many classrooms have only one plug in the wall. The bill that the gentleman from North Carolina has sponsored would help address that issue, not by taking that function away from the local school board but by assisting the school board in its job. It respects federalism and it helps education. Between the school modernization initiative which would bring $200 million to the State of Oregon, and the class size initiative putting 100,000 teachers into classrooms across America, that would put 2,500 teachers into the State of Oregon. That is a very important first step. It respects federalism because there continues to be a crucial role for the State and for the local school board, for the teacher and for the parent. But we must do what we can to address these issues of classroom overcrowding and antiquated facilities.

Mr. ETHERIDGE. If the gentleman will yield, he is absolutely right. And tie that together with what the gentleman from Connecticut is trying to do in terms of linking up with technology. My State is one of those fast growing States, not unlike yours where we are just growing by leaps and bounds. Over the next 10 years as we look out, the projections are by the Department of Education, as the gentleman from Connecticut knows, they have projected that the high school population in this Nation will grow substantially, and my State is one of the probably top five fastest growing States. But even with the growth, technology can have a significant impact in helping that, but we need to be able to help not only a facility with technology but also with those teachers in the classroom and staff development.

I have been in a lot of classrooms, as all three of my colleagues have, and I have never in the years that I was State superintendent and as a legislator now as a Member of Congress ever had a child or a teacher for that matter to ask me where the money came from, whether it was Federal, State or local, recognizing that at the Federal level we probably only put in about 6 percent, depending on where you are it may be a little bit more or less in States, not much more than 7, but they have never asked that question.

The problem we face is tremendous challenges. Children never know what they need. They only know what they get. In many cases, they do not know that what they get is not what they should be getting, that it is woefully short in a lot of cases and in a lot of communities. This digital divide that you are calling attention to tonight is a critical issue. It spans whether you are rural or urban. I commend the gentleman for that, because I think all of us need to be better educated but more importantly once we are educated, we need to act on it.

□ 1845

Mr. LARSON. Like so many individuals across this Nation, I participated in Net Day and was responsible in Connecticut for what we referred to as Connect 96. But even there with the electronic barnraising that took place and the single connections to our schools where we are able to hook up libraries and schools, we recognize fundamentally that there was still a problem that persisted.

I do not want to leave here this evening, and I want to make sure that I allow you time to talk about an important issue as it impacts schools in your State that has been severely impacted by the flooding that has taken place throughout the great State of North Carolina, but I did just want to reemphasize three points. One, with respect to retooling. We need a national plan; we need a Marshall Plan for our public education system. No different than the ability that our parents recognized when they came home from the Second World War and said, Look, we need to connect this Nation through commerce by an interstate highway system. It is a different highway, but probably, more important, it is an information highway, that without that connection this gap between those who have access to information and those who do not are going to be left behind.

So we need to put the best minds together to focus on the best means of providing universal and ubiquitous service to our children and our teachers, and our teachers are fundamental to this. At no point, first, would anyone, especially the superintendent of school systems of all of North Carolina, or a Congressman from New York or Oregon, recognize fundamentally the role of parents. There is no greater teacher.

That is not at issue here, nor is what is at issue here the use of technology to replace a teacher. What is at issue here is the use of technology to enhance and augment the ability of teachers to get after the goal that every teacher strives for, to individualize instruction for their students, to bring out the very best, to be more diagnostic in their approach to teaching, to open up universes where all of us in this room have here before never traveled and to be able to be more prescriptive in their remedy and, therefore, more accountable.

The accountability between teacher and student, and teacher and parent, and parent and child is enhanced by this technology, and by no means is it ever meant to replace, but augment and provide us with the kind of tools that we are going to need to have the best educated country in the world.

Mr. Speaker, that is what has allowed us to come to this point in history as the preeminent economic and military force in the world. Absent our attending to investment within our public school infrastructure will only mean the slow decay of this Nation. It cannot happen on our watch. We have got to make sure that we move forward on this agenda, and we can do so by inviting our students as well.

There is concern all across this country about kids' involvement with this technology and the Internet, but supervised by adults, caring adults that put a civic tone and civic responsibility with appropriate checks, we can unleash in this country a new civic force starting very young but recognizing the importance not only of being served, but providing service.

That is the goal of this education, of these proposals to retool, to retrain and fundamentally rethink.

I recognize my dear friend and representative from Oregon for some closing remarks so that we can give the gentleman from North Carolina (Mr. ETHERIDGE) time to respond to his proposals as well.

Mr. WU. Mr. Speaker, I want to just underscore a couple of positive programs that are occurring around the country and particularly in my corner of the country because I think that we need a sense of hope, a sense of what is going right, a sense of where we are going from here.

The gentleman from New York (Mr. WEINER) mentioned Cisco and the dinner last night. Cisco Corporation has an education foundation here in Washington, D.C., and in my home State the largest employer is Intel Corporation. Intel has made it a practice to donate motherboards to schools. They make a lot of public school donations, and the quid pro quo is that the school is then tasked to bring together the other things that are needed to make an entire computer out of a motherboard; and students and teachers learn together how to do that. It is a complete process of education, and it starts with a motherboard donation by Intel Corporation. That, Mr. Speaker, is the kind of public-private partnership that I think we should be looking for.

Another public-private partnership that is occurring in Oregon is something that is called Saturday Academy at the Oregon Graduate Institute. Saturday Academy brings public school students to sites around the metropolitan Portland area on a Saturday and permits them to study topics in science, mathematics, and other things of their interests, computer science perhaps. Earlier this year we were able to show congressional leadership this program in action, and the question that I faced after that was: Gee, how come this is not happening in my community?

This started, that is, the Saturday Academy program started with a small grant from the National Science Foundation; but it has been leveraged by private donations and donations from the corporate community. I think this is the kind of public-private leadership and partnership that gets us to where we want to go.

There is one particular aspect of the Saturday Academy program which addresses the divide which the gentleman from Connecticut (Mr. LARSON) has been trying to address in this discussion. What we have witnessed is a drop-off in math and science participation by girls in junior high school and in high school so that by college the participation by young women in science and mathematics just is not where it should be.

We are not training the number of engineers, mathematicians and scientists, female mathematicians, engineers and scientists that we should; and Saturday Academy has a special program focused on girls. It is called AWSEM. Let me make sure I get this right: Advocates for Women in Science,

Engineering and Mathematics. I attended an AWSEM banquet about 2 years ago, and the level of enthusiasm of these junior high and high school girls for math and science was absolutely striking. The AWSEM program, I understand, Mr. Speaker, is going nationwide.

There are success stories out there like AWSEM, like Saturday Academy, like the Intel donation program, and I think that we need to focus both on what challenges lie ahead and what we are doing right today. And with that I yield back.

Mr. LARSON. Mr. Speaker, I thank the gentleman from Oregon. I also thank the gentleman from New York for their contributions this evening. We hope to come back again with another special order to both detail out the progress and at this time yield the floor to our esteemed colleague from North Carolina (Mr. ETHERIDGE) who has important and critical issues that impact education in his home State of North Carolina to address.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman for yielding to me, and I also thank him for the special order because I think what we have been about this evening is so important, and also let me thank the gentleman from Connecticut (Mr. LARSON) also for his legislation. The leadership he is bringing to that, there is no question that as he talks about this information highway or the digital divide, not unlike what our colleagues who were here in the 1950s talked about the interstate highway, and he is absolutely correct in talking about that. My friend, the gentleman from Oregon (Mr. WU), when he talked about Intel, let me remind you that those business partnerships are important.

In North Carolina we actually have students in a number of schools actually getting the motherboard from Intel, putting them in and bringing computers up to modern standards from computers that many businesses will share with them. So, Mr. Speaker, there is tremendous partnerships out there, and we have done it with IBM and a number of our high-tech folks in the research triangle.

So there are a lot of great success stories, and I hope we can talk about more of those at a future time, and this evening I appreciate you yielding the last little bit to me so I can talk about some of the schools in North Carolina, specifically in the eastern part of the State, that have been hit so hard by Hurricane Floyd and then followed up by Hurricane Irene that did even greater damage to our agricultural areas.

But here is a photograph that some of you have seen earlier of towns in eastern North Carolina flooded. The truth is when we talk about that, folks do not realize how large the geographic area was. It is an area that includes about 2.1 million people, and the geographic area is larger than the State of Maryland. So it is a substantial area.

The devastation is substantial. When you look at these for preliminary numbers, it really came out of the local paper early on. They have been refined and are not quite that large, but if you look at the town of Princeville, 100 percent flooded with 2,152 residents. There is Tarboro, 40 percent, 4,300 residents. There is Rocky Mount, 40 percent flooded with a total of 22,900 residents. There is Goldsboro with 24,000, and the number goes on.

The point I want to make tonight, that I call on my colleagues in this Congress, before we go home and wrap up this year, we have to appropriate the funds needed to make sure these people can get their lives back together, they can get in homes, farmers can get their crops in the ground and ready for next year. The devastation has been tremendous. This has been the largest natural disaster in the history of my State. It affected Virginia, it affected Maryland, it affected New York and parts of South Carolina. Preliminary numbers I have here: on November 19, over 30,000 individuals just in North Carolina had registered with FEMA. The number of homes that are going to be destroyed or displaced are now approaching 10,000, and there may be as many as another 15 to 20,000, maybe higher than that, going to need help. There are a lot of businesses in trouble. I talked with a businessman in Wilson who lost everything that he had, his whole life's work. He was in his 50s. His business was flooded. He had no flood insurance because he never had any need for it. It was a 500-year flood plain.

Last Sunday I was in Rocky Mount at the request of a constituent. He wanted me to come down. I went to visit. I went to the homes of his three daughters. One had been in a home 5 years, another one 7 years, the other one a bit longer. She was on the other side of town. They were nice brick homes. Unfortunately, none of the three had flood insurance, and all three of them lost everything they had, and he said to me:

''Congressman, we don't need any loans. If they get a loan, they can't repay it. They owe loans on the house to have even the furniture that was in it. And if we don't get some help, we will not recover.''

I only tell that story because it can be repeated thousands and thousands of times in eastern North Carolina. We had up here today over 70 members of the North Carolina General Assembly House and Senate saying please help us, help us before you go home; and I call on my colleagues to do the same. We should not go home until we appropriate money to help these people who pay their taxes, who live by the rules, who have been subjected to a disaster today we were not expecting. We need to help them. We help people around the world. It is time to help people at home.

THE WESTERN STATES

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, today the gentleman from Utah (Mr. HANSEN), my good friend, former Speaker of the House of the State of Utah, and I will spend the next hour talking with you about issues that we think are vitally important to the United States, but we think in a large part are being ignored by many parts of the United States. What we are going to talk to you about this evening is the West, the western States, the Rocky Mountains, Federal land, land-use policies, wilderness areas, water, land of many uses, Teddy Roosevelt. There are a number of different subjects, Mr. Speaker, that I would wish that you would think about as we talk because it is very important to the people of the West in this country. Frankly, it is very important to the people of the entire United States.

□ 1900

Let me begin with a little history about the Western United States. As you know from the history of our country, when the pioneers and the settlements in this country took place, most of it was on the eastern coast. Of course, I am stepping aside from the Native Americans. The Native Americans were throughout the country. This is the history as the United States as a country began to become formed.

On the eastern coast of the United States, the philosophy was to acquire more land. Our forefathers had a vision of a great country, and I think today that they would stand here, frankly, and take a look at this country and say you have created a good country. You have a country that is strong in its people. You have a country that is strong in its land. You have a country that has a vision. You have a country that has character.

But that is what they wanted to build, and, in doing that, they wanted to enlarge the country. They did not want just 13 states, they did not want 14 states, they wanted to enlarge the country. So they began to acquire land, through for example the Louisiana Purchase and some of the others, through treaties and so on.

Then they began to urge people to become pioneers. You remember the old saying, ''Go west, young man; go west.'' Well, as people and the pioneers began to go out west, they found wonderful, wonderful lands, the Kansas farmlands, the Missouri lands, the Missouri River and the Mississippi River. They got out there and they found on a

very small portion of land you could have a very healthy agricultural response. In other words, it did not take a lot of land to support families, and we had a lot of families going out for the purpose of agriculture.

Now, when we read the history books, we see a lot about mineral exploitation, about the gold, going to the mountains for the gold and going for silver, but the long lasting impact for the West was from the pioneers in agriculture.

Well, the difficulty that the administrations back in the East found out was that in the West there were not a lot of people going to the mountains, to the Colorado Rockies, to the Utah mountains, to the Montana and Wyoming mountains. So what they did is they sat down and said we need to figure out how do we get new settlers to go into these mountains? How do we get new settlers to go out into the West?

Well, what happened is the government decided to figure this out and go out there, and they sent some explorers out there, and you know the early days of the Lewis and Clark expedition, and somewhere along the line somebody discovered, you know something, when you get to the mountains, or you get to the lands of Utah and the lands of Colorado and Wyoming, of course, those were not states at the time, but when you get out to those lands, it is very difficult to produce an agricultural product on a small piece of property. In fact, what you need are thousands of acres.

Well, the policy of the government was to give incentive and to get people invigorated about going to the West. You let them homestead. They could go out and stake their ground. What do I mean by staking their ground? In the old days they could go out and literally place stakes in the ground up to certain amounts, say 160 acres or 320 acres, and they could homestead that ground. If they plotted that ground, plowed that ground and took care of that ground for a certain period of time, they got the land. The land was theirs to keep.

Well, when they got to the mountains and they got the reports about the difficulty of having agriculture in the mountains and in the West, they came back to the government and they said, Mr. President, Mr. Administration, Mr. Congress, you cannot do it on 160 acres in the mountains. You cannot do it on 320 acres. We do not know how we are going to encourage people to go into those mountains unless you, the administration and Congress, want to give them thousands of acres.

Well, they thought about that, and, of course, the response was politically we cannot just give away thousands of acres of land to individuals. With the system we would have to set up, we would very quickly encompass large portions of land with few owners. What else can we do?

Therein came the concept of what we call multiple use. What they decided to do, colleagues, is instead of giving the land away through homestead and so on, what they figured out was, well, what we will do on the government lands is we will allow people to have many uses. We will retain ownership, speaking of the government. We will retain ownership of the lands, but we will allow our pioneers and our citizens to go out into these lands and use the lands. That is the concept of multiple use.

Well, you can see then as a result in the Western United States the government primarily owns the land. They are the big landowners in the Western United States, as a result of this multiple use policy.

In the East, that is not the picture at all. In fact, in the East the majority of the land is under private ownership. In the Western United States we face unique problems, unique as compared to the land in the Eastern United States, and it is important for our colleagues, for my colleagues and Mr. HANSEN's and my colleagues from the East, to understand the differences in land ownership and why we are so reliant in the West on government lands.

To my left here is a map of the United States. The map, as you can see, follow my red bead on the map, government lands. All of the colors that you see on the map are owned by the Federal government. You have got some big spots up here, you see down here in the Shenandoah Valley, in the Everglades down there in Florida. But take a look at all of this open land. That is private ownership. That is owned by the citizens of this country individually.

As you can see, as you come down through Montana and Wyoming and Colorado and New Mexico, look at those blocks of land. That land is all Federal or government lands, state land in some cases, but primarily Federal land.

Take a look at the state of Alaska, which I have the bead on down there in the left-hand corner of my demonstration here. Look at Alaska. I am not sure of the exact percentage, but I think it is 98 or 99 percent of the state of Alaska is owned by the government.

Well, that works okay under the concept of multiple use. But what we see happening is a lot of special interest groups in the East have decided it is time to take this land in the West that is owned by the government and, for their own reasons, to push their own advocacy of their special interest groups, they have decided in essence it is time to kick people off of hundreds and hundreds of thousands of acres.

When I grew up in Colorado, and I am from Colorado, my district is in Colorado, the 3rd Congressional District of Colorado, when I grew up, we grew up under a sign, a theory called ''land of many uses.'' So, in other words, when you would go into the Forest Service, you would come up to a sign and it would say, watch, it would say ''Welcome to''—I did not put the ''Welcome to'' on the top, ''Welcome to the Rocky Mountain National Park.'' Then underneath hangs a separate sign that says ''A land of many uses.''

Well, what is happening today, in my opinion, and this opinion is shared by many people in the West, is an all-out assault to take away this, and replace that, ''A land of many uses,'' with a sign that simply says ''No trespassing.''

Now, there are a lot of issues that I want to talk to you about in a little more detail, but I think at the beginning of my comments and my colleague's comments it is important for all of us in here to realize that in the West, the majority of land is owned by the government. We have a different style of life in the West.

Now, we are all Americans. We all believe in the flag and motherhood and apple pie. That is not the issue here. I am talking about the geographic difficulties that we deal with in the West, and there are a lot of distinguishing issues.

For example, water. In the East, again, back to my first chart, follow my red dot, in the East back here your problem back here with water is getting rid of it. Our problem here in the West where I show you this, our problem is being able to store the water, to be able to preserve the water.

In Colorado, for example, which is my state, and, by the way, my district is where this red bead is, it is the 3rd Congressional District of Colorado, geographically it is larger than the state of Florida, and in that district in our particular state 80 percent of the water is in the mountains, and 80 percent of the population is out here.

Well, it is the same difficulty that we have over here. In Colorado, for example, we are the only state in the union where all of our free-flowing water goes out of the state. We do not have water that comes into our State.

We have the headwaters for four major rivers, the Platte, the Arkansas, the Rio Grande and the Colorado. My good colleague over here in Utah, take a look at the Federal lands. Water preservation. We need the Federal lands to help us store our water. We need the Federal lands to help us protect our environment. We need the Federal lands to enjoy recreation, like mountain biking, and I love mountain biking. I have enjoyed it for years.

I have been on the Colorado River ever since I was a high school student, river rafting. Many of you colleagues who come and visit in the West, many have vacation homes in the West. You love river rafting. You like the hiking. Many of my colleagues like the hunting. It is hunting season. All of these

are a necessary part of the concept of multiple use. And if we allow the concept of multiple use to begin to crumble, I will tell you what will happen. You will lose the river rafting, you will lose the ski resorts, and in my district those ski resorts provide 35,000 jobs off the White River National Forest, just off that forest alone.

By the way, one-third of our forest out there is wilderness area, one-third of it. We protect that for the environment. We want that protected for the environment. I voted on that bill. But two-thirds of it is predominantly recreation, all of these different things.

If we begin to let this concept of multiple use collapse, you will see over a period of time the elimination of mining. Now, that, of course, to a lot of people sounds good. But take a look at how many products in our society depend on mining. That is the first thing that will go. In my district it is pretty well gone. We have some mines up near Meeker, Colorado, near Paonia, Colorado. For the most part, mineral exploration is gone out of there.

The next thing they go after is grazing for our cattle ranchers and farmers. In the East you have farming, it is important for you. We do too in the West, but we have to do it on government lands, and we take care of those government lands. Frankly, we in the West are pretty proud of the job we have done. You see over here a lot of times about pictures of abuse. Those are being put forward by special interest groups that want to destroy this concept of multiple use.

But after ranching and farming, they are going to go after the ski areas. No more expansion of ski areas. Restrict the ski areas. Downsize the ski areas. Then what is next? Then you have got your mountain biking and you have got your river rafting. Then you have got your ability to store or transfer across Federal lands the water that we need. It goes on and on and on.

So I am thrilled tonight to have the opportunity to work with my colleague the gentleman from Utah (Mr. HANSEN). I am going to turn the podium over to Mr. HANSEN so we can carry out for you this evening a little further explanation of why we need your help, not your resistance, we need your help, your help in going out there to preserve this concept of multiple use, so that we in the West can protect our water, so that we in the West can enjoy our recreation, so that we in the West can have the kind of environment that you all dream of, that you come out and vacation in.

That is our goal tonight, is to communicate with you the differences, geographically, the differences with our water, the differences in the descriptions of wilderness and so on, so you are not snookered, quite frankly, by some of the national special interest groups that want to convince you that the West is being trashed by the people of the West, and that the only thing that is going to save the West is for the special interest groups of the East to go in and tell the people of the West what is best for them.

So, with that, let me thank my colleague Mr. HANSEN for joining me today. I appreciate very much this, and I would yield to the gentleman from the State of Utah.

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman yielding to me.

Mr. Speaker, let me just thank the gentleman from Colorado. I think he has done a magnificent job in explaining how the lands of America were settled and who has control of them. If you are a history buff, and I hope you are, you will find out a lot of people when they first came to this country, it was on the eastern seaboard, and they controlled that ground. A lot of it at that time probably belonged to just anybody who wanted to go out and stake a claim for it. There were no restrictions on it.

Then as we went through the Revolutionary War, the Civil War, things such as that, that ground was pretty well filled out. I enjoy this eastern part of the country. I have been here for 10 terms. I love going out to the different areas and looking at it. But I do not see much ground that is public ground. Maybe a park here and a park there, but the vast, vast majority is owned by individuals.

□ 1915

Different than the West, as the gentleman from Colorado (Mr. MCINNIS) pointed out, most of it you can use it for something, you can plow it, you can grow things on it, you can put cattle on it, you can own that ground.

Now, when our early pioneers went out to the West, they have got these huge Rocky Mountains. They have got all these various areas that extend from Canada to Mexico. So you are really not going to use a lot of that ground.

So after a while, about 100, almost 200 years ago, 100 something years ago, they started the Forest Service. The Forest Service was put there to take care of our beautiful green forests. They were told to manage the forests.

As we go back to talking about how the Forest Service started, their instructions was to manage the force for its many, many uses. A lot of it was timber in those days. Most of the folks, they lived in the valleys, and they farmed, they ranched in other areas.

That resolves this piece between what was private, what was forced, and what is that in between. So later on, the government decided what do we call that ground in between? The Bureau of Land Management handles that area. That is the area between Forest Service and the private people who own their ground.

Now, the gentleman from Colorado talked about multiple use. Basically, what is multiple use? It is the sign that he put up there, land of many uses. All of us who were raised in the West, we have seen that all over the West. He talked about some of the uses, the idea that you can go in there and you can do a certain amount of cutting.

Now, why is it that the Forest Service is under agriculture and BLM, Park Service, Reclamation, Fish and Wildlife is under Interior. It was put that way, if we go back and look at the history of how Congress does things, because it is a resource like corn or wheat. It grows and is taken out.

I get letters all the time, Mr. Speaker, as chairman of the Subcommittee on National Parks and Public Lands that say, ''Let us leave that forest just as we found it. I flew over it in a 757, I looked down there, and there is this beautiful green carpet, and I want it left just that way.'' Well, then, take a picture of it with your camera, because it is not going to stay that way because things change on a regular basis.

We had the whole part of the Uinta Mountains, the big east-west part, and the only east-west mountain range in America, and a whole group of environmentalists call up and say do not touch it. Leave it alone.

So we had a hearing on it a few years back. We brought in all these people from land grant colleges and asked them to respond to it. These people said, ''We do not want you in there clearing out the pine beetle, because that is nature's way.''

Well, this man got up, and he said, ''Well, I will just tell you what will happen.'' He said, ''If we go in and we do not kill out that pine beetle, it will not be too long. Instead of that beautiful green carpet that you want us to keep that way, it will be a whole bunch of dead sticks, because they will kill that entire forest. But we could go in, we could spray for them, we could cut out that area of high infestation, and the healthy trees would make it.'' They said, ''No, leave it alone.''

The next gentleman got up from Utah State University. He testified and said, ''Let me explain to you what will happen.'' He said, ''I do not have a dog in this fight.'' He said, ''Let me tell you what is going to happen. What will happen is the whole entire north slope of Uinta Mountains will be dead and anywhere else in the West if we do not take care of that.'' He said, ''Then I will tell you what will happen. You have got a 100 percent chance that you will have a fire.'' In other words, it is guaranteed.

I may just deviate a minute and say that, because we have not managed the forest for a long time, we have the highest fuel load we have in my lifetime all through the West; and people wonder why we have forest fires all over the place.

Anyway, after the fire, the next man said, ''And I will tell you what will happen after the fire. I will give you 100 percent guarantee that you have one of these flash floods that occurs in August, September, these big summer cumulus nimbus referred to as thuderheads, and they will pour water over that, and you will have a flood. And that topsoil that has taken 100 years to build up will go down to the valleys, and you will have a desolate area for all that time, because we are not managing the forest for multiple use.''

Now, I thought about that for a long time. Then I found out down in the Dixie Forest that is down around the southern part of Utah, a beautiful area. I talked to some of the people there who had photographs when the early pioneers went in there, the first ones they called tin or some type of photograph. There was not a tree on those grounds because there was not anything there. It was just rolling sagebrush. They went in there and started planting trees. Out of that, they came up with the beautiful Dixie Forest, reputed to be one of the prettiest forests around.

About 1993, Hugh Thompson, the forest supervisor down there, he said, ''We have got an infestation of pine beetles up there by Brian Head.'' That is a big ski resort. So he went in there and said, ''I could cut out 17,000 acres, harvest those trees; that timber could be used for lumber.'' But, no, one of the large environmental groups filed an injunction against him.

So at that time, I do not know if my colleagues can see this, Mr. Speaker, but here is this beautiful green forest. That is what we had at that time. A year later, it looked like this, because he could not beat down that injunction in time. But those little pine beetles, they just kept munching around. Now see how this turns kind of red. Well, then, a year after that, what do we have? We have an entire dead forest, and that is what it looks like.

Now I am getting letters all over the place saying why did we not take care of the forest. I would like to put up a sign that says this dead forest brought to you by the courtesy of some of the high environmental groups.

So the other day, we had a hearing. One of the large environmental groups was there. I asked this lady, I said, ''Why is it that you will not let us manage the forest?'' She said, ''Well, let nature do her thing. Let nature do it.''

Well, I do not know about my colleagues, and I do not mean to spout scripture here, but as I read the Old Testament, it said, when the Lord created the Earth, on one thing he said, I will give you the ground to till and take care of this ground, and you are supposed to take care of it.

I often believe that America has done it right. We have managed and taken care of the ground that is owned by each of us. It is owned by us.

But we can go back to this thing and say, oh, no, let, mama nature take care of it. How does she do it in fire, wind, earthquake, flood, and what have we got? So why do we go in there and we build culverts? Why do we go in there and we take care of it?

So I have to go back to this idea of why is it we call Forest Service under agriculture, because it is a renewable resource. Have we in the past cut too much of places? Absolutely we have. Have we overgrazed the forest sometimes? No question about it. But that does not mean we cannot learn from our mistakes. That does not mean we cannot take care of the forests and use it for the benefit and joy of all America. That is one of the things that kind of bothers me.

The gentleman from Colorado (Mr. McINNIS) talked about how we got into some of the history, and the history was interesting as he gave it. At one time back in the turn of the century, we had a President by the name of Theodore Roosevelt, a great conservationist and a great guy. He could see that some things were being mutilated that we should preserve, so he asked Congress to pass an act in 1906 called the Antiquity law, the first law I think that was ever there, Mr. Speaker, to take care of people like historic and archeological and scientific sites.

Out of the Antiquity law came a lot of monuments; and out of some of those monuments came some of our better parks, Zion, Bryce, Grand Canyon, a few others.

But now that law is pretty well gone. In fact, I really question in my own heart of hearts if it is constitutional, because the Constitution basically gives the right of public ground to Congress, not to the President. But I do not think it has ever been challenged in court.

Well, since that time, we have had the 1915 Organic Act, called the Park bill where all of our beautiful parks, which we now have 377 parks, come under. Our monuments basically are handled under that which we have 73 at this time.

In 1964 came the Wilderness Act. In 1969 came the NEPA Act. In 1976 came the Federal Land Policy Management Act. The list goes on and on, the Wild Rivers Act, the Horse and Burro Act, the Mormon Trail Act. Boy, you name it, there is a dozen of them on there. So we have got plenty of legislation that takes care of our area.

Now we find ourselves in an idea of the interpretation of these that the gentleman from Colorado was referring to by some of our friends on the extreme environmental side.

It is interesting, I have been in this place now 10 terms, and I have talked to a lot of groups from all kinds. I like to go to a group and ask the question, ''Can you give me the definition of wilderness under the 1964 Wilderness Act?'' It is rare that anybody can ever do it.

They all talk about, well, hey, I love that area, and I want to take care of it, and I want to leave it just as it is, and do not touch it and all that kind of stuff. But it is untrammeled by man as if man was never there, no sign of man.

Now, go over and listen to what Hubert Humphrey said, who carried most of it in the Senate side. He said, ''The most you will ever see, and I am stretching it to this, will be 30 million acres.'' We have gone through 100 million acres and climbing. We had 100 million acres right in Alaska. We have got ground like you cannot believe.

Do my colleagues know what, Mr. Speaker, the vast, vast, vast majority of Americans do not know what that means. Let us throw out the term. Let us call up somebody tonight and say, ''Mr. Posnowski, do you want more or less wilderness in America?'' What will he say? He will say, I want more, because wilderness is a romantic word. Look what it conjures up in one's mind, these beautiful green forests, the smell of how it is in the forest, and the Aspen trees, and the clear water, and the fresh air.

Yet, on the other hand, if we said, ''Mr. Posnowski, do you want more or less restricted area?'' What would he say? He would say, ''Heaven's no. I want the right to use this.''

In 1980, I started working on a bill with Jake Garn, who was then a Senator, and excuse me for referring to the other body, Mr. Speaker. But in that particular area, we came up with one for Utah Forest Service Wilderness. We put almost all of the Uinta Mountains in it. We put almost a million acres in it.

We had a dedication ceremony up at those beautiful Uinta Mountains, with the Forest Service, with the governor of the State, with the environmental groups and others. Then we came back, and nobody liked the bill, so it must have been a good bill. The environmentalists said we did not go far away. The developers said we went way too far. Anyway, take it as one may.

Our phone started ringing off the hook. The main thing we heard from people went this way, they said, ''Boy, I am sure glad you and Jake did that, because now we can take our four-wheelers, and get up in that wilderness area and enjoy ourselves.''

Let me say this, Mr. Speaker, what a lot of people do not know is the definition of the 1964 Wilderness Act, ''untrammeled by man as if man was never there. No sign of man.'' Now look at the dictum that fell out of this thing, no sign of man. That means no structures. That means no fences. That means no pop cans, nothing. One as in the first guy God put on earth, and there it is, there is no sign that man

had ever been there. So our people have a misinterpretation.

So our good friends from the East, they get these solicitations in the mail, and they say things like this, they say ''You will help protect that land out in Colorado or Utah or Idaho or wherever it may be. You send us $10, $20, $30, and boy, we are going to help it out that these crazy nuts do not go in there and desecrate this ground.'' So they send them the money, yet, they really do not understand what they are doing in that instance because, in effect, we are hurting the ground by not managing it and using it for multiple use.

So, if I may point out, we see a lot of people, and if I may be a tad critical of this administration, they have in my mind desecrated the 1906 Antiquity law, and they did it on September 16, 1996 in southern Utah, and they put 1.7 million acres into a national monument called the Grand Staircase Escalante. But they failed to follow the law. The President did not even say in his petition what it was for.

Then on top of that, he put 1.7 million acres in, and the law says one will State what it is. Is it a historic or archeological site. The next sentence says, ''and he shall use the smallest of amount of acreage to protect that site.''

He did not say what it was, and he gives us 1.7 million acres. This is an end run. This is a sneaky way to take away from Congress their right to take care of the ground as the Constitution gives it to them.

Now, I hope people who are listening at this time, Mr. Speaker, realize what is a monument. It has got to be an archeological or it has got to be a historic site.

Where the two trains came together when, that obviously is a historic site. Go down to Glen Canyon recreation area and look at that beautiful arch we call Rainbow Bridge. Obviously that is an archeological site.

So I start looking around at all of these proposals on monuments, and I do not see anything that fits it other than here is a sneaky way to grab up as much ground as we can.

Now, a couple weeks ago, what did we get? We got something that said the President by executive order is saying we are going to put 40 million acres of ground, Forest Service ground, mind you, into a roadless area.

So they sent me up this thing, and I got a call from them. It says, here is all the usage one can do. They ask a question, and they give an answer. However, they do not define it. The last one I found very interesting. ''What does this rule do to access? Aren't you shutting out the American people of their own forest?'' They say no.

The next one, ''How many roads will be closed as a result of this proposal?'' They say none, none whatsoever.

So I asked one of the Secretaries down there, ''What is a road? Would you folks mind defining a road?'' Because they have closed roads all over. I will stipulate that two tracks put down by a deer hunter is not a road. On the other side of the coin, it cannot be an interstate, so to speak.

So my colleagues are going to see out of this, if I may respectfully say so, places where the American public has been going up into the mountains of Colorado, Utah, Idaho, Arizona, holding reunions, fishing, hunting, camping, bird watching, enjoying themselves, just getting out, just getting away from everybody, and standing there and looking over this vast panorama and loving every minute of it. Those folks are going to be without.

What are they going to find, and they have found it under this administration for the last, since 1992, there will be a great big sign there that says ''this road closed.''

□ 1930

I have fished and hunted and camped all over the West. And I was talking to the Forest Service today, because there is a road out in Wyoming that I have been on since I was 10 years old. The other day I was up there with my boys, doing some trout fishing on that stream, and I came to that road and it said, ''Road closed by order of the Forest Service.'' Why? So I called the forester up there and asked him about it, and I am still waiting for a good response as to why he is closing a road that has been used by sheepmen, by timber people, by elk hunters, and by fishermen. A beautiful road, maintained very well, closed. For no reason at all except some folks want us off that ground.

Now, I want to go back to my friend here from Colorado, but I would like to say this. There sure seems to be a lot of folks, besides this administration, that wants to, in effect, close up that ground, make it a single purpose, and not many people to go there. This Uinta Mountains I was talking about, I do not think there is a kid from the whole Wasatch Front of Utah, when he was a Boy Scout, that did not go up to the Uinta Mountains. We all did that with our scout master. And now they are saying, oh no, we do not want you to do that. We do not want any horses up there. Boy, that is a big country. We do not want any horses, and we want groups of less than three. How do scout masters take a scout group in that is composed of less than three?

They also do not want fishing up there. Some of the best fishing in America. Trout fishing, fly fishing. Why can people not take their sons and their neighbors and their uncles and aunts and go up there? They also do not want any hunting. So, in other words, close it up. So there are a lot of ways people are closing up the grounds that they should not.

I say to my good friends from the East, which we have the greatest respect for, you folks sit back here thinking of all those wonderful things out west, and the chance of going there maybe once in your lifetime, but we have to live there. We have to raise our families there. We expect that our people can use this ground. And multiple use has worked successfully for well over 100 years, and it can just bring tears to your eyes thinking about changing an entire way of living that is happening now because some people are not thinking.

They start putting money into these extreme groups who want to get rid of all the things that the gentleman from Colorado is speaking about. Take the motors off the rivers. Well, let us see someone run the Grand Canyon without a 35 horsepower motor on the back. You will spend 2 weeks on it rather than 5 days. I remember a time when people came and said, well, the roar of that motor will ruin our trip. Oh, give me a break. You would have to have ears like a Doberman Pincer to even hear that thing. You are going through those great big rapids. You can hardly hear that little putt-putt on the back. But it holds you straight and gets you through all right.

They want people not to land airplanes. As a pilot myself, I have put down an airplane on back strips all of my life, and some in the Speaker's area up there in the River of No Return, which is kind of scary stuff. But, still, on the other hand, why take those out that we cannot land in some of those areas and enjoy it? Why can we not take some of these little ATVs in some areas? Why is it everything has to be one way and there is no compromise?

It is very interesting that there is one organization called the Southern Utah Wilderness Alliance, and I wish some of them were from Utah. Most of them are from New York, Wisconsin, Minnesota. Hardly anybody from Utah, but they want to tell us how we can run our ground.

Excuse me, Mr. Speaker, for letting my paranoia spill out a little bit, but I am afraid I do get a little tired of that. With that, I thank the gentleman for yielding to me, and would like the opportunity to speak again.

Mr. McINNIS. Mr. Speaker, I appreciate the gentleman from Utah joining me.

One of the great people of our country that the gentleman talked about was President Roosevelt. Theodore Roosevelt. I will write it again on my little chart over here what his philosophy was in regards to the Federal lands. Now, remember, Theodore Roosevelt hunted in Glenwood Springs, Colorado. If you have been to Glenwood Springs, Colorado, it is a wonderful community, it is my home, it is where my parents still live, and we have family there. We have a hotel called the

Hotel Colorado. It used to be called the Western White House because that is where Theodore Roosevelt used to hunt.

Theodore Roosevelt came out and he used the Federal lands, but he had a philosophy about the lands, and his philosophy really is best summarized with a very few short words. What President Roosevelt said, and if my colleagues will look at my chart, in regards to these Federal lands, first look at the left, again look at the quantity of Federal lands in the western United States. And what President Roosevelt said was, going to my white chart here, ''Use it, enjoy it, but don't abuse it and don't destroy it.''

Why do my colleagues think that those lands look as good as they do? Because, in my opinion, those of us who live out there, and a lot of us live out there, my family has been there for generations, and my wife's family has been there for generations, and we hope our families can stay there for generations more, but one of the reasons we are there is because it is so beautiful. But we have a right to make a living out there, and we think that we have been able to maintain a balance that is preserved, a lot of the beauty that you see.

For a lot of people, especially here in the East, who have never had the good fortune to travel to the West into the mountains, into the Rocky Mountain range, hear horror stories from some of the more radical environmental groups and their image of what is going on out there is a ski area every 2 miles, cabins being built every 50 feet, coal mines, forests being clear-cut, highways everywhere. People would be amazed if they came to the third district of Colorado, my district, that they could fly, not drive but fly, for hours without seeing another human.

People going into those mountains know that we know how to take care of those mountains. You can go into those mountains and walk 50 miles in those mountains and not see one piece of trash. You cannot walk a block from this capital here and not pick up a bagful of trash. We know how to take care of those lands. It is a very precious resource for all of us, for all of the people of the United States. But we have to approach our guardianship of these lands in a very balanced fashion.

I have a couple of examples that I would like to go over with my colleagues. One is the right way to approach this balance and the other is the wrong way to approach this balance.

Let me start with the right way, the positive way, to approach it. We just did it. Senator BEN NIGHTHORSE CAMPBELL, my respected colleague from the State of Colorado, the United States Senator, and I attended an event last weekend, the dedication of the Black Canyon National Park. National park. It was a national monument.

Senator CAMPBELL's bill out of the Senate, my bill out of the House, we made it a national monument. It was a great day. In fact, when I went jogging that morning, at 4 in the morning in the Colorado mountains, we had a full moon. And as I ran, looking at that moon, a person cannot help but feel proud, number one, to be an American, but also how lucky we are to live out there. And we feel a deep commitment to preserve the area that we are in, but also to allow humans to enjoy it.

At that dedication ceremony, by the way, I made the comment that the beauty of the preservation of the Black Canyon National Park was that we were able to work in a very cooperative fashion with the local people, with the State people and the Federal people. And what we preserved is not just the national park itself, but we preserved the right for people to go up to the national park and enjoy it. That is very important. Very important.

Now, how did the Black Canyon National Park, from a monument, come about? It was not driven by Washington, D.C. In fact, it was not driven by an elected or a political official at all. It was driven by the local community. At the local level, people got together, in Montrose, in Gunnison, Colorado, in Delta, Colorado, in Ouray, and they got support from the media, like the Daily Sentinel in Grand Junction, Colorado, the Montrose Daily Press, my good friend George R. Bannock, other people like that in the press, helped support this concept of let us work our conflict out at the local level. So we did not jam it down from Washington, D.C. this thing came from the ground up.

And what is the Black Canyon National Park; what is the beauty of this park? It preserves multiple use. It has many uses of the park. Now, I am sure that there are many national environmental groups, probably Earth First, for example, that would have one use for that park and that would be an anti-human use. Get the people off it. Get the recreation off it. If you are not an able-bodied hiker, which, in general, is younger than I am, you are not going to come up here. That is the radical viewpoint over here.

The radical viewpoint on this side of the spectrum there are the people that say, well, we ought to be able to go up there and timber wherever we want to timber, hunt wherever we want to hunt, mountain bike wherever we want to mountain bike, graze wherever. No. No. The local people sat down and said somewhere in between a position like the National Earth First and just complete freedom to do whatever you want, which of course leads to abuse and destruction in those forests, somewhere in between we have a way to resolve this conflict. And what they did was they resolved it. They resolved it. They preserved multiple use. They preserved certain areas in that park as wilderness.

In the new national park designations we have wilderness designation. They preserved the right for people to go down the river in a raft. They preserved the right for some grazing on the national park. They preserved the right for a paved road. We have a paved road right up to the visitor's center where an individual can stand on the edge of cliffs that drop 2,000 feet. Two thousand feet. And when the sun is at the right angle, and you have a pair of binoculars, the water is so clean you can see fish. If you have the binoculars, you can see the fish in the stream.

We preserved the right for people to go up and enjoy that and we did it at the local level. And the local people then brought it to the State people, who then brought it to the United States Congress. And thanks to people like the gentleman from Utah (Mr. HANSEN), and the gentleman from Alaska (Mr. YOUNG), and my good colleagues Mr. ALLARD and Mr. CAMPBELL on the other side in the Senate we were able to move that from a national monument to a national park.

That is the right way to do things. We did not have people in the East bashing it on us in the West. We had people in the East cooperating with us. The people in the East said to the people in the West, you have lived on that land, you care about that land, you know about that land, so maybe we ought to listen to you about that land. Instead of coming up with Washington knows better. That is the right way to do things. Come up with that balance. Preserve those water rights.

And by the way, in the Black Canyon, that project would have been dead in the water, no pun intended, dead in the water if they would have gone after those Colorado water rights. Our water rights in the West, it has been written in our State capital in Denver, life in the West is water. That is what it is about. Water is life in the West.

But the local groups got together and they said, here is how we can preserve those water rights. Now, let me tell my colleagues there is a huge threat to the West on water rights. For example, as my dear colleague knows, the gentleman from Utah (Mr. HANSEN), down at Lake Powell, and many of my colleagues, I am sure, have enjoyed Lake Powell, It is one of the most wonderful lakes in the world. It is wonderful for recreation; wonderful for families. If you want to see a good family activity, or taking kids off the street or taking the kids from somewhere and bringing them down to this lake, they get on these house boats and it provides recreation and family time.

It also provides a huge amount of power. It helps us prevent the flooding, and provides us huge quantities of water storage. But the National Sierra Club, their number one goal is take out

the dam, destroy the dam and get rid of Lake Powell. That organization is out of Washington, D.C. That is what they want to do.

We did not buy that with the national park in Black Canyon. We did not buy the philosophy of Earth First. In other words, getting rid of multiple use. We bought the philosophy in Washington, D.C. of the people in Gunnison, in Montrose, in Ouray, and Delta, out there in Colorado, the people who had their hands in the soil every day. My father-in-law, David Smith is a rancher, and his family has been on the same ranch since 1882, 1883, somewhere in there, and he told me one time that an environmentalist is somebody who has had their hands in the dirt, who understands the earth.

Well, that is the right way to do things, to let the people at the local level help us all come together in a common fashion to help preserve multiple use, where we have protection for the environment through wilderness or special areas; where we have national parks and national monuments; but where we preserve the right to go biking on a mountain bike, where we preserve the right to canoe on the river or ride a river raft, which is a thrill. Anybody that has been on it with their family, their kids will remember it. They probably have pictures of them hanging on a raft in their bedrooms. Where we preserve the right to ski. If you do not ski in the mountains, it is pretty tough to ski anywhere else. We have not figured out how to make that sport work without the mountains.

We need to preserve those rights, and the rights of ranchers, like my father-in-law, and my father who is in the business of supporting the ranchers, the right for them to be able to operate their farms and ranches in those mountains.

□ 1945

Now let me talk about the wrong way, and then I want to turn it over to my colleague. The wrong way. I want my colleague, when he takes back the podium here in a couple of minutes, I hope he talks to you about the wrong way and what happened in Utah with the Staircase over there in Utah. But let me talk about what is about to happen in the State of Colorado.

Anasazi Ruins. The Anasazi is down in the Four Corners. The Four Corners is the only place in the United States where four States come together. I will point it out with my light here on my map. The Four Corners is right here. You have four States that come together in one spot. Really kind of exciting. They have got a little spot, by the way human access, you can walk up to it and you can literally be standing in four States at once.

Every young person that has done that has remembered it. Well, there is a lot of land around this. We preserve, of course, the monument. We have a national park down there in the Four Corners. But over in this area right here, the Secretary of the Interior, who spends most of his time in Washington, D.C., who consults very little, in my opinion, with those of us in the West, made recent trips down there. And he said, I want to take this land and put it under some kind of executive order, I want to put this land aside and put it as a monument. This is hundreds of thousands of acres.

So now you have a perception what we are talking about. Think of the acreage that you own with your home. Colleagues, your house is probably on a half an acre. If you are very lucky, it is on an acre. But more likely, you are on a quarter of an acre or less.

Well, the Secretary of Interior has talked about coming down into this Four Corners area and taking hundreds of thousands of acres for a monument. Do you know what kind of response he got at the local level? Wait a minute, Mr. Secretary. Listen to us. What about the water rights, Mr. Secretary? What about the access? What about the needs? We do have to have power lines that come through there. What about our ability to go up and hunt or camp or fish? What about our ability for our cattle to graze? What about the local opinion on how best to protect our environment, how to keep our waters clean as our water is today? What about that, Mr. Secretary?

Do you know what the answer is from Washington? They show up and they pretend like they are listening. But as far as they are concerned, the decision has been made.

Now, that is a pretty strong statement. Where does the gentleman from Colorado (Mr. MCINNIS) come to the conclusion that Bruce Babbitt in Washington, D.C., who has come down to the Four Corners maybe twice or three times, probably no more than that, in his lifetime, who wants to take several hundred thousand acres of land and put it in a monument, how does he know that Bruce Babbitt is going to go about doing this regardless of what the local opinion is?

I will tell you what happened to me and the gentleman from Utah (Mr. HANSEN) last week. I had a constituent of mine come in, and she had been down to a big luncheon for the Heritage, protection of Heritage buildings and historical areas. It was here in Washington about a week ago. Bruce Babbitt was the guest speaker. This is exactly what Bruce Babbitt said. And I will summarize. This is exactly what went on. He said, and this is as reported to me, he said, down in the Four Corners of Colorado there is some beautiful land that we ought to put in a monument.

Now, the local people do not buy into this. And the State delegation of elected officials, they do not agree with me. And the Congressional delegation does not agree with me that we should do this. But I, Bruce Babbitt, I am going to do it. I am going to do it irrespective of what the local people say.

The Federal Government, the people in the East, Washington, D.C., comes into our State and says, regardless of local input, I am going to do it.

Do you know what that lady said to me? It is interesting. She said to me, I was sitting in there wondering, wow, is this the country of which Constitution I studied in high school? Is this what the Constitution says? Are you guys really representatives of the people or are you little dictators out there that are just going to decide we will take this land, we will take that land. You know, it does not affect us.

If they go down there, frankly, Mr. Speaker, most of our colleagues in this room will not even blink an eye. If they take 200,000 acres in the Four Corners of Colorado, they will not even blink an eye. They probably will not know what happened.

But what about those families? Oh, there are not a lot of them. In the East you have these big cities. And we have some in the West, but not like you do in the population in the East. It does not affect a lot of people. But do you know what? Those people deserve to have the opportunity to live and dream and enjoy the heritage they have in those mountains and in those special places in the West as much as you do here in the East.

And even if it is just a thousand families, even if it is 100 families, even if it is just 50 families, do the people in the East have a right to come out and dictate the policies of the West without at least local input?

Mr. Speaker, I appreciate very much the gentleman from Utah (Mr. HANSEN) coming down here. I hope that we are able to continue to kind of have a series of discussions into the future.

Mr. Speaker, I yield the balance of my time to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I thank the gentleman for yielding.

Let me point out, if I may, my colleague mentioned a lot between the East and the West. Still, if I may say so, it is really kind of a disaster and a sad time that the East does not have more public ground. You know, they really should have.

We tried to get a bill through a couple years ago that was called the Eastern Wilderness Bill. Basically what it would do, it would say to the big States in the East, why do you not find some ground out there? You maybe have to buy it. You maybe have to condemn it, or whatever, but find some ground. Because people here, they do not have that. They do not even know what it is like.

As my colleague pointed out earlier, everything is private ground. And so,

in a way, they kind of tell the rest of us how to manage our ground even though some have never even been to our areas. They, of course, have that representation here, and many of them do it because they become part of some of these groups that I would characterize as rather radical.

Where do these groups come from? As a college student many years ago at the University of Utah, I was struggling along selling suits for a guy down at ZCMI, a big store, and trying to make ends meet and married with two little kids and my wife was teaching school; and I used to send $5 or so to the Sierra Club because I believed in what they were doing. They were doing things like trying to keep things clean and fresh and that type of thing. And I think the genesis was pure.

I have seen a lot of these change now. I have seen now they have become big industries. I think it is typical of my many years on the Committee on the Interior, 20 years now, or will be at the end of this term, where we see these people, regardless of what we come up with, they keep moving the goal post on us.

We talk about this thing of wilderness and some people say, take the State of Utah, for example, we want three million acres. We will not settle for any less than that. Then that three million acres then went to 5.7 million acres. And now it is up to 9.1. And at the hearing we had last week, some people want 14 million acres.

To come right down to it, if I may be brutally candid here, these people in these industries have started an industry. So they get that. Do they extinguish? Do they go away? Heavens no. They stay here forever. And why is that? They started out with nothing. They just had some people who believed in their heart of hearts they were doing right. And now, as time went on, they have lawyers, they have accountants, they have millions of dollars. They take out full-page ads in New York papers and the Washington Post, it costs them $50,000 a whack, to try to influence people on this floor to influence people out West.

What is it to a lot of our colleagues, anyway? It is a throw-away vote. What do they care? It does not mean anything out there in Idaho or Colorado or Utah or Arizona. Big deal. So they put a lot of money in these people on their campaigns and then they call them up.

I remember years ago, my 14 years on the Committee on Ethics, I had some good friend from the other side of the aisle call me up and say, Jim, why is this organization giving me five grand? I said, well, think about it. And about 2 or 3 weeks later they said, it kind of dawned on me a little bit because you got a bill about your State in Utah and they want my vote. So these people know how to play the game but they do not go away. It is kind of like the downwinders in Utah.

When I was first here in 1980, we got in the situation of how to deploy the MX missile. President Carter came up with an idea of putting it in Utah and Nevada and running in between them. Well, it did not work. It was not a good idea.

I carried the amendment to kill it, in fact, back in those days. The downwinders were totally dedicated to taking the MX out of Utah. The MX is a good missile, but that was not the way to deploy it.

At the end of that, did they go away? Did they extinguish? No. They ran up and said, well, there is an electronic battlefield going up here. Let us see if we can kill that now.

Well, after that finally died because Dick Chaney said he could not afford it, did they go away? No. It kept getting bigger. And then they got an area we are trying to get rid of 43 percent of the obsolete chemical weapons. And now we look at the Sierra Club. Did they go away? Did SUA go away? Did Earth First go away? Did the Audubon Society? Did the Wilderness Society? No.

Well, I am not saying they are not meritorious in some areas. They probably are. But in many areas they have established an industry and they would not settle these things if we wanted to.

I guess nobody in this House is more sensitive to it than me. Because I have been on the Committee of Public Lands, Forests, and Parks for my entire time and I have worked with these folks and they do not want to settle because the industry would end.

Frankly, it disturbs me because we do not have that honest, pure intent of let us get the job done that we should have done.

The gentleman from Colorado (Mr. McINNIS) talked about the Sierra Club going to crack the dam, which is Lake Powell. I do not know if a lot of people here listening understand about Lake Powell, but most of them should. It is one of the biggest reservoirs in the United States. It is 186 miles long. It has more shoreline than the entire West Coast. And people love the area.

The gentleman adequately pointed out the idea that the whole southwest part of America lives because of water. If we did not have the Fontinell and Flaming Gorge, and Lake Mead, and Glen Canyon and Parker and Davis, close up L.A., close up Phoenix and we are done. And hundreds of kilowatt hours, or thousands, millions of kilowatt hours go out of those dams. In fact, on Lake Powell it would take seven coal-fire dams to replace what we would lose from hydropower. And everybody knows that hydropower is the best we have got.

Some of these people do not seem to care. Let a river run through it. Go back to these movie actors that have all these romantic ideas and no knowledge and they do things by a burning in the bosom rather than by science.

It comes down to the idea we need those dams. The gentleman adequately pointed out, one of the greatest vacations anybody could have is to go down to one of these dams. Get a houseboat. Take your ski boat along. The kids will never forget it. When you come down to the choice should you remodel the bathroom or should you take a trip to Lake Powell, take Lake Powell. The kids will remember that much more than they will ever remember remodeling the bathroom.

Well, the one thing, if I may end on this, Mr. Speaker, is I see all these things, those money-raising schemes going out. Protect this land before it is developed. One of the stupidest ones I have ever seen in my life was put out by a movie actor in Provo, Utah, which had all of those beautiful red monoliths of southern Utah and it had superimposed on it condominiums.

Has not anyone heard of the FLPMA Act? Does not anyone understand that BLM, Forest Service, Park Service has management plans? Do they think they let people go out and do that?

What developer would be dumb enough to go out in the middle of some God forsaken, in the minds of some folks, beautiful to a lot of us, and say let us put a condominium on the top of it? That is ridiculous. Have they ever heard of planning commissions? Have they ever heard of rules and laws made by States and counties and cities? Apparently they have not.

What do they sell to some of our good folks back East? They send them back there and they get that and they get this beautiful calendar. In fact, the Southern Utah Wilderness Alliance put out one of the prettiest calendars I have ever seen in my life, and it was all about this Utah BLM bill is how they said it, how they had to protect this ground.

Well, of the 12 months out the year, there was only one, only one, that was Utah BLM ground. As I recall, one was Forest Service and the rest were parks, only one in the area. But, boy, that is nice if you are a dentist out there in New York, as one of my pen-pals is, who criticizes me about once a month. He has that hanging in there and as he leans over there grinding teeth all day, or whatever you do, Mr. Speaker, I know you would know more about that than I would, he can envision the day he can go out and visit that beautiful country and just enjoy it with his family.

We have a coal fire plant out there. And this one fellow said to me one time, when I come to Utah, I do not want to see that smoke stack. Well, that smoke stack is in a pretty remote area called Linden, Utah, right out on the west desert. I doubt if he would see it. We have put millions of dollars in putting scrubbers on it so it will not put any pollutants in the air. In fact, it is so clean that we have that local

Grand Staircase, but I will not go into that. They had to throw sulphur into it even to check the thing out, which is amazing. But he did not want to see that thing. But out of that, millions and millions of people have power. And that is kind of necessary too.

So, as the gentleman from Colorado (Mr. MCINNIS) points out, there is a moderation in there. It is not this side or that side. Somewhere we can say there is moderation in all things. I do not know who came up with the term, it ought to be scriptural because that is what makes sense; and thinking people, people who can sit down and be reasonable and think things out, can find that middle ground. We do not always have to take these polarized, extreme positions.

I say to our many, many, many friends from the East who spend millions of dollars on these organizations, think about it a little bit. The rest of us have some rights, too. We just want to get along with our Eastern friends.

RECESS

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 59 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2037

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 8 o'clock and 37 minutes p.m.

CONFERENCE REPORT ON H.R. 3064, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. ISTOOK submitted the following conference report and statement on the bill (H.R. 3064) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–419)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3064) ''making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, 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 District of Columbia, and for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, namely:

DIVISION A

DISTRICT OF COLUMBIA APPROPRIATIONS

For programs, projects, or activities in the District of Columbia Appropriations Act, 2000, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

An Act Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes.

TITLE I—FISCAL YEAR 2000 APPROPRIATIONS

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia for a program to be administered by the Mayor for District of Columbia resident tuition support, subject to the enactment of authorizing legislation for such program by Congress, $17,000,000, to remain available until expended: Provided, That such funds may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, usable at both public and private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit and such other factors as may be authorized: Provided further, That if the authorized program is a nationwide program, the Mayor may expend up to $17,000,000: Provided further, That if the authorized program is for a limited number of States, the Mayor may expend up to $11,000,000: Provided further, That the District of Columbia may expend funds other than the funds provided under this heading, including local tax revenues and contributions, to support such program.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, $5,000,000: Provided, That such funds shall remain available until September 30, 2001 and shall be used in accordance with a program established by the Mayor and the Council of the District of Columbia and approved by the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That funds provided under this heading may be used to cover the costs to the District of Columbia of providing tax credits to offset the costs incurred by individuals in adopting children in the District of Columbia foster care system and in providing for the health care needs of such children, in accordance with legislation enacted by the District of Columbia government.

FEDERAL PAYMENT TO THE CITIZEN COMPLAINT REVIEW BOARD

For a Federal payment to the District of Columbia for administrative expenses of the Citizen Complaint Review Board, $500,000, to remain available until September 30, 2001.

FEDERAL PAYMENT TO THE DEPARTMENT OF HUMAN SERVICES

For a Federal payment to the Department of Human Services for a mentoring program and for hotline services, $250,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, $176,000,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712): Provided, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That in addition to the funds provided under this heading, the District of Columbia Corrections Trustee may use a portion of the interest earned on the Federal payment made to the Trustee under the District of Columbia Appropriations Act, 1998, (not to exceed $4,600,000) to carry out the activities funded under this heading.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $99,714,000 to be allocated as follows: for the District of Columbia Court of Appeals, $7,209,000; for the District of Columbia Superior Court, $68,351,000; for the District of Columbia Court System, $16,154,000; and $8,000,000, to remain available until September 30, 2001, for capital improvements for District of Columbia courthouse facilities: Provided, That of the amounts available for operations of the District of Columbia Courts, not to exceed $2,500,000 shall be for the design of an Integrated Justice Information System and that such funds shall be used in accordance with a plan and design developed by the courts and approved by the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $33,336,000, to remain available until expended: Provided, That the funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $8,000,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: Provided further, That in

addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use a portion (not to exceed $1,200,000) of the interest earned on the Federal payment made to the District of Columbia courts under the District of Columbia Appropriations Act, 1999, together with funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $8,000,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during fiscal year 1999 if the Comptroller General certifies that the amount of obligations lawfully incurred for such payments during fiscal year 1999 exceeds the obligational authority otherwise available for making such payments: Provided further, That such funds shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, (Public Law 105–33; 111 Stat. 712), $93,800,000, of which $58,600,000 shall be for necessary expenses of Parole Revocation, Adult Probation, Offender Supervision, and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $17,400,000 shall be available to the Public Defender Service; and $17,800,000 shall be available to the Pretrial Services Agency: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That of the amounts made available under this heading, $20,492,000 shall be used in support of universal drug screening and testing for those individuals on pretrial, probation, or parole supervision with continued testing, intermediate sanctions, and treatment for those identified in need, of which $7,000,000 shall be for treatment services.

CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal contribution to the Children's National Medical Center in the District of Columbia, $2,500,000 for construction, renovation, and information technology infrastructure costs associated with establishing community pediatric health clinics for high risk children in medically underserved areas of the District of Columbia.

FEDERAL PAYMENT FOR METROPOLITAN POLICE DEPARTMENT

For payment to the Metropolitan Police Department, $1,000,000, for a program to eliminate open air drug trafficking in the District of Columbia: Provided, That the Chief of Police shall provide quarterly reports to the Committees on Appropriations of the Senate and House of Representatives by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the project financed under this heading.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $162,356,000 (including $137,134,000 from local funds, $11,670,000 from Federal funds, and $13,552,000 from other funds): Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor: Provided further, That, notwithstanding any other provision of law now or hereafter enacted, no Member of the District of Columbia Council eligible to earn a part-time salary of $92,520, exclusive of the Council Chairman, shall be paid a salary of more than $84,635 during fiscal year 2000.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $190,335,000 (including $52,911,000 from local funds, $84,751,000 from Federal funds, and $52,673,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.), and the Business Improvement Districts Temporary Amendment Act of 1997 (D.C. Law 12–23): Provided, That such funds are available for acquiring services provided by the General Services Administration: Provided further, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase or lease of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $778,770,000 (including $565,511,000 from local funds, $29,012,000 from Federal funds, and $184,247,000 from other funds): Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate on efforts to increase efficiency and improve the professionalism in the department: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: Provided further, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: Provided further, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: Provided further, That $100,000 shall be available for inmates released on medical and geriatric parole: Provided further, That commencing on December 31, 1999, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia: Provided further, That up to $700,000 in local funds shall be available for the operations of the Citizen Complaint Review Board.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $867,411,000 (including $721,847,000 from local funds, $120,951,000 from Federal funds, and $24,613,000 from other funds), to be allocated as follows: $713,197,000 (including $600,936,000 from local funds, $106,213,000 from Federal funds, and $6,048,000 from other funds), for the public schools of the District of Columbia; $10,700,000 from local funds for the District of Columbia Teachers' Retirement Fund; $17,000,000 from local funds, previously appropriated in this Act as a Federal payment, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; $27,885,000 from local funds for public charter schools: Provided, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for new public charter schools on a per pupil basis: Provided further, That $480,000 of this amount shall be available to the District of Columbia Public

Charter School Board for administrative costs; $72,347,000 (including $40,491,000 from local funds, $13,536,000 from Federal funds, and $18,320,000 from other funds) for the University of the District of Columbia; $24,171,000 (including $23,128,000 from local funds, $798,000 from Federal funds, and $245,000 from other funds) for the Public Library; $2,111,000 (including $1,707,000 from local funds and $404,000 from Federal funds) for the Commission on the Arts and Humanities: Provided further, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: Provided further, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled ''An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes'', approved February 4, 1925 (D.C. Code, sec. 31–401 et seq.): Provided further, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2000 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2000, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: Provided further, That the District of Columbia Public Schools shall not spend less than $365,500,000 on local schools through the Weighted Student Formula in fiscal year 2000: Provided further, That notwithstanding any other provision of law, the Chief Financial Officer of the District of Columbia shall apportion from the budget of the District of Columbia Public Schools a sum totaling 5 percent of the total budget to be set aside until the current student count for Public and Charter schools has been completed, and that this amount shall be apportioned between the Public and Charter schools based on their respective student population count: Provided further, That the District of Columbia Public Schools may spend $500,000 to engage in a Schools Without Violence program based on a model developed by the University of North Carolina, located in Greensboro, North Carolina.

HUMAN SUPPORT SERVICES

Human support services, $1,526,361,000 (including $635,373,000 from local funds, $875,814,000 from Federal funds, and $15,174,000 from other funds): Provided, That $25,150,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That a peer review committee shall be established to review medical payments and the type of service received by a disability compensation claimant: Provided further, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $271,395,000 (including $258,341,000 from local funds, $3,099,000 from Federal funds, and $9,955,000 from other funds): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, $342,077,000 (including $217,606,000 from local funds, $106,111,000 from Federal funds, and $18,360,000 from other funds).

WORKFORCE INVESTMENTS

For workforce investments, $8,500,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

RESERVE

For a reserve to be established by the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority, $150,000,000.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (109 Stat. 97; Public Law 104–8), $3,140,000: Provided, That none of the funds contained in this Act may be used to pay any compensation of the Executive Director or General Counsel of the Authority at a rate in excess of the maximum rate of compensation which may be paid to such individual during fiscal year 2000 under section 102 of such Act, as determined by the Comptroller General (as described in GAO letter report B–279095.2).

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973, as amended, and that funds shall be allocated for expenses associated with the Wilson Building, $328,417,000 from local funds: Provided, That for equipment leases, the Mayor may finance $27,527,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: Provided further, That $5,300,000 is allocated to the Metropolitan Police Department, $3,200,000 for the Fire and Emergency Medical Services Department, $350,000 for the Department of Corrections, $15,949,000 for the Department of Public Works and $2,728,000 for the Public Benefit Corporation.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,286,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act (105 Stat. 540; D.C. Code, sec. 47–321(a)(1)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $9,000,000 from local funds.

CERTIFICATES OF PARTICIPATION

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,950,000 from local funds.

OPTICAL AND DENTAL INSURANCE PAYMENTS

For optical and dental insurance payments, $1,295,000 from local funds.

PRODUCTIVITY BANK

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall finance projects totaling $20,000,000 in local funds that result in cost savings or additional revenues, by an amount equal to such financing: Provided, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the projects financed under this heading.

PRODUCTIVITY BANK SAVINGS

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions totaling $20,000,000 in local funds. The reductions are to be allocated to projects funded through the Productivity Bank that produce cost savings or additional revenues in an amount equal to the Productivity Bank financing: Provided, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the cost savings or additional revenues funded under this heading.

PROCUREMENT AND MANAGEMENT SAVINGS

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of $14,457,000 for general supply schedule savings and $7,000,000 for management reform savings, in local funds to one or more of the appropriation headings in this Act: Provided, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the general supply schedule savings and management reform savings projected under this heading.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For operation of the Water and Sewer Authority and the Washington Aqueduct, $279,608,000 from other funds (including $236,075,000 for the Water and Sewer Authority and $43,533,000 for the Washington Aqueduct) of which $35,222,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $197,169,000, as authorized by the Act entitled ''An Act authorizing the laying of watermains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes'' (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): Provided, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982 (95 Stat. 1174 and 1175; Public Law 97–91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3–172; D.C. Code, sec. 2–2501 et seq. and sec. 22–1516 et seq.), $234,400,000: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $10,846,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by the Act entitled ''An Act To Establish A District of Columbia Armory Board, and for other purposes'' (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION

For the District of Columbia Health and Hospitals Public Benefit Corporation, established by D.C. Law 11–212; D.C. Code, sec. 32–262.2, $133,443,000 of which $44,435,000 shall be derived by transfer from the general fund and $89,008,000 from other funds.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Code, sec. 1–711), $9,892,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: Provided further, That section 121(c)(1) of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1–711(c)(1)) is amended by striking ''the total amount to which a member may be entitled'' and all that follows and inserting the following: ''the total amount to which a member may be entitled under this subsection during a year (beginning with 1998) may not exceed $5,000, except that in the case of the Chairman of the Board and the Chairman of the Investment Committee of the Board, such amount may not exceed $7,500 (beginning with 2000).''.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act (78 Stat. 1000; Public Law 88–622), $1,810,000 from other funds.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $50,226,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, $1,260,524,000 of which $929,450,000 is from local funds, $54,050,000 is from the highway trust fund, and $277,024,000 is from Federal funds, and a rescission of $41,886,500 from local funds appropriated under this heading in prior fiscal years, for a net amount of $1,218,637,500 to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 2001, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2001: Provided further, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official, and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: Provided, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the payment of the non-Federal share of funds necessary to qualify for grants under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994.

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform, the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 116. None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that

remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in this Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project, or responsibility center; unless the Appropriations Committees of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

SEC. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia government.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: Provided, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 119. (a) CITY ADMINISTRATOR.—The last sentence of section 422(7) of the District of Columbia Home Rule Act (D.C. Code, sec. 1–242(7)) is amended by striking '', not to exceed'' and all that follows and inserting a period.

(b) BOARD OF DIRECTORS OF REDEVELOPMENT LAND AGENCY.—Section 1108(c)(2)(F) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–612.8(c)(2)(F)) is amended to read as follows:

''(F) Redevelopment Land Agency board members shall be paid per diem compensation at a rate established by the Mayor, except that such rate may not exceed the daily equivalent of the annual rate of basic pay for level 15 of the District Schedule for each day (including travel time) during which they are engaged in the actual performance of their duties.''.

SEC. 120. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 121. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2000, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2000 revenue estimates as of the end of the first quarter of fiscal year 2000. These estimates shall be used in the budget request for the fiscal year ending September 30, 2001. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 122. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: Provided, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 123. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), the term ''program, project, and activity'' shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 124. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 125. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2000 if—

(1) the Mayor approves the acceptance and use of the gift or donation: Provided, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term ''entity of the District of Columbia government'' includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 126. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 127. (a) The University of the District of Columbia shall submit to the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last quarter in compliance with applicable law; and

(5) changes made in the last quarter to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

(b) The Mayor, the Authority, and the Council shall provide the Congress by February 1, 2000, a summary, analysis, and recommendations on the information provided in the quarterly reports.

SEC. 128. Funds authorized or previously appropriated to the government of the District of Columbia by this or any other Act to procure the necessary hardware and installation of new software, conversion, testing, and training to improve or replace its financial management system are also available for the acquisition of accounting and financial management services and the leasing of necessary hardware, software or any other related goods or services, as determined by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 129. (a) None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) if—

(1) the hourly rate of compensation of the attorney exceeds 120 percent of the hourly rate of compensation under section 11–2604(a), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds 120 percent of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11–2604(c), District of Columbia Code.

(b) Notwithstanding the preceding subsection, if the Mayor, District of Columbia Financial Responsibility and Management Assistance Authority and the Superintendent of the District of Columbia Public Schools concur in a Memorandum of Understanding setting forth a new rate and amount of compensation, then such new rates shall apply in lieu of the rates set forth in the preceding subsection.

SEC. 130. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would

be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 131. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 132. The Superintendent of the District of Columbia Public Schools shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget, broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the District of Columbia Public Schools; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(5) changes made in the last quarter to the organizational structure of the District of Columbia Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 133. (a) IN GENERAL.—The Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia public schools and the University of the District of Columbia for fiscal year 1999, fiscal year 2000, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia public schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

SEC. 134. (a) No later than November 1, 1999, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, and each succeeding year, the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301).

SEC. 135. The District of Columbia Financial Responsibility and Management Assistance Authority, acting on behalf of the District of Columbia Public Schools (DCPS) in formulating the DCPS budget, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve the respective annual or revised budgets for such entities before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

SEC. 136. (a) CEILING ON TOTAL OPERATING EXPENSES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2000 under the heading ''Division of Expenses'' shall not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year; or

(B) $5,515,379,000 (of which $152,753,000 shall be from intra-District funds and $3,113,854,000 shall be from local funds), which amount may be increased by the following:

(i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs approved by the District of Columbia Financial Responsibility and Management Assistance Authority; or

(ii) after notification to the Council, additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures, and that are approved by the Authority.

(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the Authority shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2000, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor, in consultation with the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8; 109 Stat. 152), may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

(c) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 1999, the Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

SEC. 137. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 2000 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council,

for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act (87 Stat. 774; Public Law 93–198) the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 138. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia public schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 139. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) INVENTORY OF VEHICLES.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 1999, an inventory, as of September 30, 1999, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 140. (a) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 2000 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(b) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–601.1 et seq.), is further amended in section 2408(a) by striking ''1999'' and inserting ''2000''; in subsection (b), by striking ''1999'' and inserting ''2000''; in subsection (i), by striking ''1999'' and inserting ''2000''; and in subsection (k), by striking ''1999'' and inserting ''2000''.

SEC. 141. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 142. (a) COMPLIANCE WITH BUY AMERICAN ACT.—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 agency of the Federal or District of Columbia government 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. 143. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 2000 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1–1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 144. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the District of Columbia Financial Responsibility and Management Assistance Authority. Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans.

SEC. 145. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 146. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 147. None of the funds contained in this Act may be used to transfer or confine inmates classified above the medium security level, as defined by the Federal Bureau of Prisons classification instrument, to the Northeast Ohio Correctional Center located in Youngstown, Ohio.

SEC. 148. (a) Section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8), as added by section 155 of the District of Columbia Appropriations Act, 1999, is amended to read as follows:

''(j) RESERVE.—

''(1) IN GENERAL.—Beginning with fiscal year 2000, the plan or budget submitted pursuant to this Act shall contain $150,000,000 for a reserve to be established by the Mayor, Council of the District of Columbia, Chief Financial Officer for the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority.

''(2) CONDITIONS ON USE.—The reserve funds—

''(A) shall only be expended according to criteria established by the Chief Financial Officer and approved by the Mayor, Council of the District of Columbia, and District of Columbia Financial Responsibility and Management Assistance Authority, but, in no case may any of the reserve funds be expended until any other surplus funds have been used;

''(B) shall not be used to fund the agencies of the District of Columbia government under court ordered receivership; and

''(C) shall not be used to fund shortfalls in the projected reductions budgeted in the budget proposed by the District of Columbia government for general supply schedule savings and management reform savings.

''(3) REPORT REQUIREMENT.—The Authority shall notify the Appropriations Committees of both the Senate and House of Representatives in writing 30 days in advance of any expenditure of the reserve funds.''.

(b) Section 202 of such Act (Public Law 104–8), as amended by subsection (a), is further amended by adding at the end the following:

''(k) POSITIVE FUND BALANCE.—

''(1) IN GENERAL.—The District of Columbia shall maintain at the end of a fiscal year an annual positive fund balance in the general fund of not less than 4 percent of the projected general fund expenditures for the following fiscal year.

''(2) EXCESS FUNDS.—Of funds remaining in excess of the amounts required by paragraph (1)—

''(A) not more than 50 percent may be used for authorized non-recurring expenses; and

''(B) not less than 50 percent shall be used to reduce the debt of the District of Columbia.''.

SEC. 149. (a) No later than November 1, 1999, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority a revised appropriated funds operating budget for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-

personal-services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301).

SEC. 150. None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 151. (a) RESTRICTIONS ON LEASES.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to make rental payments under a lease for the use of real property by the District of Columbia government (including any independent agency of the District) unless the lease and an abstract of the lease have been filed (by the District of Columbia or any other party to the lease) with the central office of the Deputy Mayor for Economic Development, in an indexed registry available for public inspection.

(b) ADDITIONAL RESTRICTIONS ON CURRENT LEASES.—

(1) IN GENERAL.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, in the case of a lease described in paragraph (3), none of the funds contained in this Act may be used to make rental payments under the lease unless the lease is included in periodic reports submitted by the Mayor and Council of the District of Columbia to the Committees on Appropriations of the House of Representatives and Senate describing for each such lease the following information:

(A) The location of the property involved, the name of the owners of record according to the land records of the District of Columbia, the name of the lessors according to the lease, the rate of payment under the lease, the period of time covered by the lease, and the conditions under which the lease may be terminated.

(B) The extent to which the property is or is not occupied by the District of Columbia government as of the end of the reporting period involved.

(C) If the property is not occupied and utilized by the District government as of the end of the reporting period involved, a plan for occupying and utilizing the property (including construction or renovation work) or a status statement regarding any efforts by the District to terminate or renegotiate the lease.

(2) TIMING OF REPORTS.—The reports described in paragraph (1) shall be submitted for each calendar quarter (beginning with the quarter ending December 31, 1999) not later than 20 days after the end of the quarter involved, plus an initial report submitted not later than 60 days after the date of the enactment of this Act, which shall provide information as of the date of the enactment of this Act.

(3) LEASES DESCRIBED.—A lease described in this paragraph is a lease in effect as of the date of the enactment of this Act for the use of real property by the District of Columbia government (including any independent agency of the District) which is not being occupied by the District government (including any independent agency of the District) as of such date or during the 60-day period which begins on the date of the enactment of this Act.

SEC. 152. (a) MANAGEMENT OF EXISTING DISTRICT GOVERNMENT PROPERTY.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to enter into a lease (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) or to purchase real property for the use of the District of Columbia government (including any independent agency of the District) or to manage real property for the use of the District of Columbia (including any independent agency of the District) unless the following conditions are met:

(1) The Mayor and Council of the District of Columbia certify to the Committees on Appropriations of the House of Representatives and Senate that existing real property available to the District (whether leased or owned by the District government) is not suitable for the purposes intended.

(2) Notwithstanding any other provisions of law, there is made available for sale or lease all real property of the District of Columbia that the Mayor from time-to-time determines is surplus to the needs of the District of Columbia, unless a majority of the members of the Council override the Mayor's determination during the 30-day period which begins on the date the determination is published.

(3) The Mayor and Council implement a program for the periodic survey of all District property to determine if it is surplus to the needs of the District.

(4) The Mayor and Council within 60 days of the date of the enactment of this Act have filed with the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform and Oversight of the House of Representatives, and the Committee on Governmental Affairs of the Senate a report which provides a comprehensive plan for the management of District of Columbia real property assets, and are proceeding with the implementation of the plan.

(b) TERMINATION OF PROVISIONS.—If the District of Columbia enacts legislation to reform the practices and procedures governing the entering into of leases for the use of real property by the District of Columbia government and the disposition of surplus real property of the District government, the provisions of subsection (a) shall cease to be effective upon the effective date of the legislation.

SEC. 153. Section 603(e)(2)(B) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104–208; 110 Stat. 3009–293) is amended—

(1) by inserting ''and public charter'' after ''public''; and

(2) by adding at the end the following: ''Of such amounts and proceeds, $5,000,000 shall be set aside for use as a credit enhancement fund for public charter schools in the District of Columbia, with the administration of the fund (including the making of loans) to be carried out by the Mayor through a committee consisting of three individuals appointed by the Mayor of the District of Columbia and two individuals appointed by the Public Charter School Board established under section 2214 of the District of Columbia School Reform Act of 1995.''.

SEC. 154. The Mayor, District of Columbia Financial Responsibility and Management Assistance Authority, and the Superintendent of Schools shall implement a process to dispose of excess public school real property within 90 days of the enactment of this Act.

SEC. 155. Section 2003 of the District of Columbia School Reform Act of 1995 (Public Law 104–134; D.C. Code, sec. 31–2851) is amended by striking ''during the period'' and ''and ending 5 years after such date.''.

SEC. 156. Section 2206(c) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; D.C. Code, sec. 31–2853.16(c)) is amended by adding at the end the following: '', except that a preference in admission may be given to an applicant who is a sibling of a student already attending or selected for admission to the public charter school in which the applicant is seeking enrollment.''.

SEC. 157. (a) TRANSFER OF FUNDS.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter referred to as the ''Authority'') to the District of Columbia the sum of $18,000,000 for severance payments to individuals separated from employment during fiscal year 2000 (under such terms and conditions as the Mayor considers appropriate), expanded contracting authority of the Mayor, and the implementation of a system of managed competition among public and private providers of goods and services by and on behalf of the District of Columbia: Provided, That such funds shall be used only in accordance with a plan agreed to by the Council and the Mayor and approved by the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the Authority and the Mayor shall coordinate the spending of funds for this program so that continuous progress is made. The Authority shall release said funds, on a quarterly basis, to reimburse such expenses, so long as the Authority certifies that the expenses reduce re-occurring future costs at an annual ratio of at least 2 to 1 relative to the funds provided, and that the program is in accordance with the best practices of municipal government.

(b) SOURCE OF FUNDS.—The amount transferred under subsection (a) shall be derived from interest earned on accounts held by the Authority on behalf of the District of Columbia.

SEC. 158. (a) IN GENERAL.—The District of Columbia Financial Responsibility and Management Assistance Authority (hereafter referred to as the ''Authority''), working with the Commonwealth of Virginia and the Director of the National Park Service, shall carry out a project to complete all design requirements and all requirements for compliance with the National Environmental Policy Act for the construction of expanded lane capacity for the Fourteenth Street Bridge.

(b) SOURCE OF FUNDS; TRANSFER.—For purposes of carrying out the project under subsection (a), there is hereby transferred to the Authority from the District of Columbia dedicated highway fund established pursuant to section 3(a) of the District of Columbia Emergency Highway Relief Act (Public Law 104–21; D.C. Code, sec. 7–134.2(a)) an amount not to exceed $5,000,000.

SEC. 159. (a) IN GENERAL.—The Mayor of the District of Columbia shall carry out through the Army Corps of Engineers, an Anacostia River environmental cleanup program.

(b) SOURCE OF FUNDS.—There are hereby transferred to the Mayor from the escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority pursuant to section 134 of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–552), for infrastructure needs of the District of Columbia, $5,000,000.

SEC. 160. (a) PROHIBITING PAYMENT OF ADMINISTRATIVE COSTS FROM FUND.—Section 16(e) of the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3–435(e)) is amended—

(1) by striking ''and administrative costs necessary to carry out this chapter''; and

(2) by striking the period at the end and inserting the following: '', and no monies in the Fund may be used for any other purpose.''.

(b) MAINTENANCE OF FUND IN TREASURY OF THE UNITED STATES.—

(1) IN GENERAL.—Section 16(a) of such Act (D.C. Code, sec. 3–435(a)) is amended by striking the second sentence and inserting the following: ''The Fund shall be maintained as a separate fund in the Treasury of the United States. All amounts deposited to the credit of the Fund are

appropriated without fiscal year limitation to make payments as authorized under subsection (e).''.

(2) CONFORMING AMENDMENT.—Section 16 of such Act (D.C. Code, sec. 3–435) is amended by striking subsection (d).

(c) DEPOSIT OF OTHER FEES AND RECEIPTS INTO FUND.—Section 16(c) of such Act (D.C. Code, sec. 3–435(c)) is amended by inserting after ''1997,'' the second place it appears the following: ''any other fines, fees, penalties, or assessments that the Court determines necessary to carry out the purposes of the Fund,''.

(d) ANNUAL TRANSFER OF UNOBLIGATED BALANCES TO MISCELLANEOUS RECEIPTS OF TREASURY.—Section 16 of such Act (D.C. Code, sec. 3–435), as amended by subsection (b)(2), is further amended by inserting after subsection (c) the following new subsection:

''(d) Any unobligated balance existing in the Fund in excess of $250,000 as of the end of each fiscal year (beginning with fiscal year 2000) shall be transferred to miscellaneous receipts of the Treasury of the United States not later than 30 days after the end of the fiscal year.''.

(e) RATIFICATION OF PAYMENTS AND DEPOSITS.—Any payments made from or deposits made to the Crime Victims Compensation Fund on or after April 9, 1997 are hereby ratified, to the extent such payments and deposits are authorized under the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3–421 et seq.), as amended by this section.

SEC. 161. CERTIFICATION.—None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and their agency as a result of this Act.

SEC. 162. The proposed budget of the government of the District of Columbia for fiscal year 2001 that is submitted by the District to Congress shall specify potential adjustments that might become necessary in the event that the management savings achieved by the District during the year do not meet the level of management savings projected by the District under the proposed budget.

SEC. 163. In submitting any document showing the budget for an office of the District of Columbia government (including an independent agency of the District) that contains a category of activities labeled as ''other'', ''miscellaneous'', or a similar general, nondescriptive term, the document shall include a description of the types of activities covered in the category and a detailed breakdown of the amount allocated for each such activity.

SEC. 164. (a) AUTHORIZING CORPS OF ENGINEERS TO PERFORM REPAIRS AND IMPROVEMENTS.—In using the funds made available under this Act for carrying out improvements to the Southwest Waterfront in the District of Columbia (including upgrading marina dock pilings and paving and restoring walkways in the marina and fish market areas) for the portions of Federal property in the Southwest quadrant of the District of Columbia within Lots 847 and 848, a portion of Lot 846, and the unassessed Federal real property adjacent to Lot 848 in Square 473, any entity of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority or its designee) may place orders for engineering and construction and related services with the Chief of Engineers of the United States Army Corps of Engineers. The Chief of Engineers may accept such orders on a reimbursable basis and may provide any part of such services by contract. In providing such services, the Chief of Engineers shall follow the Federal Acquisition Regulations and the implementing Department of Defense regulations.

(b) TIMING FOR AVAILABILITY OF FUNDS UNDER 1999 ACT.—

(1) IN GENERAL.—The District of Columbia Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–124) is amended in the item relating to ''FEDERAL FUNDS—FEDERAL PAYMENT FOR WATERFRONT IMPROVEMENTS''—

(A) by striking ''existing lessees'' the first place it appears and inserting ''existing lessees of the Marina''; and

(B) by striking ''the existing lessees'' the second place it appears and inserting ''such lessees''.

(2) EFFECTIVE DATE.—This subsection shall take effect as if included in the District of Columbia Appropriations Act, 1999.

(c) ADDITIONAL FUNDING FOR IMPROVEMENTS CARRIED OUT THROUGH CORPS OF ENGINEERS.—

(1) IN GENERAL.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority to the Mayor the sum of $3,000,000 for carrying out the improvements described in subsection (a) through the Chief of Engineers of the United States Army Corps of Engineers.

(2) SOURCE OF FUNDS.—The funds transferred under paragraph (1) shall be derived from the escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority pursuant to section 134 of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–552), for infrastructure needs of the District of Columbia.

(d) QUARTERLY REPORTS ON PROJECT.—The Mayor shall submit reports to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate on the status of the improvements described in subsection (a) for each calendar quarter occurring until the improvements are completed.

SEC. 165. It is the sense of the Congress that the District of Columbia should not impose or take into consideration any height, square footage, set-back, or other construction or zoning requirements in authorizing the issuance of industrial revenue bonds for a project of the American National Red Cross at 2025 E Street Northwest, Washington, D.C., in as much as this project is subject to approval of the National Capital Planning Commission and the Commission of Fine Arts pursuant to section 11 of the joint resolution entitled ''Joint Resolution to grant authority for the erection of a permanent building for the American National Red Cross, District of Columbia Chapter, Washington, District of Columbia'', approved July 1, 1947 (Public Law 100–637; 36 U.S.C. 300108 note).

SEC. 166. (a) PERMITTING COURT SERVICES AND OFFENDER SUPERVISION AGENCY TO CARRY OUT SEX OFFENDER REGISTRATION.—Section 11233(c) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24–1233(c)) is amended by adding at the end the following new paragraph:

''(5) SEX OFFENDER REGISTRATION.—The Agency shall carry out sex offender registration functions in the District of Columbia, and shall have the authority to exercise all powers and functions relating to sex offender registration that are granted to the Agency under any District of Columbia law.''.

(b) AUTHORITY DURING TRANSITION TO FULL OPERATION OF AGENCY.—

(1) AUTHORITY OF PRETRIAL SERVICES, PAROLE, ADULT PROBATION AND OFFENDER SUPERVISION TRUSTEE.—Notwithstanding section 11232(b)(1) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24–1232(b)(1)), the Pretrial Services, Parole, Adult Probation and Offender Supervision Trustee appointed under section 11232(a) of such Act (hereafter referred to as the ''Trustee'') shall, in accordance with section 11232 of such Act, exercise the powers and functions of the Court Services and Offender Supervision Agency for the District of Columbia (hereafter referred to as the ''Agency'') relating to sex offender registration (as granted to the Agency under any District of Columbia law) only upon the Trustee's certification that the Trustee is able to assume such powers and functions.

(2) AUTHORITY OF METROPOLITAN POLICE DEPARTMENT.—During the period that begins on the date of the enactment of the Sex Offender Registration Emergency Act of 1999 and ends on the date the Trustee makes the certification described in paragraph (1), the Metropolitan Police Department of the District of Columbia shall have the authority to carry out any powers and functions relating to sex offender registration that are granted to the Agency or to the Trustee under any District of Columbia law.

SEC. 167. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 168. (a) IN GENERAL.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority (hereinafter referred to as the ''Authority'') to the District of Columbia the sum of $5,000,000 for the Mayor, in consultation with the Council of the District of Columbia, to provide offsets against local taxes for a commercial revitalization program, such program to be available in enterprise zones and low and moderate income areas in the District of Columbia: Provided, That in carrying out such a program, the Mayor shall use Federal commercial revitalization proposals introduced in Congress as a guideline.

(b) SOURCE OF FUNDS.—The amount transferred under subsection (a) shall be derived from interest earned on accounts held by the Authority on behalf of the District of Columbia.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Mayor shall report to the Committees on Appropriations of the Senate and House of Representatives on the progress made in carrying out the commercial revitalization program.

SEC. 169. Section 456 of the District of Columbia Home Rule Act (section 47–231 et seq. of the D.C. Code, as added by the Federal Payment Reauthorization Act of 1994 (Public Law 103–373)) is amended—

(1) in subsection (a)(1), by striking ''District of Columbia Financial Responsibility and Management Assistance Authority'' and inserting ''Mayor''; and

(2) in subsection (b)(1), by striking ''Authority'' and inserting ''Mayor''.

SEC. 170. (a) FINDINGS.—The Congress finds the following:

(1) The District of Columbia has recently witnessed a spate of senseless killings of innocent citizens caught in the crossfire of shootings. A Justice Department crime victimization survey found that while the city saw a decline in the homicide rate between 1996 and 1997, the rate was the highest among a dozen cities and more than double the second highest city.

(2) The District of Columbia has not made adequate funding available to fight drug abuse

in recent years, and the city has not deployed its resources as effectively as possible. In fiscal year 1998, $20,900,000 was spent on publicly funded drug treatment in the District compared to $29,000,000 in fiscal year 1993. The District's Addiction and Prevention and Recovery Agency currently has only 2,200 treatment slots, a 50 percent drop from 1994, with more than 1,100 people on waiting lists.

(3) The District of Columbia has seen a rash of inmate escapes from halfway houses. According to Department of Corrections records, between October 21, 1998 and January 19, 1999, 376 of the 1,125 inmates assigned to halfway houses walked away. Nearly 280 of the 376 escapees were awaiting trial including two charged with murder.

(4) The District of Columbia public schools system faces serious challenges in correcting chronic problems, particularly long-standing deficiencies in providing special education services to the 1 in 10 District students needing program benefits, including backlogged assessments, and repeated failure to meet a compliance agreement on special education reached with the Department of Education.

(5) Deficiencies in the delivery of basic public services from cleaning streets to waiting time at Department of Motor Vehicles to a rat population estimated earlier this year to exceed the human population have generated considerable public frustration.

(6) Last year, the District of Columbia forfeited millions of dollars in Federal grants after Federal auditors determined that several agencies exceeded grant restrictions and in other instances, failed to spend funds before the grants expired.

(7) Findings of a 1999 report by the Annie E. Casey Foundation that measured the well-being of children reflected that, with one exception, the District ranked worst in the United States in every category from infant mortality to the rate of teenage births to statistics chronicling child poverty.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that in considering the District of Columbia's fiscal year 2001 budget, the Congress will take into consideration progress or lack of progress in addressing the following issues:

(1) Crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets.

(2) Access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs.

(3) Management of parolees and pretrial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes.

(4) Education, including access to special education services and student achievement.

(5) Improvement in basic city services, including rat control and abatement.

(6) Application for and management of Federal grants.

(7) Indicators of child well-being.

SEC. 171. The Mayor, prior to using Federal Medicaid payments to Disproportionate Share Hospitals to serve a small number of childless adults, should consider the recommendations of the Health Care Development Commission that has been appointed by the Council of the District of Columbia to review this program, and consult and report to Congress on the use of these funds.

SEC. 172. GAO STUDY OF DISTRICT OF COLUMBIA CRIMINAL JUSTICE SYSTEM. Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the law enforcement, court, prison, probation, parole, and other components of the criminal justice system of the District of Columbia, in order to identify the components most in need of additional resources, including financial, personnel, and management resources; and

(2) submit to Congress a report on the results of the study under paragraph (1).

SEC. 173. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 174. WIRELESS COMMUNICATIONS. (a) IN GENERAL.—Not later than 7 days after the date of the enactment of this Act, the Secretary of the Interior, acting through the Director of the National Park Service, shall—

(1) implement the notice of decision approved by the National Capital Regional Director, dated April 7, 1999, including the provisions of the notice of decision concerning the issuance of right-of-way permits at market rates; and

(2) expend such sums as are necessary to carry out paragraph (1).

(b) ANTENNA APPLICATIONS.—

(1) IN GENERAL.—Not later than 120 days after the receipt of an application, a Federal agency that receives an application submitted after the enactment of this Act to locate a wireless communications antenna on Federal property in the District of Columbia or surrounding area over which the Federal agency exercises control shall take final action on the application, including action on the issuance of right-of-way permits at market rates.

(2) EXISTING LAW.—Nothing in this subsection shall be construed to affect the applicability of existing laws regarding—

(A) judicial review under chapter 7 of title 5, United States Code (the Administrative Procedure Act), and the Communications Act of 1934;

(B) the National Environmental Policy Act, the National Historic Preservation Act and other applicable Federal statutes; and

(C) the authority of a State or local government or instrumentality thereof, including the District of Columbia, in the placement, construction, and modification of personal wireless service facilities.

SEC. 175. (a)(1) The first paragraph under the heading ''Community Development Block Grants'' in title II of H.R. 2684 (Public Law 106–74) is amended by inserting after ''National American Indian Housing Council,'' the following: ''$4,000,000 shall be available as a grant for the Special Olympics in Anchorage, Alaska to develop the Ben Boeke Arena and Hilltop Ski Area,''; and

(2) The paragraph that includes the words ''Economic Development Initiative (EDI)'' under the heading ''Community Development Block Grants'' in title II of H.R. 2684 (Public Law 106–74) is amended by striking ''$240,000,000'' and inserting ''$243,500,000''.

(b) The statement of the managers of the committee of conference accompanying H.R. 2684 is deemed to be amended under the heading ''Community Development Block Grants'' to include in the description of targeted economic development initiatives the following:

''—$1,000,000 for the New Jersey Community Development Corporation for the construction of the New Jersey Community Development Corporation's Transportation Opportunity Center;

''—$750,000 for South Dakota State University in Brookings, South Dakota for the development of a performing arts center;

''—$925,000 for the Florida Association of Counties for a Rural Capacity Building Pilot Project in Tallahassee, Florida;

''—$500,000 for the Osceola County Agriculture Center for construction of a new and expanded agriculture center in Osceola County, Florida;

''—$1,000,000 for the University of Syracuse in Syracuse, New York for electrical infrastructure improvements.''; and the current descriptions are amended as follows:

''—$1,700,000 to the City of Miami, Florida for the development of a Homeownership Zone to assist residents displaced by the demolition of public housing in the Model City area;'' is amended to read as follows:

''—$1,700,000 to Miami-Dade County, Florida for an economic development project at the Opalocka Neighborhood Center;'';

''—$250,000 to the Arizona Science Center in Yuma, Arizona for its after-school program for inner-city youth;'' is amended to read as follows:

''—$250,000 to the Arizona Science Center in Phoenix, Arizona for its after-school program for inner-city youth;'';

''—$200,000 to the Schuylkill County Fire Fighters Association for a smoke-maze building on the grounds of the firefighters facility in Morea, Pennsylvania;'' is amended to read as follows:

''—$200,000 to the Schuylkill County Fire Fighters Association for a smoke-maze building and other facilities and improvements on the grounds of the firefighters facility in Morea, Pennsylvania;''.

(c) Notwithstanding any other provision of law, the $2,000,000 made available pursuant to Public Law 105–276 for Pittsburgh, Pennsylvania to redevelop the Sun Co./LTV Steel Site in Hazelwood, Pennsylvania is available to the Department of Economic Development in Allegheny County, Pennsylvania for the development of a technology based project in the county.

(d) Insert the following new sections at the end of the administrative provisions in title II of H.R. 2684 (Public Law 106–74):

''FHA MULTIFAMILY MORTGAGE CREDIT DEMONSTRATION

''SEC. 226. Section 542 of the Housing and Community Development Act of 1992 is amended—

''(1) in subsection (b)(5) by striking 'during fiscal year 1999' and inserting 'in each of the fiscal years 1999 and 2000'; and

''(2) in the first sentence of subsection (c)(4) by striking 'during fiscal year 1999' and inserting 'in each of fiscal years 1999 and 2000'.

''DRUG ELIMINATION PROGRAM

''SEC. 227. (a) Section 5126(4) of the Public and Assisted Housing Drug Elimination Act of 1990 is amended—

''(1) in subparagraph (B), by inserting after '1965;' the following: 'or';

''(2) in subparagraph (C), by striking '1937: or' and inserting '1937.'; and

''(3) by striking subparagraph (D).

''(b) The amendments made by subsection (a) shall be construed to have taken effect on October 21, 1998.''.

This title may be cited as the ''District of Columbia Appropriations Act, 2000''.

TITLE II—TAX REDUCTION

SEC. 201. COMMENDING REDUCTION OF TAXES BY DISTRICT OF COLUMBIA. The Congress commends the District of Columbia for its action to reduce taxes, and ratifies D.C. Act 13–110 (commonly known as the Service Improvement and Fiscal Year 2000 Budget Support Act of 1999).

SEC. 202. RULE OF CONSTRUCTION. Nothing in this title may be construed to limit the ability of the Council of the District of Columbia to amend or repeal any provision of law described in this title.

DIVISION B

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

For programs, projects, and activities in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

An Act Making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes.

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; the Stewart B. McKinney Homeless Assistance Act; the Women in Apprenticeship and Nontraditional Occupations Act; the National Skill Standards Act of 1994; and the School-to-Work Opportunities Act; $3,002,618,000 plus reimbursements, of which $1,650,153,000 is available for obligation for the period July 1, 2000 through June 30, 2001; of which $1,250,965,000 is available for obligation for the period April 1, 2000 through June 30, 2001; of which $35,500,000 is available for the period July 1, 2000 through June 30, 2003 including $34,000,000 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers, and $1,500,000 under authority of section 171(d) of the Workforce Investment Act for use by the Organizing Committee for the 2001 Special Olympics World Winter Games in Alaska to promote employment opportunities for individuals with disabilities and other staffing needs; and of which $55,000,000 shall be available from July 1, 2000 through September 30, 2001, for carrying out activities of the School-to-Work Opportunities Act: Provided, That $58,800,000 shall be for carrying out section 166 of the Workforce Investment Act, including $5,000,000 for carrying out section 166(j)(1) of the Workforce Investment Act, including the provision of assistance to American Samoans who reside in Hawaii for the co-location of federally funded and State-funded workforce investment activities, and $7,000,000 shall be for carrying out the National Skills Standards Act of 1994: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: Provided further, That funds provided to carry out section 171(d) of such Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That funding provided to carry out projects under section 171 of the Workforce Investment Act of 1998 that are identified in the Conference Agreement, shall not be subject to the requirements of section 171(b)(2)(B) of such Act, the requirements of section 171(c)(4)(D) of such Act, or the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of such Act: Provided further, That funding appropriated herein for Dislocated Worker Employment and Training Activities under section 132(a)(2)(A) of the Workforce Investment Act of 1998 may be distributed for Dislocated Worker Projects under section 171(d) of the Act without regard to the 10 percent limitation contained in section 171(d) of the Act.

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2000 through June 30, 2001; and of which $100,000,000 is available for the period October 1, 2000 through June 30, 2003, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $343,356,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $96,844,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $415,150,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $163,452,000, together with not to exceed $3,090,288,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund including the cost of administering section 1201 of the Small Business Job Protection Act of 1996, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2000, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2002; and of which $163,452,000, together with not to exceed $738,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2000 through June 30, 2001, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose, and of which $125,000,000 shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2000 is projected by the Department of Labor to exceed 2,638,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center network may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the ''Federal unemployment benefits and allowances'' account, to remain available until September 30, 2001, $356,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2000, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $100,944,000, including $6,431,000 to support up to 75 full-time equivalent staff, the majority of which will be term Federal appointments lasting no more than 1 year, to administer welfare-to-work grants, together with not to exceed $45,056,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $96,000,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such 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 (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2000, for such Corporation: Provided, That not to exceed $11,155,000 shall be available for administrative expenses of the Corporation: Provided further, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $333,260,000, together with $1,740,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That $2,000,000 shall be for the development of an alternative system for the electronic submission of reports as required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: Provided further, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): Provided further, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $79,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 1999, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2000: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration, $21,849,000 shall be made available to the Secretary as follows: (1) for the operation of and enhancement to the automated data processing systems, including document imaging and medical bill review, in support of Federal Employees' Compensation Act administration, $13,433,000; (2) for program staff training to operate the new imaging system, $1,300,000; (3) for the periodic roll review program, $7,116,000; and (4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $1,013,633,000, of which $963,506,000 shall be available until September 30, 2001, for payment of all benefits as authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $28,676,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, $20,783,000 for transfer to Departmental Management, Salaries and Expenses, $312,000 for transfer to Departmental Management, Office of Inspector General, and $356,000 for payment into miscellaneous receipts for the expenses of the Department of Treasury, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5) of that Act: Provided, That, in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to August 15 of the current year.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $370,000,000, including not to exceed $81,000,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2000, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $228,373,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $353,781,000, of which $6,986,000 shall be for expenses of revising the Consumer Price Index and shall remain available until September 30, 2001, together with not to exceed $55,663,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans,

and including up to $7,250,000 for the President's Committee on Employment of People With Disabilities, and including the management or operation of Departmental bilateral and multilateral foreign technical assistance, $210,478,000; together with not to exceed $310,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: Provided, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: Provided further, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: Provided further, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: Provided further, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $184,341,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2000.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $48,095,000, together with not to exceed $3,830,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

This title may be cited as the ''Department of Labor Appropriations Act, 2000''.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and section 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, and the Native Hawaiian Health Care Act of 1988, as amended, $4,429,292,000, of which $150,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act, and of which $104,052,000 shall be available for the construction and renovation of health care and other facilities, and of which $25,000,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: Provided, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: Provided further, That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That no more than $5,000,000 is available for carrying out the provisions of Public Law 104–73: Provided further, That of the funds made available under this heading, $214,932,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That $518,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $108,742,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act: Provided further, That of the amount provided under the heading, $20,000,000 shall be available for children's hospitals graduate medical education payments, subject to authorization: Provided further, That of the amount provided under this heading, $900,000 shall be for the American Federation of Negro Affairs Education and Research Fund.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $1,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,688,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $3,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $2,798,886,000 of which $60,000,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided, That in addition to amounts provided herein, up to $71,690,000 shall be available from amounts available under section 241 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer: Provided further, That notwithstanding any other provision of law, a single contract or related contracts for the development and construction of the infectious disease laboratory through the General Services Administration may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18: Provided further, That not to exceed $10,000,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 10 States: Provided further, That of the amount provided under this heading, $3,000,000 shall be for the Center for Environmental Medicine and Toxicology at the University of Mississippi Medical Center at Jackson and $1,000,000 shall be for the University of South Alabama birth defects monitoring and prevention activities.

In addition, $51,000,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40151 and 40261 of Public Law 103–322.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $3,332,317,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,040,291,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $270,253,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,147,588,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,034,886,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $1,803,063,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,361,668,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $862,884,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $452,706,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $444,817,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $690,156,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $351,840,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $265,185,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $90,000,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $293,935,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $689,448,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $978,360,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $337,322,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $680,176,000: Provided, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: Provided further, That $75,000,000 shall be for extramural facilities construction grants.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $43,723,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $215,214,000, of which $4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2000, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $68,753,000.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $283,509,000, of which $44,953,000 shall be for the Office of AIDS Research: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: Provided further, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: Provided further, That, notwithstanding section 499(k)(10) of the Public Health Service Act, funds from the Foundation for the National Institutes of Health may be transferred to the National Institutes of Health.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $135,376,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $2,549,728,000.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $111,424,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: Provided, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $83,576,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $86,087,393,000, to remain available until expended.

For making, after May 31, 2000, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2000 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2001, $30,589,003,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $69,289,100,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $1,971,648,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That $18,000,000 appropriated under this heading for the managed care system redesign shall remain available until expended: Provided further, That $2,000,000 of the amount available for research, demonstration, and evaluation activities shall be available to continue carrying out demonstration projects on Medicaid coverage of community-based attendant care services for people with disabilities which ensures maximum control by the consumer to select and manage their attendant care services: Provided further, That $3,000,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to an application from the University of Pennsylvania Medical Center, the University of Louisville Sciences

Center, and St. Vincent's Hospital in Montana to conduct a demonstration to reduce hospitalizations among high-risk patients with congestive heart failure: Provided further, That $2,000,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the AIDS Healthcare Foundation in Los Angeles: Provided further, That $100,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to Littleton Regional Hospital in New Hampshire, to assist in the development of rural emergency medical services: Provided further, That $250,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the University of Missouri-Kansas City to test behavorial interventions of nursing home residents with moderate to severe dementia: Provided further, That the Secretary of Health and Human Services is directed to collect, in aggregate, $95,000,000 in fees in fiscal year 2000 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2000, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the first quarter of fiscal year 2001, $650,000,000.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,100,000,000, to be available for obligation in the period October 1, 2000 through September 30, 2001.

For making payments under title XXVI of such Act, $300,000,000: Provided, That these funds are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

The $1,100,000,000 provided in the first paragraph under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999 (as contained in section 101(f) of division A of Public Law 105–277) is hereby 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: Provided, That such funds shall be available only if the President submits to the Congress one official budget request for $1,100,000,000 that includes designation of the entire amount as an emergency requirement pursuant to such section: Provided further, That such funds shall be distributed in accordance with section 2604 of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8623), other than subsection (e) of such section.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $419,005,000: Provided, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 105–78 for fiscal year 1998 and under Public Law 105–277 for fiscal year 1999 shall be available for the costs of assistance provided and other activities through September 30, 2001.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $7,500,000.

The $426,505,000 provided under this heading is hereby 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: Provided, That such funds shall be available only if the President submits to the Congress one official budget request for $426,505,000 that includes designation of the entire amount as an emergency requirement pursuant to such section.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), to become available on October 1, 2000 and remain available through September 30, 2001, $1,182,672,000: Provided, That $19,120,000 shall be available for child care resource and referral and school-aged child care activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: Provided, That: (1) notwithstanding section 2003(c) of such Act, as amended, the amount specified for allocation under such section for fiscal year 2000 shall be $1,700,000,000; and (2) notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act for fiscal year 2000 shall be 4.25 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING RESCISSIONS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), the Abandoned Infants Assistance Act of 1988, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act, section 473A of the Social Security Act, and title IV of Public Law 105–285; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211, and 40241 of Public Law 103–322 and section 126 and titles IV and V of Public Law 100–485, $6,708,733,000, of which $43,000,000, to remain available until September 30, 2001, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679); of which $567,065,000 shall be for making payments under the Community Services Block Grant Act; and of which $5,267,000,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2000 and remain available through September 30, 2001: Provided, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant.

In addition, $101,000,000, to be derived from the Violent Crime Reduction Trust Fund for carrying out sections 40155, 40211, and 40241 of Public Law 103–322.

Funds appropriated for fiscal year 2000 under section 429A(e), part B of title IV of the Social Security Act shall be reduced by $6,000,000.

Funds appropriated for fiscal year 2000 under section 413(h)(1) of the Social Security Act shall be reduced by $15,000,000.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 430 of the Social Security Act, $295,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $4,307,300,000.

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, for the first quarter of fiscal year 2001, $1,538,000,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $930,225,000: Provided, That notwithstanding section 308(b)(1) of the Older Americans Act of 1965, as amended, the amounts available to each State for administration of the State plan under title III of such Act shall be reduced not more than 5 percent below the amount that was available to such State for such purpose for fiscal year 1995: Provided further, That in considering grant applications for nutrition services for elder Indian recipients, the Assistant Secretary shall provide maximum

flexibility to applicants who seek to take into account subsistence, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographic needs of the American Indian, Alaska and Hawaiian Native communities to be served.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $209,701,000, of which $20,000,000 shall become available on October 1, 2000, and shall remain available until September 30, 2001, together with $5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: Provided, That $450,000 shall be for a contract with the National Academy of Sciences to conduct a study of the proposed tuberculosis standard promulgated by the Occupational Safety and Health Administration: Provided further, That said contract shall be awarded not later than 60 days after the enactment of this Act: Provided further, That said study shall be submitted to the Congress not later than 12 months after award of the contract: Provided further, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $10,569,000 shall be for activities specified under section 2003(b)(2), of which $9,131,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: Provided further, That $2,000,000 shall be available to the Office of the Surgeon General, within the Office of Public Health and Science, to prepare and disseminate the findings of the Surgeon General's report on youth violence, and to coordinate with other agencies throughout the Federal Government, through the establishment of a Federal Coordinating Committee, activities to prevent youth violence: Provided further, That the Secretary may transfer a portion of such funds to other Federal entities for youth violence prevention coordination activities.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $31,500,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $18,338,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $17,000,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, $181,600,000: Provided, That this amount is distributed as follows: Centers for Disease Control and Prevention, $122,000,000, of which $30,000,000 shall be for the Health Alert Network, $1,000,000 shall be for the Carnegie Mellon Research Institute, $1,000,000 shall be for the St. Louis University School of Public Health, $1,000,000 shall be for the University of Texas Medical Branch at Galveston, and $1,000,000 shall be for the Johns Hopkins University Center for Civilian Biodefense; Office of the Secretary, $30,000,000, Agency for Health Care Policy and Research, $5,000,000, and Office of Emergency Preparedness, $24,600,000. In addition, for expenses necessary for the portion of the Global Health Initiative conducted by the Centers for Disease Control and Prevention, $69,000,000: Provided further, That this amount is distributed as follows: $35,000,000 shall be for international HIV/AIDS programs, $9,000,000 shall be for malaria programs, $5,000,000 shall be for global micronutrient malnutrition programs and $20,000,000 shall be for carrying out polio eradication activities. In addition, $150,000,000 for carrying out the Department's Year 2000 computer conversion activities, $5,000,000 for the environmental health laboratory at the Centers for Disease Control and Prevention, $35,000,000 for minority AIDS prevention and treatment activities, $20,000,000 for the National Institutes of Health challenge grant program, and $50,000,000 to support the Ricky Ray Hemophilia Relief Fund Act of 1998: Provided further, That notwithstanding any other provision of law, up to $10,000,000 of the amount provided for the Ricky Ray Hemophilia Relief Fund Act may be available for administrative expenses: Provided further, That the entire amount under this heading is hereby designated by the Congress to be emergency requirements 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 under this heading shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That no funds shall be obligated until the Department of Health and Human Services submits an operating plan to the House and Senate Committees on Appropriations.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

(TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 207. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Congress is promptly notified of the transfer.

SEC. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the ''Office of AIDS Research'' account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. (a) The final rule entitled ''Organ Procurement and Transplantation Network'', promulgated by the Secretary of Health and Human Services on April 2, 1998 (63 Fed. Reg. 16295 et seq.) (relating to part 121 of title 42, Code of Federal Regulations), together with the amendments to such rules promulgated on October 20, 1999 (64 Fed. Reg. 56649 et seq.) shall not become effective before the expiration of the 90 day period beginning on the date of the enactment of this Act.

(b) For purposes of subsection (a):

(1) Not later than 3 days after the date of the enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall publish in the Federal Register a notice providing that the period within which comments on the final rule may be submitted to the Secretary is 60 days after the date of such publication of the notice.

(2) Not later than 21 days after the expiration of such 60-day period, the Secretary shall complete the review of the comments submitted pursuant to paragraph (1) and shall amend the final rule with any revisions appropriate according to the review by the Secretary of such comments. The final rule may be in the form of amendments to the rule referred to in subsection (a) that was promulgated on April 2, 1998, and in the form of amendments to the rule referred to in such subsection that was promulgated on October 20, 1999.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. (a) MENTAL HEALTH.—Section 1918(b) of the Public Health Service Act (42 U.S.C. 300x–7(b)) is amended to read as follows:

''(b) MINIMUM ALLOTMENTS FOR STATES.—With respect to fiscal year 2000, the amount of the allotment of a State under section 1911 shall not be less than the amount the State received under section 1911 for fiscal year 1998.''.

(b) SUBSTANCE ABUSE.—Section 1933(b) of the Public Health Service Act (42 U.S.C. 300x–33(b)) is amended to read as follows:

''(b) MINIMUM ALLOTMENTS FOR STATES.—Each State's allotment for fiscal year 2000 for programs under this subpart shall be equal to such State's allotment for such programs for fiscal year 1999, except that, if the amount appropriated in fiscal year 2000 is less than the amount appropriated in fiscal year 1999, then the amount of a State's allotment under section 1921 shall be equal to the amount that the State received under section 1921 in fiscal year 1999 decreased by the percentage by which the amount appropriated for fiscal year 2000 is less than the amount appropriated for such section for fiscal year 1999.''.

SEC. 213. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 214. EXTENSION OF CERTAIN ADJUDICATION PROVISIONS.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''1997, 1998, and 1999'' and inserting ''1997, 1998, 1999, and 2000''; and

(B) in subsection (e), by striking ''October 1, 1999'' each place it appears and inserting ''October 1, 2000''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''September 30, 1999'' and inserting ''September 30, 2000''.

SEC. 215. None of the funds provided in this Act or in any other Act making appropriations for fiscal year 2000 may be used to administer or implement in Arizona or in the Kansas City, Missouri or in the Kansas City, Kansas area the Medicare Competitive Pricing Demonstration Project (operated by the Secretary of Health and Human Services under authority granted in section 4011 of the Balanced Budget Act of 1997 (Public Law 105–33)).

SEC. 216. Of the funds appropriated for the National Institutes of Health for fiscal year 2000, $7,500,000,000 shall not be available for obligation until September 29, 2000. Of the funds appropriated for the Health Resources and Services Administration for fiscal year 2000, $1,120,000,000 shall not be available for obligation until September 29, 2000. Of the funds appropriated for the Centers for Disease Control and Prevention for fiscal year 2000, $965,000,000 shall not be available for obligation until September 29, 2000. Of the funds appropriated for the Children and Families Services Programs for fiscal year 2000, $400,000,000 shall not be available for obligation until September 29, 2000. Of the funds appropriated for the Social Services Block Grant for fiscal year 2000, $425,000,000 shall not be available for obligation until September 29, 2000. Of the funds appropriated for the Substance Abuse and Mental Health Services Administration for fiscal year 2000, $450,000,000 shall not be available for obligation until September 29, 2000.

SEC. 217. STUDY AND REPORT ON THE GEOGRAPHIC ADJUSTMENT FACTORS UNDER THE MEDICARE PROGRAM. (a) STUDY.—The Secretary of Health and Human Services shall conduct a study on—

(1) the reasons why, and the appropriateness of the fact that, the geographic adjustment factor (determined under paragraph (2) of section 1848(e) (42 U.S.C. 1395w–4(e)) used in determining the amount of payment for physicians' services under the Medicare program is less for physicians' services provided in New Mexico than for physicians' services provided in Arizona, Colorado, and Texas; and

(2) the effect that the level of the geographic cost-of-practice adjustment factor (determined under paragraph (3) of such section) has on the recruitment and retention of physicians in small rural States, including New Mexico, Iowa, Louisiana, and Arkansas.

(b) REPORT.—Not later than 3 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to Congress on the study conducted under subsection (a), together with any recommendations for legislation that the Secretary determines to be appropriate as a result of such study.

SEC. 218. WITHHOLDING OF SUBSTANCE ABUSE FUNDS. (a) IN GENERAL.—None of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) AMOUNT OF STATE FUNDS.—The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act, except that the Secretary may agree to a smaller commitment of additional funds by the State.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts expended by a State pursuant to a certification under subsection (a) shall be used to supplement and not supplant State funds used for tobacco prevention programs and for compliance activities described in such subsection in the fiscal year preceding the fiscal year to which this section applies.

(d) ENFORCEMENT OF STATE EXPENDITURE.—The Secretary shall exercise discretion in enforcing the timing of the State expenditure required by the certification described in subsection (a) as late as July 31, 2000.

SEC. 219. None of the funds made available under this title may be used to carry out the transmittal of August 13, 1997 (relating to self-administered drugs) of the Deputy Director of the Division of Acute Care of the Health Care Financing Administration to regional offices of such Administration or to promulgate any regulation or other transmittal or policy directive that has the effect of imposing (or clarifying the imposition of) a restriction on the coverage of injectable drugs under section 1861(s)(2) of the Social Security Act beyond the restrictions applied before the date of such transmittal.

SEC. 220. In accordance with section 1557 of title 31, United States Code, funds obligated and awarded in fiscal years 1994 and 1995 under the heading ''National Cancer Institute'' for the Cancer Therapy and Research Center in San Antonio, Texas, grant numbers 1 C06 CA58690–01 and 3 C06 CA58690–01S1, shall be exempt from subchapter IV of chapter 15 of such title and the obligated unexpended dollars shall remain available to the grantee for expenditure without fiscal year limitation to fulfill the purpose of the award.

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 2000''.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

For carrying out activities authorized by titles III and IV of the Goals 2000: Educate America Act, the School-to-Work Opportunities Act, and sections 3122, 3132, 3136, and 3141, parts B, C, and D of title III, and part I of title X of the Elementary and Secondary Education Act of 1965, $1,586,560,000, of which $456,500,000 for the Goals 2000: Educate America Act and $55,000,000 for the School-to-Work Opportunities Act shall become available on July 1, 2000 and remain available through September 30, 2001, and of which $87,000,000 shall be for section 3122: Provided, That none of the funds appropriated under this heading shall be obligated or expended to carry out section 304(a)(2)(A) of the Goals 2000: Educate America Act, except that no more than $1,500,000 may be used to carry out activities under section 314(a)(2) of that Act: Provided further, That section 315(a)(2) of the Goals 2000: Educate America Act shall not apply: Provided further, That up to one-half of 1 percent of the amount available under section 3132 shall be set aside for the outlying areas, to be distributed on the basis of their relative need as determined by the Secretary in accordance with the purposes of the program: Provided further, That if any State educational agency does not apply for a grant under section 3132, that State's allotment under section 3131 shall be reserved by the Secretary for grants to local educational agencies in that State that apply directly to the Secretary according to the terms and conditions published by the Secretary in the Federal Register: Provided further, That of the funds made available to carry out section 3136 and notwithstanding any other provision of law, $500,000 shall be awarded to the Houston Independent School District for technology infrastructure, $8,000,000 shall be awarded to the I CAN LEARN program, $2,000,000 shall be awarded to the Linking Education Technology and Educational Reform (LINKS) project for educational technology, $1,000,000 shall be awarded to the Center for Advanced Research and Technology (CART) for comprehensive secondary education reform, $250,000 shall be awarded to the Vaughn Reno Starks Community Center in Elizabethtown, Kentucky for a technology program, $125,000 shall be awarded to the Wyandanch Compel Youth Academy Educational Assistance Program in New York, $3,000,000 shall be awarded to Hi-Technology High School in San Bernardino County, California for technology enhancement, $300,000 shall be awarded to the Long Island 21st Century Technology and E-Commerce Alliance, $800,000 shall be awarded to Montana State University for a distance learning initiative,

$2,000,000 for the Tupelo School District in Tupelo, Mississippi for technology innovation in education, $900,000 for the University of Alaska at Anchorage for distance learning education, $1,000,000 shall be awarded to the Seton Hill College in Greensburg, Pennsylvania for a model education technology training program, $500,000 shall be awarded to the University of Alaska-Fairbanks, in Fairbanks, Alaska for a teacher technology training program, $200,000 shall be awarded to the Alaska Department of Education for the Alaska State Distance Education Technology Consortium, $1,000,000 shall be awarded to the North East Vocational Area Cooperative in Washington State for a multi-district technology education center, $400,000 shall be awarded to the University of Vermont for the Vermont Learning Gateway Program, $2,500,000 shall be awarded to the State University of New Jersey for the RUNet 2000 project at Rutgers for an integrated voice-video-data network to link students, faculty and administration via a high-speed, broad band fiber optic network, $500,000 shall be awarded to the Iowa Area Education Agency 13 for a public/private partnership to demonstrate the effective use of technology in grades 1–3, $235,000 shall be for the Louisville Deaf Oral School for technology enhancements: Provided further, That in the State of Alabama $50,000 shall be awarded to the Bibb County Board of Education for technology enhancements, $50,000 shall be awarded to the Calhoun County Board of Education for technology enhancements, $50,000 shall be awarded to the Chambers County Board of Education for technology enhancements, $50,000 shall be awarded to the Chilton County Board of Education for technology enhancements, $50,000 shall be awarded to the Clay County Board of Education for technology enhancements, $50,000 shall be awarded to the Cleburne County Board of Education for technology enhancements, $50,000 shall be awarded to the Coosa County Board of Education for technology enhancements, $50,000 shall be awarded to the Lee County Board of Education for technology enhancements, $50,000 shall be awarded to the Macon County Board of Education for technology enhancements, $50,000 shall be awarded to the St. Clair County Board of Education for technology enhancements, $50,000 shall be awarded to the Talladega County Board of Education for technology enhancements, $50,000 shall be awarded to the Tallapoosa County Board of Education for technology enhancements, $50,000 shall be awarded to the Randolph County Board of Education for technology enhancements, $50,000 shall be awarded to the Russell County Board of Education for technology enhancements, $50,000 shall be awarded to the Alexander City Board of Education for technology enhancements, $50,000 shall be awarded to the Anniston City Board of Education for technology enhancements, $50,000 shall be awarded to the Lanett City Board of Education for technology enhancements, $50,000 shall be awarded to the Pell City Board of Education for technology enhancements, $50,000 shall be awarded to the Roanoke City Board of Education for technology enhancements, $50,000 shall be awarded to the Talledega City Board of Education for technology enhancements and $500,000 shall be to continue a state-of-the-art information technology system at Mansfield University, Mansfield, Pennsylvania: Provided further, That of the funds made available to carry out title III, part B of the Elementary and Secondary Education Act of 1965 and notwithstanding any other provision of law, $750,000 shall be awarded to the Technology Literacy Center at the Museum of Science and Industry, Chicago, $1,000,000 shall be awarded to an online math and science training program at Oklahoma State University, $4,000,000 shall be awarded to continue and expand the Iowa Communications Network statewide fiber optic demonstration project: Provided further, That of the funds made available for title X, part I of the Elementary and Secondary Education Act of 1965 and notwithstanding any other provision of law, $6,000 shall be awarded to the Study Partners Program, Inc., in Louisville, Kentucky, $12,000 shall be awarded to the Shawnee Gardens Tenants Association Inc., in Louisville, Kentucky for a tutorial program, $12,000 shall be awarded to the 100 Black Men of Louisville, Kentucky for a mentoring and leadership training program, $500,000 shall be awarded to the Omaha, Nebraska Public Schools for the OPS 21st Century Learning Grant, $25,000 shall be for the Plymouth Renewal Center in Kentucky for a tutoring program, $25,000 shall be for the Canaan Community Development Corporation's Village Learning Center Program, $25,000 shall be for the St. Stephen Life Center After School Program, $25,000 shall be for the Louisville Central Community Centers Youth Education Program, $15,000 shall be for the Trinity Family Life Center tutoring program, $15,000 shall be for the New Zion Community Development Foundation, Inc., after school mentoring program, $20,000 shall be for the St. Joseph Catholic Orphan Society program for abused and neglected children, $25,000 shall be for the Portland Neighborhood House after school program, and $25,000 shall be for the St. Anthony Community Outreach Center, Inc., for the Education PAYs program.

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, and section 418A of the Higher Education Act of 1965, $8,547,986,000, of which $2,317,823,000 shall become available on July 1, 2000, and shall remain available through September 30, 2001, and of which $6,204,763,000 shall become available on October 1, 2000 and shall remain available through September 30, 2001, for academic year 2000–2001: Provided, That $6,649,000,000 shall be available for basic grants under section 1124: Provided further, That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 1999, to obtain updated local-educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $1,158,397,000 shall be available for concentration grants under section 1124A: Provided further, That $8,900,000 shall be available for evaluations under section 1501 and not more than $8,500,000 shall be reserved for section 1308, of which not more than $3,000,000 shall be reserved for section 1308(d): Provided further, That grant awards under sections 1124 and 1124A of title I of the Elementary and Secondary Education Act of 1965 shall be made to each State and local educational agency at no less than 100 percent of the amount such State or local educational agency received under this authority for fiscal year 1999: Provided further, That notwithstanding any other provision of law, grant awards under section 1124A of title I of the Elementary and Secondary Education Act of 1965 shall be made to those local educational agencies that received a Concentration Grant under the Department of Education Appropriations Act, 1998, but are not eligible to receive such a grant for fiscal year 2000: Provided further, That each such local educational agency shall receive an amount equal to the Concentration Grant the agency received in fiscal year 1998, ratably reduced, if necessary, to ensure that these local educational agencies receive no greater share of their hold-harmless amounts than other local educational agencies: Provided further, That the Secretary shall not take into account the hold harmless provisions in this section in determining State allocations under any other program administered by the Secretary in any fiscal year: Provided further, That $160,000,000 shall be available under section 1002(g)(2) to demonstrate effective approaches to comprehensive school reform to be allocated and expended in accordance with the instructions relating to this activity in the statement of the managers on the conference report accompanying Public Law 105–78 and in the statement of the managers on the conference report accompanying Public Law 105–277: Provided further, That in carrying out this initiative, the Secretary and the States shall support only approaches that show the most promise of enabling children served by title I to meet challenging State content standards and challenging State student performance standards based on reliable research and effective practices, and include an emphasis on basic academics and parental involvement.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $910,500,000, of which $737,200,000 shall be for basic support payments under section 8003(b), $50,000,000 shall be for payments for children with disabilities under section 8003(d), $76,000,000, to remain available until expended, shall be for payments under section 8003(f), $10,300,000 shall be for construction under section 8007, $32,000,000 shall be for Federal property payments under section 8002 and $5,000,000 to remain available until expended shall be for facilities maintenance under section 8008: Provided, That of the funds available for section 8007 and notwithstanding any other provision of law, $500,000 shall be awarded to the Fort Sam Houston Independent School District, Texas, $800,000 shall be awarded to the Hays Lodgepole School District, Montana, and $2,000,000 shall be awarded to the North Chicago Community Unit SD 187: Provided further, That these funds shall remain available until expended: Provided further, That the Secretary of Education shall treat as timely filed, and shall process for payment, an application for a fiscal year 1999 payment from the local educational agency for Brookeland, Texas under section 8002 of the Elementary and Secondary Education Act of 1965 if the Secretary has received that application not later than 30 days after the enactment of this Act: Provided further, That section 8002(f) of the Elementary and Secondary Education Act of 1965 is amended by adding a new paragraph ''(3)'' at the end to read as follows:

''(3) For each fiscal year beginning with fiscal year 2000, the Secretary shall treat the Central Union, California; Island, California; Hill City, South Dakota; and Wall, South Dakota local educational agencies as meeting the eligibility requirements of subsection (a)(1)(C) of this section.'':

Provided further, That the Secretary of Education shall consider all payments received by the educational agency for Hatboro-Horsham and Delaware Valley, Pennsylvania for fiscal year 1995 under section 8002(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(a)), and all payments under section 8002(h)(2)(A) for subsequent years through fiscal year 1999, to be correct: Provided further, That section 8002(f) of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof a new paragraph (4) to read as follows:

''(4) For the purposes of payments under this section for each fiscal year beginning with fiscal year 2000, the Secretary shall treat the Hot Springs, South Dakota local educational agency

as if it had filed a timely application under section 8002 of the Elementary and Secondary Education Act of 1965 for fiscal year 1994 if the Secretary has received the fiscal year 1994 application, as well as Exhibits A and B not later than December 1, 1999.'':

Provided further, That section 8002(f) of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof a new paragraph (5) to read as follows:

''(5) For purposes of payments under this section for each fiscal year beginning with fiscal year 2000, the Secretary shall treat the Hueneme, California local educational agency as if it had filed a timely application under section 8002 of the Elementary and Secondary Education Act of 1965 if the Secretary has received the fiscal year 1995 application not later than December 1, 1999.'':

Provided further, That the Secretary of Education shall treat as timely filed, and shall process for payment, an application for a fiscal year 1998 payment from the local educational agency for Hydaburg, Alaska, under section 8003 of the Elementary and Secondary Education Act of 1965 if the Secretary has received that application not later than 30 days after the enactment of this Act: Provided further, That the Secretary of Education shall treat as timely, and process for payment, an application for fiscal years 1996 and 1997 payment from the local education agency for Fallbrook Unified High School District, California, under section 8002 of the Elementary and Secondary Education Act of 1965, if the Secretary has received that application not later than 30 days after the enactment of this Act: Provided further, That for the purpose of computing the amount of a payment for a local educational agency for children identified under section 8003 of the Elementary and Secondary Education Act of 1965, children residing in housing initially acquired or constructed under section 801 of the Military Construction Authorization Act of 1984 (Public Law 98–115) (''Build to Lease'' program) shall be considered as children described under section 8003(a)(1)(B) if the property described is within the fenced security perimeter of the military facility upon which such housing is situated: Provided further, That if such property is not owned by the Federal Government, is subject to taxation by a State or political subdivision of a State, and thereby generates revenues for a local educational agency which received a payment from the Secretary under section 8003, the Secretary shall: (1) require such local educational agency to provide certification from an appropriate official of the Department of Defense that such property is being used to provide military housing; and (2) reduce the amount of such payment by an amount equal to the amount of revenue from such taxation received in the second preceding fiscal year by such local educational agency, unless the amount of such revenue was taken into account by the State for such second preceding fiscal year and already resulted in a reduction in the amount of State aid paid to such local educational agency.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV, V–A and B, VI, IX, X, and XIII of the Elementary and Secondary Education Act of 1965 (''ESEA''); the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964 and part B of title VIII of the Higher Education Act of 1965; $2,926,134,000, of which $875,300,000 shall become available on July 1, 2000, and remain available through September 30, 2001, and of which $1,530,000,000 shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000–2001: Provided, That of the amount appropriated, $335,000,000 shall be for Eisenhower professional development State grants under title II–B and $380,000,000 shall be for title VI and up to $750,000 shall be for an evaluation of comprehensive regional assistance centers under title XIII of ESEA: Provided further, That $1,200,000,000 is for a class size/teacher assistance initiative to be distributed as described in subparagraphs (A) and (B) of section 307(b)(1) of the Department of Education Appropriations Act, 1999. School districts may use the funds for class size reduction activities as described in section 307(c)(2)(A)(i)–(iii) of the Department of Education Appropriations Act, 1999: Provided further, That, if the local educational agency determines that it wishes to use the funds for purposes other than class size reduction as part of a local strategy for improving academic achievement, funds may be used for professional development activities, teacher training or any other local need that is designed to improve student performance: Provided further, That each such agency shall use funds under this section only to supplement, and not to supplant, State and local funds, that in absence of such funds, would otherwise be spent for activities under this section.

READING EXCELLENCE

For necessary expenses to carry out the Reading Excellence Act, $65,000,000, which shall become available on July 1, 2000 and shall remain available through September 30, 2001 and $195,000,000 which shall become available on October 1, 2000 and remain available through September 30, 2001.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title IX, part A of the Elementary and Secondary Education Act of 1965, as amended, $77,000,000.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual, foreign language and immigrant education activities authorized by parts A and C and section 7203 of title VII of the Elementary and Secondary Education Act of 1965, without regard to section 7103(b), $387,000,000: Provided, That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $6,036,646,000, of which $2,047,885,000 shall become available for obligation on July 1, 2000, and shall remain available through September 30, 2001, and of which $3,742,000,000 shall become available on October 1, 2000 and shall remain available through September 30, 2001, for academic year 2000–2001: Provided, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That $1,500,000 shall be awarded to the Organizing Committee for the 2001 Special Olympics World Winter Games in Alaska and $1,000,000 shall be awarded to the Salt Lake City Organizing Committee for the VIII Paralympic Winter Games: Provided further, That $1,000,000 shall be for the Early Childhood Development Project of the National Easter Seal Society for the Mississippi Delta Region, which funds shall be used to provide training, technical support, services and equipment to address personnel and other needs: Provided further, That $1,000,000 shall be awarded to the Center for Literacy and Assessment at the University of Southern Mississippi for research dissemination and teacher and parent training.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $2,701,772,000: Provided, That notwithstanding section 105(b)(1) of the Assistive Technology Act of 1998 (''the AT Act''), each State shall be provided $50,000 for activities under section 102 of the AT Act: Provided further, That of the funds available for section 303 of the Rehabilitation Act of 1973 and notwithstanding any other provision of law, $750,000 shall be awarded to the Krasnow Institute at George Mason University for a Receptive Language Disorders research center, $1,000,000 shall be awarded to the University of Central Florida for a virtual reality-based education and training program for the deaf, $2,000,000 shall be awarded to the Seattle Lighthouse for the Blind for interpreter, orientation, mobility, and education services for deaf, blind and other visually impaired adults, $1,000,000 shall be awarded to the Professional Development and Research Institute on Blindness in Louisiana for the training of professionals in the field of education and rehabilitation of blind adults and children, and $600,000 shall be awarded to the Alaska Center for Independent Living in Anchorage, Alaska to develop capacity to implement a self-directed model for personal assistance services, including training of self-employed personal assistants and their clients: Provided further, That of the funds available for section 305 of the Rehabilitation Act of 1973 and notwithstanding any other provision of law, $1,000,000 shall be awarded to the California State University at Northridge for a Western Center for Adaptive Therapy.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $10,100,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $48,151,000, of which $2,651,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $85,980,000, of which $2,500,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act, the Adult Education and Family Literacy Act, and title VIII–D of the Higher Education Act of 1965, as amended, and Public Law 102–73, $1,656,750,000, of which $3,500,000 shall remain available until expended, and of which $833,150,000 shall become available on July 1, 2000 and shall remain available through September 30, 2001 and of which $791,000,000 shall become available on October 1, 2000 and shall remain available through September 30, 2001: Provided, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, $4,600,000 shall be for tribally controlled vocational institutions under section 117: Provided further, That $9,000,000 shall be for carrying out section 118 of such act for all activities conducted by

and through the National Occupational Information Coordinating Committee: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, $14,000,000 shall be for national leadership activities under section 243 and $6,000,000 shall be for the National Institute for Literacy under section 242: Provided further, That $19,000,000 shall be for Youth Offender Grants, of which $5,000,000, which shall become available on July 1, 2000, and remain available through September 30, 2001, shall be used in accordance with section 601 of Public Law 102–73 as that section was in effect prior to the enactment of Public Law 105–220.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $9,435,000,000, which shall remain available through September 30, 2001.

The maximum Pell Grant for which a student shall be eligible during award year 2000–2001 shall be $3,300: Provided, That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 1999 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

For an additional amount for ''STUDENT FINANCIAL ASSISTANCE'' for payment of allocations to institutions of higher education for Federal Supplemental Educational Opportunity Grants for award years 1999–2000 and 2000–2001, made under title IV, part A, subpart 3, of the Higher Education Act of 1965, as amended, $10,000,000: Provided, That notwithstanding any other provision of law, the Secretary of Education may waive or modify any statutory or regulatory provision applicable to the Federal Supplemental Educational Opportunity Grant program and the determination of need for such grants, that the Secretary deems necessary to assist individuals who suffered financial harm resulting from the hurricanes, and the flooding associated with the hurricanes, that struck the eastern United States in August and September 1999, and who, at the time of the disaster were residing, attending an institution of higher education, or employed within an area affected by such a disaster on the date which the President declared the existence of a major disaster (or, in the case of an individual who is a dependent student, whose parent or stepparent suffered financial harm from such disaster, and who resided, or was employed in such an area at that time): Provided further, That notwithstanding section 437 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall, by notice in the Federal Register, exercise this authority, through publication of waivers or modifications of statutory and regulatory provisions, as the Secretary deems necessary to assist such individuals: Provided further, That notwithstanding section 413D of the Higher Education Act of 1965, allocations from such additional amount shall not be taken into account in determining institutional allocations under such section in future years: Provided further, That the entire amount made available under this paragraph 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, and that the entire amount shall be available only to the extent an official budget request for the entire amount, that includes designation of the entire amount as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act of 1965, as amended, $48,000,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, VII, and VIII of the Higher Education Act of 1965, as amended, and the Mutual Educational and Cultural Exchange Act of 1961; $1,466,826,000, of which $12,000,000 for interest subsidies authorized by section 121 of the Higher Education Act of 1965, shall remain available until expended: Provided, That of the funds available for part A, subpart 2 of title VII of the Higher Education Act of 1965, $10,000,000 shall be available to fund awards for academic year 2000–2001, and $10,000,000 to remain available through September 30, 2001, shall be available to fund awards for academic year 2001–2002, for fellowships under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: Provided further, That section 852(b)(1) of the Higher Education Amendments of 1998 is amended—

(1) in the matter preceding subparagraph (A), by striking ''14'' and inserting ''16'';

(2) in subparagraph (E), by striking ''and'' after the semicolon;

(3) in subparagraph (F), by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

''(G) one member shall be appointed by the Chairperson of the Committee on Health, Education, Labor, and Pensions of the Senate from among members of the Senate; and

''(H) one member shall be appointed by the Chairperson of the Committee on Education and the Workforce of the House of Representatives from among members of the House of Representatives.'':

Provided further, That the matter preceding paragraph (1) of section 853(b) of the Higher Education Amendments of 1998 is amended by striking ''6 months'' and inserting ''12 months'': Provided further, That the amounts provided under this heading in division A, section 101(f) of Public Law 105–277 for the Web-Based Education Commission, authorized by part J of title VIII of the Higher Education Amendments of 1998, shall remain available through September 30, 2000: Provided further, That $3,000,000 is for data collection and evaluation activities for programs under the Higher Education Act of 1965, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That of the funds available for title IV, part A, subpart 8 of the Higher Education Act of 1965 and notwithstanding any other provision of law, $3,000,000 shall be awarded to the University of South Florida for a distance learning program, $190,000 shall be awarded to the New York Global Communication Center in West Islip, New York for a distance learning program, $1,000,000 shall be awarded to the Alliance for Technology, Learning and Society (ATLAS) at the University of Colorado for technology-enhanced learning, $2,500,000 shall be awarded to the Illinois Community College Board to develop a systemwide, on-line virtual degree program for the community college system in Illinois, and $1,250,000 shall be made available to the University of Idaho Interactive Learning Environments to develop and improve Internet-based delivery of education programs.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $219,444,000, of which not less than $3,530,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $737,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $207,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994, including sections 411 and 412; section 2102 of title II, and parts A, B, and K and section 10102 and section 10601 of title X, and part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, and title VI of Public Law 103–227, $492,679,000: Provided, That $25,000,000 shall be available to demonstrate effective approaches to comprehensive school reform, to be allocated and expended in accordance with the instructions relating to this activity in the statement of managers on the conference report accompanying Public Law 105–78 and in the statement of the managers on the conference report accompanying Public Law 105–277: Provided further, That the funds made available for comprehensive school reform shall become available on July 1, 2000, and remain available through September 30, 2001, and in carrying out this initiative, the Secretary and the States shall support only approaches that show the most promise of enabling children to meet challenging State content standards and challenging State student performance standards based on reliable research and effective practices, and include an emphasis on basic academics and parental involvement: Provided further, That $10,000,000 of the funds provided for the national education research institutes shall be allocated notwithstanding subparagrphs (B) and (C) of section 931(c)(2) of Public Law 103–227: Provided further, That of the funds appropriated under section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, $1,500,000 shall be used to conduct a violence prevention demonstration program: Provided further, That of the funds available for part A of title X of the Elementary and Secondary Education Act of 1965, $10,000,000 shall be awarded to the National Constitution Center, established by Public Law 100–433, for exhibition design, program planning and operation of the center, $10,000,000 shall be provided to continue a demonstration of public school facilities to the Iowa Department of Education, $1,000,000 shall be made available to the New Mexico Department of Education for school performance improvement and drop-out prevention, $300,000 shall be

made available to Semos Unlimited, Inc., in New Mexico to support bilingual education and literacy programs, $700,000 shall be awarded to Loyola University Chicago for recruitment and preparation of new teacher candidates for employment in rural and inner-city schools, $500,000 shall be awarded to Shedd Aquarium/Brookfield Zoo for science education/exposure programs for local elementary school students, $3,000,000 shall be awarded to Big Brothers/Big Sisters of America to expand school-based mentoring, $2,500,000 shall be awarded to the Chicago Public School System to support a substance abuse pilot program in conjunction with Elgin and East Aurora School Systems, $1,000,000 shall be awarded to the University of Virginia Center for Governmental Studies for the Youth Leadership Initiative, $800,000 shall be awarded to the Institute for Student Achievement at Holmes Middle School and Annandale High School in Virginia for academic enrichment programs, $100,000 shall be awarded to the Mountain Arts Center for educational programming, $1,500,000 shall be awarded to the University of Louisville for research in the area of academic readiness, $500,000 shall be awarded to the West Ed Regional Educational Laboratory for the 24 Challenge and Jumping Levels Math Demonstration Project, $1,000,000 shall be awarded to Central Michigan University for a charter schools development and performance institute, $950,000 shall be awarded to the Living Science Interactive Learning Model partnership in Indian River, Florida for a science education program, $825,000 shall be awarded to the North Babylon Community Youth Services for an educational program, $1,000,000 shall be awarded to the Los Angeles County Office of Education/Educational Telecommunications and Technology for a pilot program for teachers, $650,000 shall be awarded to the University of Northern Iowa for an institute of technology for inclusive education, $500,000 shall be awarded to Youth Crime Watch of America to expand a program to prevent crime, drugs and violence in schools, $892,000 shall be awarded to Muhlenberg College in Pennsylvania for an environmental science program, $560,000 shall be awarded to the Western Suffolk St. Johns-LaSalle Academy Science and Technology Mentoring Program, $4,000,000 shall be awarded to the National Teaching Academy of Chicago for a model teacher recruitment, preparation and professional development program, $2,000,000 shall be awarded to the University of West Florida for a teacher enhancement program, $1,000,000 shall be awarded to Delta State University in Mississippi for innovative teacher training, $1,000,000 shall be awarded to the Alaska Humanities Forum, Inc., in Anchorage, Alaska, $250,000 shall be awarded to An Achievable Dream in Newport News, Virginia to improve academic performance of at-risk youths, $250,000 shall be awarded to the Rock School of Ballet in Philadelphia, Pennsylvania, to expand its community-outreach programs for inner-city children and underprivileged youth in Camden, New Jersey and southern New Jersey, $1,000,000 shall be awarded to the University of Maryland Center for Quality and Productivity to provide a link for the Blue Ribbon Schools, $1,000,000 shall be awarded to the Continuing Education Center and Teachers' Institute in South Boston, Virginia to promote participation among youth in the United States democratic process, $1,000,000 shall be for the National Museum of Women in the Arts to expand its ''Discovering Art'' program to elementary and secondary schools and other educational organizations, $400,000 shall be awarded to the Alaska Department of Education's summer reading program, $400,000 shall be awarded to the Partners in Education, Inc., to foster successful business-school partnerships, $250,000 shall be for the Kodiak Island Borough School District for development of an environmental education program, $2,000,000 shall be for the Reach Out and Read Program to expand literacy and health awareness for at-risk families, $1,000,000 shall be for the Virginia Living Museum in Newport News, Virginia for an educational program, $450,000 shall be for the Challenger Learning Center in Hardin County, Kentucky for technology assistance and teacher training, $250,000 shall be for the Crawford County School System in Georgia for technology and curriculum support, $500,000 shall be for the Berrien County School System in Georgia for technology development, $35,000 shall be for the Louisville Salvation Army Boys and Girls Club Diversion Enhancement Program, $100,000 shall be awarded to the Philadelphia Orchestra's Philly Pops to operate the Jazz in the Schools program in the Philadelphia school district, $500,000 for the Mississippi Delta Education for a teacher incentive program initiative, $500,000 shall be for enhanced teacher training in reading in the District of Columbia, and $100,000 shall be awarded to the Project 2000 D.C. mentoring project: Provided further, That of the funds available for section 10601 of title X of such Act, $2,000,000 shall be awarded to the Center for Educational Technologies for production and distribution of an effective CD-ROM product that would complement the ''We the People: The Citizen and the Constitution'' curriculum: Provided further, That, in addition to the funds for title VI of Public Law 103–227 and notwithstanding the provisions of section 601(c)(1)(C) of that Act, $1,000,000 shall be available to the Center for Civic Education to conduct a civic education program with Northern Ireland and the Republic of Ireland and, consistent with the civics and Government activities authorized in section 601(c)(3) of Public Law 103–227, to provide civic education assistance to democracies in developing countries. The term ''developing countries'' shall have the same meaning as the term ''developing country'' in the Education for the Deaf Act.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $370,184,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $71,200,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, as authorized by section 212 of the Department of Education Organization Act, $34,000,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. (a) From the funds appropriated for payments to local educational agencies under section 8003(f) of the Elementary and Secondary Education Act of 1965 (''ESEA'') for fiscal year 2000, the Secretary of Education shall distribute supplemental payments for certain local educational agencies, as follows:

(1) First, from the amount of $74,000,000, the Secretary shall make supplemental payments to the following agencies under section 8003(f) of ESEA:

(A) Local educational agencies that received assistance under section 8003(f) for fiscal year 1999—

(i) in fiscal year 1997 had at least 40 percent federally connected children described in section 8003(a)(1) in average daily attendance; and in fiscal year 1997 had a tax rate for general fund purposes which was at least 95 percent of the State average tax rate for general fund purposes; or

(ii) whose boundary is coterminous with the boundary of a Federal military installation.

(B) Local educational agencies that received assistance under section 8003(f) for fiscal year 1999; and in fiscal year 1997 had at least 30 percent federally connected children described in section 8003(a)(1) in average daily attendance; and in fiscal year 1997 had a tax rate for general fund purposes which was at least 125 percent of the State average tax rate for general fund purposes.

(C) Any eligible local educational agency that in fiscal year 1997, which had at least 25,000 children in average daily attendance, at least 50 percent federally connected children described in section 8003(a)(1) in average daily attendance, and at least 6,000 children described in subparagraphs (A) and (B) of section 8003(a)(1) in average daily attendance.

(2) From the remaining $2,000,000 and any amounts available after making payments under paragraph (1), the Secretary shall then make supplemental payments to local educational agencies that are not described in paragraph (1) of this subsection, but that meet the requirements of paragraphs (2) and (4) of section 8003(f) of ESEA for fiscal year 2000.

(3) After making payments to all eligible local educational agencies described in paragraph (2) of subsection (a), the Secretary shall use any remaining funds from paragraph (2) for making payments to the eligible local educational agencies described in paragraph (1) of subsection (a) if the amount available under paragraph (1) is insufficient to fully fund all eligible local educational agencies.

(4) After making payments to all eligible local educational agencies as described in paragraphs 1 through 3, the Secretary shall use any remaining funds to increase basic support payments under section 8003(b) for fiscal year 2000 for all eligible applicants.

(b) In calculating the amounts of supplemental payments for agencies described in subparagraphs (1)(A) and (B) and paragraph (2) of subsection (a), the Secretary shall use the formula contained in section 8003(b)(1)(C) of ESEA, except that—

(1) eligible local educational agencies may count all children described in section 8003(a)(1) in computing the amount of those payments;

(2) maximum payments for any of those agencies that use local contribution rates identified in section 8003(b)(1)(C) (i) or (ii) shall be computed by using four-fifths instead of one-half of those rates;

(3) the learning opportunity threshold percentage of all such agencies under section 8003(b)(2)(B) shall be deemed to be 100;

(4) for an eligible local educational agency with 35 percent or more of its children in average daily attendance described in either subparagraph (D) or (E) of section 8003(a)(1) in fiscal year 1997, the weighted student unit figure from its regular basic support payment shall be recomputed by using a factor of 0.55 for such children;

(5) for an eligible local educational agency with fewer than 100 children in average daily attendance in fiscal year 1997, the weighted student unit figure from its regular basic support payment shall be recomputed by multiplying the total number of children described in section 8003(a)(1) by a factor of 1.75; and

(6) for an eligible local educational agency whose total number of children in average daily attendance in fiscal year 1997 was at least 100, but fewer than 750, the weighted student unit figure from its regular basic support payment shall be recomputed by multiplying the total number of children described in section 8003(a)(1) by a factor of 1.25.

(c) For a local educational agency described in subsection (a)(1)(C) above, the Secretary shall use the formula contained in section 8003(b)(1)(C) of ESEA, except that the weighted student unit total from its regular basic support payment shall be recomputed by using a factor of 1.35 for children described in subparagraphs (A) and (B) of section 8003(a)(1) and its learning opportunity threshold percentage shall be deemed to be 100.

(d) For each eligible local educational agency, the calculated supplemental section 8003(f) payment shall be reduced by subtracting the agency's fiscal year 2000 section 8003(b) basic support payment.

(e) If the sums described in subsections (a)(1) and (2) above are insufficient to pay in full the calculated supplemental payments for the local educational agencies identified in those subsections, the Secretary shall ratably reduce the supplemental section 8003(f) payment to each local educational agency.

SEC. 306. (a) Section 1204(b)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6364(b)(1)(a)) is amended—

(1) in clause (iv), by striking ''and'' after the semicolon;

(2) by striking clause (v) and adding the following:

''(v) 50 percent in the fifth, sixth, seventh, and eighth such years; and

''(vi) 35 percent in any subsequent such year.''.

(b) Section 1208(b) of the Elementary and Secondary Education Act of 1965 is amended—

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

''(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part after the first year, the State educational agency shall review the progress of each eligible entity in meeting the goals of the program referred to in section 1207(c)(1)(A) and shall evaluate the program based on the indicators of program quality developed by the State under section 1210.''; and

(2) in paragraph (5)(A), by striking the last sentence.

SEC. 307. (a) Notwithstanding sections 401(j) and 435(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a(j) and 1085(a)(2)) and subject to the requirements of subsection (b), the Secretary of Education shall—

(1) recalculate the official fiscal year 1996 cohort default rate for Jacksonville College of Jacksonville, Texas, on the basis of data corrections confirmed by the Texas Guaranteed Student Loan Corporation; and

(2) restore the eligibility of Jacksonville College to participate in the Federal Pell Grant Program for the 1999–2000 award year and succeeding award years.

(b) Jacksonville College shall implement a default management plan that is satisfactory to the Secretary of Education.

(c) For purposes of determining its Federal Pell Grant Program eligibility, Jacksonville College shall be deemed to have withdrawn from the Federal Family Education Loan program as of October 6, 1998.

SEC. 308. An amount of $14,500,000 from the balances of returned reserve funds, formerly held by the Higher Education Assistance Foundation, that are currently held in Higher Education Assistance Foundation Claims Reserves, Treasury account number 91X6192, and $12,000,000 from funds formerly held by the Higher Education Assistance Foundation, that are currently held in trust, shall be deposited in the general fund of the Treasury.

SEC. 309. Of the funds provided in title III of this Act, under the heading ''Higher Education'', for title VII, part B of the Higher Education Act of 1965, $250,000 shall be awarded to the Snelling Center for Government at the University of Vermont for a model school program, $750,000 shall be awarded to Texas A&M University, Corpus Christi, for operation of the Early Childhood Development Center, $1,000,000 shall be awarded to Southeast Missouri State University for equipment and curriculum development associated with the University's Polytechnic Institute, $800,000 shall be awarded to the Washington Virtual Classroom Consortium to develop, equip and implement an ecosystem curriculum, $500,000 shall be provided to the Puget Sound Center for Technology for faculty development activities for the use of technology in the classroom, $500,000 shall be awarded to the Center for the Advancement of Distance Education in Rural America, $3,000,000, to be available until expended, shall be awarded to the University Center of Lake County, Illinois and $1,000,000, to be available until expended, shall be awarded to the Oregon University System for activities authorized under title III, part A, section 311(c)(2), of the Higher Education Act of 1965, as amended, $500,000 shall be awarded to Columbia College Illinois for a freshman retention program, $1,500,000 shall be awarded to the University of Hawaii at Manoa for a Globalization Research Center, $2,000,000 shall be awarded to the University of Arkansas at Pine Bluff for technology infrastructure, $1,000,000 shall be awarded to the I Have a Dream Foundation, $1,000,000 shall be awarded to a demonstration program for activities authorized under part G of title VIII of the Higher Education Act of 1965, as amended, $1,500,000 shall be awarded to the Daniel J. Evans School of Public Policy at the University of Washington, $200,000 shall be awarded to North Dakota State University for the Career Program for Dislocated Farmers and Ranchers, $350,000 shall be awarded to North Dakota State University for the Tech-based Industry Traineeship Program, $1,500,000 shall be awarded to Washington State University for the Thomas S. Foley Institute to support programs in congressional studies, public policy, voter education, and to ensure community access and outreach, $200,000 shall be awarded to Minot State University for the Rural Communications Disabilities Program, $300,000 shall be awarded to Bryant College for the Linking International Trade Education Program (LITE), $1,000,000 shall be awarded to Concord College, West Virginia for a technology center to further enhance the technical skills of West Virginia teachers and students, $200,000 shall be awarded to Peirce College in Philadelphia, Pennsylvania for education and training programs, $250,000 shall be awarded to the Philadelphia Zoo for educational programs, $800,000 shall be awarded to Spelman College in Georgia for educational operations, $1,000,000 shall be awarded to the Philadelphia University Education Center for technology education, $725,000 shall be awarded to Lock Haven University for technology innovations, $250,000 for Middle Georgia College for an advanced distributed learning center demonstration program, $1,000,000 for the University of the Incarnate Word in San Antonio, Texas, to improve teacher capabilities in technology, $1,000,000 for Elmira College in New York for a technology enhancement initiative, $1,000,000 shall be awarded to the Southeastern Pennsylvania Consortium on Higher Education for education programs, $400,000 shall be awarded to Lehigh University Iacocca Institute for educational training, $250,000 shall be awarded to Lafayette College for arts education, $1,000,000 shall be awarded to Lewis and Clark College for the Crime Victims Law Institute, $1,650,000 for Rust College in Mississippi for technology infrastructure, $500,000 for the University of Notre Dame for a teacher quality initiative, and $2,000,000 shall be awarded to the Western Governors University for a distance learning initiative.

This title may be cited as the ''Department of Education Appropriations Act, 2000''.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $68,295,000, of which $12,696,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: Provided, That, notwithstanding any other provision of law, a single contract or related contracts for development and construction, to include construction of a long-term care facility at the United States Naval Home, may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18 and 252.232–7007, Limitation of Government Obligations.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $295,645,000: Provided, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends to volunteers or volunteer leaders whose incomes exceed the income guidelines established for payment of stipends under the Foster Grandparent and Senior Companion programs: Provided further, That the foregoing

proviso shall not apply to the Seniors for Schools program.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2002, $350,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That in addition to the amounts provided above, $10,000,000 shall be for digitalization, only if specifically authorized by subsequent legislation enacted by September 30, 2000.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $36,834,000, including $1,500,000, to remain available through September 30, 2001, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,159,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out subtitle B of the Museum and Library Services Act, $163,250,000, of which $19,356,000 shall be awarded to national leadership projects, notwithstanding section 221(a)(1)(B): Provided, That of the amount provided, $700,000 shall be awarded to the Library and Archives of New Hampshire's Political Tradition at the New Hampshire State Library, $1,000,000 shall be awarded to the Vermont Department of Libraries in Montpelier, Vermont, $750,000 shall be awarded to consolidation and preservation of archives and special collections at the University of Miami Library in Coral Gables, Florida, $1,900,000 shall be awarded to exhibits and library improvements for the Mississippi River Museum and Discovery Center in Dubuque, Iowa, $750,000 shall be awarded to the Alaska Native Heritage Center in Anchorage, Alaska, $750,000 shall be awarded to the Peabody-Essex Museum in Salem, Massachusetts, $750,000 shall be awarded to the Bishop Museum in Hawaii, $200,000 shall be awarded to Oceanside Public Library in California for a local cultural heritage project, $1,000,000 shall be awarded to the Urban Children's Museum Collaborative to develop and implement pilot programs dedicated to serving at-risk children and their families, $150,000 shall be awarded to the Troy State University Dothan in Alabama for archival of a special collection, $450,000 shall be awarded to Chadron State College in Nebraska for the Mari Sandoz Center, and $350,000 shall be awarded to the Alabama A&M University Alabama State Black Archives Research Center and Museum.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $7,015,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,300,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,400,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $2,250,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $199,500,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $9,100,000: Provided, That unobligated balances at the end of fiscal year 2000 not needed for emergency boards shall remain available for other statutory purposes through September 30, 2001.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $8,500,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $174,000,000, which shall include amounts becoming available in fiscal year 2000 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $174,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2001, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $91,000,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,400,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,764,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $383,638,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2001, $124,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant

to section 201(g)(1) of the Social Security Act, $21,503,085,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

From funds provided under the previous paragraph, not less than $100,000,000 shall be available for payment to the Social Security trust funds for administrative expenses for conducting continuing disability reviews.

In addition, $200,000,000, to remain available until September 30, 2001, for payment to the Social Security trust funds for administrative expenses for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term ''continuing disability reviews'' means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2001, $9,890,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, not more than $6,093,871,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than $1,800,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances at the end of fiscal year 2000 not needed for fiscal year 2000 shall remain available until expended to invest in the Social Security Administration computing network, including related equipment and nonpayroll administrative expenses associated solely with this network: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the previous paragraph, notwithstanding the provision under this heading in Public Law 105–277 regarding unobligated balances at the end of fiscal year 1999 not needed for such fiscal year, an amount not to exceed $50,000,000 from such unobligated balances shall, in addition to funding already available under this heading for fiscal year 2000, be available for necessary expenses.

From funds provided under the first paragraph, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $405,000,000, to remain available until September 30, 2001, for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term ''continuing disability reviews'' means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

In addition, $80,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2000 exceed $80,000,000, the amounts shall be available in fiscal year 2001 only to the extent provided in advance in appropriations Acts.

From amounts previously made available under this heading for a state-of-the-art computing network, not to exceed $100,000,000 shall be available for necessary expenses under this heading, subject to the same terms and conditions.

From funds provided under the first paragraph, the Commissioner of Social Security may direct up to $3,000,000, in addition to funds previously appropriated for this purpose, to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $15,000,000, together with not to exceed $51,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $13,000,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $20,000 and $15,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for ''Salaries and expenses, Federal Mediation and Conciliation Service''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for ''Salaries and expenses, National Mediation Board''.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical

condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) LIMITATION ON USE OF FUNDS FOR PROMOTION OF LEGALIZATION OF CONTROLLED SUBSTANCES.—None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. Except as otherwise specifically provided by law, unobligated balances remaining available at the end of fiscal year 2000 from appropriations made available for salaries and expenses for fiscal year 2000 in this Act, shall remain available through December 31, 2000, for each such account for the purposes authorized: Provided, That the House and Senate Committees on Appropriations shall be notified at least 15 days prior to the obligation of such funds.

SEC. 514. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 515. Section 520(c)(2)(D) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997, as amended, is further amended by striking ''December 31, 1997'' and inserting ''December 31, 1999''.

SEC. 516. The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq.) is amended—

(1) by striking section 2 and inserting the following:

"SEC. 2. APPOINTMENT OF MEMBERS OF BORDER HEALTH COMMISSION.

''Not later than 30 days after the date of the enactment of this section, the President shall appoint the United States members of the United States-Mexico Border Health Commission, and shall attempt to conclude an agreement with Mexico providing for the establishment of such Commission.''; and

(2) in section 3—

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

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

(C) by striking paragraph (3).

SEC. 517. The applicable time limitations with respect to the giving of notice of injury and the filing of a claim for compensation for disability or death by an individual under the Federal Employees' Compensation Act, as amended, for injuries sustained as a result of the person's exposure to a nitrogen or sulfur mustard agent in the performance of official duties as an employee at the Department of the Army's Edgewood Arsenal before March 20, 1944, shall not begin to run until the date of the enactment of this Act.

SEC. 518. Section 169(d)(2)(B) of Public Law 105–220, the Workforce Investment Act of 1998, is amended by striking ''or Alaska Native villages or Native groups (as such terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602))'' and inserting ''or Alaska Natives.''.

SEC. 519. Of the funds appropriated or otherwise made available in this Act for salaries and expenses for fiscal year 2000, $121,000,000, to be allocated by the Office of Management and Budget, are permanently canceled: Provided, That, within 30 days of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate showing the allocation of the $121,000,000.

TITLE VI—EARLY DETECTION, DIAGNOSIS, AND INTERVENTIONS FOR NEWBORNS AND INFANTS WITH HEARING LOSS

SEC. 601. (a) DEFINITIONS.—For the purposes of this section only, the following terms in this section are defined as follows:

(1) HEARING SCREENING.—Newborn and infant hearing screening consists of objective physiologic procedures to detect possible hearing loss and to identify newborns and infants who, after rescreening, require further audiologic and medical evaluations.

(2) AUDIOLOGIC EVALUATION.—Audiologic evaluation consists of procedures to assess the status of the auditory system; to establish the site of the auditory disorder; the type and degree of hearing loss, and the potential effects of hearing loss on communication; and to identify appropriate treatment and referral options. Referral options should include linkage to State IDEA part C coordinating agencies or other appropriate agencies, medical evaluation, hearing aid/sensory aid assessment, audiologic rehabilitation treatment, national and local consumer, self-help, parent, and education organizations, and other family-centered services.

(3) MEDICAL EVALUATION.—Medical evaluation by a physician consists of key components including history, examination, and medical decision making focused on symptomatic and related body systems for the purpose of diagnosing the etiology of hearing loss and related physical conditions, and for identifying appropriate treatment and referral options.

(4) MEDICAL INTERVENTION.—Medical intervention is the process by which a physician provides medical diagnosis and direction for medical and/or surgical treatment options of hearing loss and/or related medical disorder associated with hearing loss.

(5) AUDIOLOGIC REHABILITATION.—Audiologic rehabilitation (intervention) consists of procedures, techniques, and technologies to facilitate the receptive and expressive communication abilities of a child with hearing loss.

(6) EARLY INTERVENTION.—Early intervention (e.g., nonmedical) means providing appropriate services for the child with hearing loss and ensuring that families of the child are provided comprehensive, consumer-oriented information about the full range of family support, training, information services, communication options and are given the opportunity to consider the full range of educational and program placements and options for their child.

(b) PURPOSES.—The purposes of this section are to clarify the authority within the Public Health Service Act to authorize statewide newborn and infant hearing screening, evaluation and intervention programs and systems, technical assistance, a national applied research program, and interagency and private sector collaboration for policy development, in order to assist the States in making progress toward the following goals:

(1) All babies born in hospitals in the United States and its territories should have a hearing screening before leaving the birthing facility. Babies born in other countries and residing in the United States via immigration or adoption should have a hearing screening as early as possible.

(2) All babies who are not born in hospitals in the United States and its territories should have a hearing screening within the first 3 months of life.

(3) Appropriate audiologic and medical evaluations should be conducted by 3 months for all newborns and infants suspected of having hearing loss to allow appropriate referral and provisions for audiologic rehabilitation, medical and early intervention before the age of 6 months.

(4) All newborn and infant hearing screening programs and systems should include a component for audiologic rehabilitation, medical and early intervention options that ensures linkage to any new and existing statewide systems of intervention and rehabilitative services for newborns and infants with hearing loss.

(5) Public policy in regard to newborn and infant hearing screening and intervention should be based on applied research and the recognition that newborns, infants, toddlers, and children who are deaf or hard-of-hearing have unique language, learning, and communication needs, and should be the result of consultation with pertinent public and private sectors.

(c) STATEWIDE NEWBORN AND INFANT HEARING SCREENING, EVALUATION AND INTERVENTION PROGRAMS AND SYSTEMS.—Under the existing authority of the Public Health Service Act, the Secretary of Health and Human Services (in this section referred to as the ''Secretary''), acting through the Administrator of the Health Resources and Services Administration, shall make awards of grants or cooperative agreements to develop statewide newborn and infant hearing screening, evaluation and intervention programs and systems for the following purposes:

(1) To develop and monitor the efficacy of statewide newborn and infant hearing screening, evaluation and intervention programs and

systems. Early intervention includes referral to schools and agencies, including community, consumer, and parent-based agencies and organizations and other programs mandated by part C of the Individuals with Disabilities Education Act, which offer programs specifically designed to meet the unique language and communication needs of deaf and hard-of-hearing newborns, infants, toddlers, and children.

(2) To collect data on statewide newborn and infant hearing screening, evaluation and intervention programs and systems that can be used for applied research, program evaluation and policy development.

(d) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH.—

(1) CENTERS FOR DISEASE CONTROL AND PREVENTION.—Under the existing authority of the Public Health Service Act, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall make awards of grants or cooperative agreements to provide technical assistance to State agencies to complement an intramural program and to conduct applied research related to newborn and infant hearing screening, evaluation and intervention programs and systems. The program shall develop standardized procedures for data management and program effectiveness and costs, such as—

(A) to ensure quality monitoring of newborn and infant hearing loss screening, evaluation, and intervention programs and systems;

(B) to provide technical assistance on data collection and management;

(C) to study the costs and effectiveness of newborn and infant hearing screening, evaluation and intervention programs and systems conducted by State-based programs in order to answer issues of importance to State and national policymakers;

(D) to identify the causes and risk factors for congenital hearing loss;

(E) to study the effectiveness of newborn and infant hearing screening, audiologic and medical evaluations and intervention programs and systems by assessing the health, intellectual and social developmental, cognitive, and language status of these children at school age; and

(F) to promote the sharing of data regarding early hearing loss with State-based birth defects and developmental disabilities monitoring programs for the purpose of identifying previously unknown causes of hearing loss.

(2) NATIONAL INSTITUTES OF HEALTH.—Under the existing authority of the Public Health Service Act, the Director of the National Institutes of Health, acting through the Director of the National Institute on Deafness and Other Communication Disorders, shall for purposes of this section, continue a program of research and development on the efficacy of new screening techniques and technology, including clinical studies of screening methods, studies on efficacy of intervention, and related research.

(e) COORDINATION AND COLLABORATION.—

(1) IN GENERAL.—Under the existing authority of the Public Health Service Act, in carrying out programs under this section, the Administrator of the Health Resources and Services Administration, the Director of the Centers for Disease Control and Prevention, and the Director of the National Institutes of Health shall collaborate and consult with other Federal agencies; State and local agencies, including those responsible for early intervention services pursuant to title XIX of the Social Security Act (Medicaid Early and Periodic Screening, Diagnosis and Treatment Program); title XXI of the Social Security Act (State Children's Health Insurance Program); title V of the Social Security Act (Maternal and Child Health Block Grant Program); and part C of the Individuals with Disabilities Education Act; consumer groups of and that serve individuals who are deaf and hard-of-hearing and their families; appropriate national medical and other health and education specialty organizations; persons who are deaf and hard-of-hearing and their families; other qualified professional personnel who are proficient in deaf or hard-of-hearing children's language and who possess the specialized knowledge, skills, and attributes needed to serve deaf and hard-of-hearing newborns, infants, toddlers, children, and their families; third-party payers and managed care organizations; and related commercial industries.

(2) POLICY DEVELOPMENT.—Under the existing authority of the Public Health Service Act, the Administrator of the Health Resources and Services Administration, the Director of the Centers for Disease Control and Prevention, and the Director of the National Institutes of Health shall coordinate and collaborate on recommendations for policy development at the Federal and State levels and with the private sector, including consumer, medical and other health and education professional-based organizations, with respect to newborn and infant hearing screening, evaluation and intervention programs and systems.

(3) STATE EARLY DETECTION, DIAGNOSIS, AND INTERVENTION PROGRAMS AND SYSTEMS; DATA COLLECTION.—Under the existing authority of the Public Health Service Act, the Administrator of the Health Resources and Services Administration and the Director of the Centers for Disease Control and Prevention shall coordinate and collaborate in assisting States to establish newborn and infant hearing screening, evaluation and intervention programs and systems under subsection (c) and to develop a data collection system under subsection (d).

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt any State law.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) STATEWIDE NEWBORN AND INFANT HEARING SCREENING, EVALUATION AND INTERVENTION PROGRAMS AND SYSTEMS.—For the purpose of carrying out subsection (c) under the existing authority of the Public Health Service Act, there are authorized to the Health Resources and Services Administration appropriations in the amount of $5,000,000 for fiscal year 2000, $8,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal year 2002.

(2) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH; CENTERS FOR DISEASE CONTROL AND PREVENTION.—For the purpose of carrying out subsection (d)(1) under the existing authority of the Public Health Service Act, there are authorized to the Centers for Disease Control and Prevention, appropriations in the amount of $5,000,000 for fiscal year 2000, $7,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal year 2002.

(3) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH; NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS.—For the purpose of carrying out subsection (d)(2) under the existing authority of the Public Health Service Act, there are authorized to the National Institute on Deafness and Other Communication Disorders appropriations for such sums as may be necessary for each of the fiscal years 2000 through 2002.

This Act may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000''.

DIVISION C

RESCISSIONS AND OFFSETS

SEC. 1001. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 0.97 percent of—

(1) the budget authority provided (or obligation limitation established) for fiscal year 2000 for any discretionary account in any fiscal year 2000 appropriation law;

(2) the budget authority provided (or obligation limitation established) in any advance appropriation for fiscal year 2000 for any discretionary account in any prior fiscal year appropriation law; and

(3) the budget authority provided in any fiscal year 2000 appropriation law that would have been estimated as increasing direct spending for fiscal year 2000 under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in a law other than an appropriation law and not designated as an emergency requirement.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a)(3); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying report for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) SUBSEQUENT APPROPRIATION LAWS.—In the case of any fiscal year 2000 appropriation law enacted after the enactment of this section, any rescission required by subsection (a) shall take effect immediately after the enactment of such law.

(d) OMB REPORTS.—Within 30 days after the date of the enactment of this section (or, if later, 30 days after the date of the enactment of any fiscal year 2000 appropriation law), the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

(e) SAME PERCENTAGE REDUCTION APPLICABLE TO PAY FOR MEMBERS OF CONGRESS.—

(1) IN GENERAL.—In determining rates of pay for service performed in any fiscal year beginning after September 30, 1999, the rate of pay for a Member of Congress shall be determined as if the fiscal year 2000 pay adjustment (taking effect in January 2000) had resulted in a rate equal to—

(A) the rate of pay that would otherwise have taken effect for the position involved beginning in January 2000 (if this section had not been enacted), reduced by

(B) the same percentage as specified in subsection (a).

(2) DEFINITIONS.—For purposes of this subsection—

(A) the term ''Member of Congress'' refers to any position under subparagraph (A), (B), or (C) of section 601(a)(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(1)(A)–(C)); and

(B) the term ''fiscal year 2000 pay adjustment'' means the adjustment in rates of pay scheduled to take effect in fiscal year 2000 under section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)).

SEC. 1002. (a) Section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended by adding at the end the following:

''(6) INFORMATION COMPARISONS AND DISCLOSURE FOR ENFORCEMENT OF OBLIGATIONS ON HIGHER EDUCATION ACT LOANS AND GRANTS.—

''(A) FURNISHING OF INFORMATION BY THE SECRETARY OF EDUCATION.—The Secretary of Education shall furnish to the Secretary, on a quarterly basis or at such less frequent intervals as may be determined by the Secretary of Education, information in the custody of the Secretary of Education for comparison with information in the National Directory of New Hires,

in order to obtain the information in such directory with respect to individuals who—

''(i) are borrowers of loans made under title IV of the Higher Education Act of 1965 that are in default; or

''(ii) owe an obligation to refund an overpayment of a grant awarded under such title.

''(B) REQUIREMENT TO SEEK MINIMUM INFORMATION NECESSARY.—The Secretary of Education shall seek information pursuant to this section only to the extent essential to improving collection of the debt described in subparagraph (A).

''(C) DUTIES OF THE SECRETARY.—

''(i) INFORMATION COMPARISON; DISCLOSURE TO THE SECRETARY OF EDUCATION.—The Secretary, in cooperation with the Secretary of Education, shall compare information in the National Directory of New Hires with information in the custody of the Secretary of Education, and disclose information in that Directory to the Secretary of Education, in accordance with this paragraph, for the purposes specified in this paragraph.

''(ii) CONDITION ON DISCLOSURE.—The Secretary shall make disclosures in accordance with clause (i) only to the extent that the Secretary determines that such disclosures do not interfere with the effective operation of the program under this part. Support collection under section 466(b) shall be given priority over collection of any defaulted student loan or grant overpayment against the same income.

''(D) USE OF INFORMATION BY THE SECRETARY OF EDUCATION.—The Secretary of Education may use information resulting from a data match pursuant to this paragraph only—

''(i) for the purpose of collection of the debt described in subparagraph (A) owed by an individual whose annualized wage level (determined by taking into consideration information from the National Directory of New Hires) exceeds $16,000; and

''(ii) after removal of personal identifiers, to conduct analyses of student loan defaults.

''(E) DISCLOSURE OF INFORMATION BY THE SECRETARY OF EDUCATION.—

''(i) DISCLOSURES PERMITTED.—The Secretary of Education may disclose information resulting from a data match pursuant to this paragraph only to—

''(I) a guaranty agency holding a loan made under part B of title IV of the Higher Education Act of 1965 on which the individual is obligated;

''(II) a contractor or agent of the guaranty agency described in subclause (I);

''(III) a contractor or agent of the Secretary; and

''(IV) the Attorney General.

''(ii) PURPOSE OF DISCLOSURE.—The Secretary of Education may make a disclosure under clause (i) only for the purpose of collection of the debts owed on defaulted student loans, or overpayments of grants, made under title IV of the Higher Education Act of 1965.

''(iii) RESTRICTION ON REDISCLOSURE.—An entity to which information is disclosed under clause (i) may use or disclose such information only as needed for the purpose of collecting on defaulted student loans, or overpayments of grants, made under title IV of the Higher Education Act of 1965.

''(F) REIMBURSEMENT OF HHS COSTS.—The Secretary of Education shall reimburse the Secretary, in accordance with subsection (k)(3), for the additional costs incurred by the Secretary in furnishing the information requested under this subparagraph.''.

(b) PENALTIES FOR MISUSE OF INFORMATION.—Section 402(a) of the Child Support Performance and Incentive Act of 1998 (112 Stat. 669) is amended in the matter added by paragraph (2) by inserting ''or any other person'' after ''officer or employee of the United States''.

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective October 1, 1999.

SEC. 1003. Section 110 of title 23, United States Code, is amended by adding at the end the following:

''(e) After making any calculation necessary to implement this section for fiscal year 2001, the amount available under paragraph (a)(1) shall be increased by $328,655,000. The amounts added under this subsection shall not apply to any calculation in any other fiscal year.

''(f) For fiscal year 2001, prior to making any distribution under this section, $56,231,000 of the allocation under paragraph (a)(1) shall be available only for each program authorized under chapter 53 of title 49, United States Code, and title III of Public Law 105–178, in proportion to each such program's share of the total authorizations in section 5338 (other than 5338(h)) of such title and sections 3037 and 3038 of such Public Law, under the terms and conditions of chapter 53 of such title.

''(g) For fiscal year 2001, prior to making any distribution under this section, $1,019,000 of the allocation under paragraph (a)(1) shall be available only for motor carrier safety programs under sections 31104 and 31107 of title 49, United States Code; $698,000 for NHTSA operations and research under section 403 of title 23, United States Code; and $2,008,000 for NHTSA highway traffic safety grants under chapter 4 of title 23, United States Code.''.

Amend the title so as to read ''An Act making appropriations for the District of Columbia, and for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes.''.

And the Senate agree to the same.

ERNEST J. ISTOOK, Jr.,
RANDY ''DUKE'' CUNNINGHAM,
TODD TIAHRT,
ROBERT B. ADERHOLT,
JO ANN EMERSON,
JOHN E. SUNUNU,
BILL YOUNG,
Managers on the Part of the House.

KAY BAILEY HUTCHISON,
TED STEVENS,
PETE DOMENICI,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3064) making appropriations for the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the mangers and recommended in the accompanying conference report.

The composition of this conference agreement includes more than the District of Columbia Appropriations Act for fiscal year 2000. While the House version of H.R. 3064 and the Senate amendment in the nature of a substitute dealt only with District of Columbia appropriations, the conference report was expanded to include Departments of Labor, Health and Human Services, and Education and related agencies appropriations. Appropriations for the District of Columbia are included in Division A. Appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies are included in Division B.

Since the conference agreement is expanded to include the Departments of Labor, Health and Human Services, and Education, and related agencies, the title of the bill is amended to reflect this.

DIVISION A

DISTRICT OF COLUMBIA APPROPRIATIONS

The conferees on H.R. 3064 agree with the matter inserted in this division of this conference agreement and the following description of this matter. This matter was developed through the negotiations on the differences in the House and Senate versions of H.R. 3064, the District of Columbia Appropriations Act, 2000, by members of the appropriations subcommittee of both the House and Senate with jurisdiction over H.R. 3064.

The Division A portion of this joint explanatory statement includes more than a description of the resolution of the differences between the House and Senate versions of H.R. 3064. It also provides a more full description of the matter not in disagreement between the two Houses. Since H.R. 2587, the initial District of Columbia Appropriations Act, 2000, was vetoed, the conferees have expanded this statement to provide an explanation of the additional matter that was not changed in H.R. 3064 as guidance in implementing this conference agreement.

A description of the resolution of the differences between the House and Senate on H.R. 3064 follows next.

DISTRICT OF COLUMBIA FUNDS

GOVERNMENT DIRECTION AND SUPPORT

The conference action inserts a proviso as proposed by the Senate concerning the salary of members of the Council of the District of Columbia.

PUBLIC EDUCATION SYSTEM

The conferees are aware of the Values First program that is designed to bring character education to the District's public elementary schools. The conferees are aware that ten schools now have such a program. The conferees encourage the public school system to continue to expand the Values First program and expend the funds necessary to implement this program on a broader basis.

GENERAL PROVISIONS

The conference action inserts a new subsection (b) in section 129 as proposed by the Senate that allows an increase in payments to attorneys representing special education students if the Mayor, control board, and Superintendent of Public Schools concur in a Memorandum of Understanding setting forth the increase.

The conference action continues the prohibition in section 150 on using Federal or local funds to support needle exchange programs, but without the restriction on privately-funded programs.

The conference action revises section 151 concerning the monitoring of real property leases entered into by the District government.

The conference action revises section 152 concerning new leases and purchases of real property by the District government.

The conference action inserts a new section 173 as proposed by the Senate that allows the DC Corporation Counsel to review and comment on briefs in private lawsuits and to consult with officials of the District government regarding such lawsuits.

The conference action inserts a new section 174 as proposed by the Senate concerning wireless communication and antenna applications. The language recommended by the conferees requires the National Park

Service to implement the notice of decision approved by the National Capital Regional Director, dated April 7, 1999, including the issuance of right-of-way permits, within 7 days of the enactment of this Act. Concerning future applications for siting on Federal land, the responsible Federal agency is directed to take final action to approve or deny each application, including action on the issuance of right-of-way permits at market rates, within 120 days of the receipt of such application. This 120-day directive does not change or eliminate the obligation that the responsible Federal agency must comply with existing laws.

The conference action inserts a new section 175 that amends the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74), by making certain technical corrections and adding language reflecting the intent of the conferees on that Act.

What follows next is a description of the resolution of selected differences between the House and Senate on the initial District of Columbia Appropriations Act, 2000, H.R. 2587, that was vetoed. Even though there were differences between the House and Senate versions of H.R. 2587, the resolution of these selected differences was incorporated as identical text in both versions of H.R. 3064. A description of the resolution of these selected differences is included in this conference agreement on H.R. 3064 because an understanding of them is important to the overall implementation of this Act.

The conference agreement on H.R. 3064 incorporates some of the provisions of both the House and Senate versions of H.R. 2587. The language and allocations set forth in House Report 106–249 and Senate Report 106–88 are to be complied with unless specifically addressed in the accompanying bill and statement of the managers to the contrary. The agreement herein, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided. General provisions which were identical in the House and Senate passed versions of H.R. 2587 and not changed in H.R. 3064 and that are unchanged by this conference agreement are approved unless provided to the contrary herein.

TITLE I—FISCAL YEAR 2000 APPROPRIATIONS

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

Appropriates $17,000,000 as proposed by the House and the Senate and makes modifications specifying that the entire $17,000,000 will be available if the authorized program is a nationwide program and $11,000,000 will be available if the program is for a limited number of States. The language also allows the District to use local tax revenues for this program.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

Appropriates $5,000,000 instead of $8,500,000 as proposed by the House and includes language allowing the funds to be used for local tax credits to offset costs incurred by individuals in adopting children in the District's foster care system and for health care needs of the children in accordance with legislation to be enacted by the District government.

FEDERAL PAYMENT TO THE CITIZEN COMPLAINT REVIEW BOARD

Appropriates $500,000 instead of $1,200,000 as proposed by the House. This amount together with $700,000 in local funds will provide a total of $1,200,000 for the Board's operations in fiscal year 2000. The conferees recognize the importance of an independent review body to act as a forum for the review and resolution of complaints against officers of the Metropolitan Police Department and special officers employed by the District of Columbia. The conferees also request that the Mayor's office provide a comprehensive plan for the use of the Civilian Complaint Review Board. The plan/report should contain information about the problems of the previous review board and what will be done to avoid these problems with the new board.

FEDERAL PAYMENT TO THE DEPARTMENT OF HUMAN SERVICES

Appropriates $250,000 for a mentoring program and for hotline services as proposed by the House.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

Appropriates $176,000,000 as proposed by the Senate instead of $183,000,000 as proposed by the House and includes language allowing the Corrections Trustee to use interest earnings of up to $4,600,000 to assist the Trustee with the sharp, rather unexpected increase in the overall inmate population.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

Appropriates $99,714,000 instead of $100,714,000 as proposed by the House and $136,440,000 as proposed by the Senate. The reduction below the House allowance reflects the $1,000,000 in the capital program as proposed by the Senate.

Courts' budget.—The conferees request that budget information submitted by the Courts with their FY 2001 and future budgets include grants and reimbursements from all other sources so that information on total resources available to the courts will be available.

DEFENDER SERVICES IN THE DISTRICT OF COLUMBIA COURTS

Appropriates $33,336,000 as proposed by the House and includes language proposed by the Senate requiring monthly financial reports. The conferees have included language allowing the Joint Committee on Judicial Administration to use interest earnings of up to $1,200,000 to make payments for obligations incurred during fiscal year 1999 for services provided by attorneys for indigents. The availability of this additional amount is contingent on a certification by the Comptroller General. The Courts have reported that they anticipate a shortfall of ''approximately $1,000,000'' in fiscal year 1999 for the Criminal Justice Act program.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

Appropriates $93,800,000 instead of $105,500,000 as proposed by the House and $80,300,000 as proposed by the Senate. The increase above the Senate allowance includes $7,000,000 for increased drug testing and treatment and $6,500,000 for additional parole and probation officers instead of $13,200,000 and $10,000,000, respectively, as proposed by the House.

CHILDREN'S NATIONAL MEDICAL CENTER

Appropriates $2,500,000 for Children's National Medical Center instead of $3,500,000 as proposed by the House.

FEDERAL PAYMENT FOR METROPOLITAN POLICE DEPARTMENT

Appropriates $1,000,000 for the Metropolitan Police as proposed by the Senate. The conferees recognize the devastating problems caused by illegal drug use and fully support this program to eliminate open air drug trafficking in all four quadrants of the District of Columbia. The conferees have included language requiring quarterly reports to the Congress on all four quadrants. The reports should include, at a minimum, the amounts expended, the number of personnel involved, and the overall results and effectiveness of the open air drug program in eliminating the drug trafficking problem.

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

OFFICE OF THE CHIEF TECHNOLOGY OFFICER

The conferees are concerned that the District's child support system is not Y2K compliant. The conferees have been advised that the Office of Corporation Counsel is responsible for developing, operating, and maintaining this system which is used by the District's courts to collect child support payments from absentee parents, disburse payments to custodial parents, and account for these activities. The conferees urge the District's Chief Technology Officer to provide the Office of Corporation Counsel with the necessary support to ensure that: (1) The system is promptly remediated and tested, and (2) a business continuity and contingency plan that includes a Courts' child support functions is in place. The conferees request a report on this matter by November 1, 1999.

PUBLIC SAFETY AND JUSTICE

Appropriates $778,770,000 including $565,511,000 from local funds and $184,247,000 from other funds instead of $785,670,000 including $565,411,000 from local funds and $191,247,000 from other funds as proposed by the House and $778,470,000 including $565,211,000 from local funds and $184,247,000 from other funds as proposed by the Senate. The increase of $300,000 above the Senate allowance will provide a total of $1,200,000 for the Citizen Complaint Review Board consisting of $500,000 in Federal funds and $700,000 in local funds instead of a total of $900,000 in local funds as proposed by the Senate.

The conference action retains the proviso that caps the number of police officers assigned to the Mayor's security detail at 15 as proposed by the House.

The conference action includes a proviso that allows up to $700,000 in local funds for the Citizen Complaint Review Board instead of $900,000 in local funds as proposed by the Senate.

FIRE DEPARTMENT

The conferees recommend that the Fire and Emergency Medical Services Department conduct a study about the need for placement of automated external defibrillators in Federal buildings.

PUBLIC EDUCATION SYSTEM

The conference action includes the proviso proposed by the Senate concerning the Weighted Student Formula and the setting aside of five percent of the total budget which is to be apportioned when the current student count for public and charter schools has been completed. The conference action also includes a proviso proposed by the Senate allowing $500,000 for a Schools Without Violence program.

HUMAN SUPPORT SERVICES

Appropriates $1,526,361,000 including $635,373,000 from local funds as proposed by the House instead of $1,526,111,000 including $635,123,000 as proposed by the Senate.

PUBLIC WORKS

The conference action deletes the proviso earmarking funds as proposed by the Senate.

RECEIVERSHIP PROGRAMS

Appropriates $342,077,000 including $217,606,000 from local funds instead of $345,577,000 including $221,106,000 from local funds as proposed by the House and $337,077,000 including $212,606,000 from local funds as proposed by the Senate.

RESERVE

The conference action deletes the proviso concerning expenditure criteria as proposed by the Senate.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

The conference action retains the proviso concerning the cap on the salary levels of the Executive Director and the General Counsel as proposed by the House.

PRODUCTIVITY BANK

The conference action retains the proviso requiring quarterly reports as proposed by the House.

PRODUCTIVITY BANK SAVINGS

The conference action retains the proviso requiring quarterly reports as proposed by the House.

PROCUREMENT AND MANAGEMENT SAVINGS

The conference action restores the proviso requiring quarterly reports as proposed by the House and deletes the proviso requiring Council approval of a resolution authorizing management reform savings proposed by the Senate.

D.C. RETIREMENT BOARD

The conference action amends the cap on the compensation of the Chairman of the Board and the Chairman of the Investment Committee of the Board to $7,500 instead of $10,000 as proposed by the House.

CAPITAL OUTLAY

The conference action revises the first paragraph for clarity as proposed by the House.

SUMMARY TABLE OF CONFERENCE RECOMMENDATIONS BY AGENCY AND FY 2000 FINANCIAL PLAN

A summary table showing the Federal appropriations by account and the allocation of District funds by agency or office under each appropriation heading for fiscal year 1999, the fiscal year 2000 request, the House and Senate recommendations, and the conference allowance, and the fiscal year 2000 Financial Plan which is the starting point for the independent auditor's comparison with actual year-end results as required by section 143 of the bill follow:

SUMMARY
FY 2000 D. C. APPROPRIATIONS BILL

	House Bill		Senate Bill		Conference	
	FTEs	Amount	FTEs	Amount	FTEs	Amount
TITLE I						
FEDERAL FUNDS						
Federal Payment for Resident Tuition Support	0	17,000,000	0	17,000,000	0	17,000,000
Federal Payment for Incentives for Adoption of Children	0	8,500,000	0	0	0	5,000,000
Federal Payment to the Citizen Complaint Review Board	0	1,200,000	0	0	0	500,000
Federal Payment to the Department of Human Services	0	250,000		0	0	250,000
Federal Payment to the District of Columbia Corrections Trustee Operations	0	183,000,000	0	176,000,000	0	176,000,000
Federal Payment to the District of Columbia Courts	0	100,714,000	0	136,440,000	0	99,714,000
Defender Services in District of Columbia Courts	0	33,336,000	0	0	0	33,336,000
Federal Payment to the Court Services and Offender Supervision Agency for the District of Columbia	0	105,500,000	0	80,300,000	0	93,800,000
Federal Payment for Metropolitan Police Department	0	0	0	1,000,000	0	1,000,000
Children's National Medical Center	0	3,500,000	0	0	0	2,500,000
Total, Title I, Federal funds to the District of Columbia	**0**	**453,000,000**	**0**	**410,740,000**	**0**	**429,100,000**

	House Bill		Senate Bill		Conference	
	FTEs	Amount	FTEs	Amount	FTEs	Amount
DISTRICT OF COLUMBIA FUNDS						
Operating expenses:						
Governmental Direction and Support	2,297	162,356,000	2,297	162,356,000	2,297	167,356,000
Economic Development and Regulation	1,439	190,335,000	1,439	190,335,000	1,439	190,335,000
Public Safety and Justice	9,264	785,670,000	9,264	778,470,000	9,264	778,770,000
Public Education System	11,359	867,411,000	11,359	867,411,000	11,359	867,411,000
Human Support Services	3,742	1,526,361,000	3,742	1,526,111,000	3,742	1,526,361,000
Public Works	1,686	271,395,000	1,686	271,395,000	1,686	271,395,000
Receivership Programs	2,755	345,577,000	2,755	337,077,000	2,755	342,077,000
Workforce Investments	0	8,500,000	0	8,500,000	0	8,500,000
Buyouts and Other Management Reforms	0	20,000,000	0	0	0	18,000,000
Reserve	0	150,000,000	0	150,000,000	0	150,000,000
D.C. Financial Responsibility and Management Assistance Authority	33	3,140,000	33	3,140,000	33	3,140,000
Repayment of Loans and Interest	0	328,417,000	0	328,417,000	0	328,417,000
Repayment of General Fund Recovery Debt	0	38,286,000	0	38,286,000	0	38,286,000
Payment of Interest on Short-Term Borrowing	0	9,000,000	0	9,000,000	0	9,000,000
Certificates of Participation	0	7,950,000	0	7,950,000	0	7,950,000
Optical and Dental Payments	0	1,295,000	0	1,295,000	0	1,295,000
Productivity Bank	0	20,000,000	0	20,000,000	0	20,000,000
Productivity Bank Savings	0	(20,000,000)	0	(20,000,000)	0	(20,000,000)
Procurement and Management Savings	0	(21,457,000)	0	(21,457,000)		(21,457,000)
Water and Sewer Enterprise Fund	0	279,608,000	0	279,608,000	0	279,608,000
Lottery and Charitable Games Enterprise Fund	100	234,400,000	100	234,400,000	100	234,400,000
Sports and Entertainment Commission	0	10,846,000	0	10,846,000	0	10,846,000
D.C. General Hospital (Public Benefit Corporation)	0	89,008,000	0	89,008,000	0	89,008,000
D.C. Retirement Board	13	9,892,000	13	9,892,000	13	9,892,000
Correctional Industries Fund	31	1,810,000	31	1,810,000	31	1,810,000
Washington Convention Center Enterprise Fund	0	50,226,000	0	50,226,000	0	50,226,000
Total, operating expenses	**32,719**	**5,370,026,000**	**32,719**	**5,334,076,000**	**32,719**	**5,362,626,000**
Capital Outlay:						
General fund	0	1,218,637,500	0	1,218,637,500		1,218,637,500
Water and Sewer fund	0	197,169,000	0	197,169,000	0	197,169,000
Total, capital outlay	**0**	**1,415,806,500**	**0**	**1,415,806,500**	**0**	**1,415,806,500**
Grand Total, District of Columbia Funds	**32,719**	**6,785,832,500**	**32,719**	**6,749,882,500**	**32,719**	**6,778,432,500**

GOVERNMENTAL DIRECTION AND SUPPORT

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Council of the District of Columbia	9,388,000	10,477,000	10,477,000	10,477,000	10,477,000
Office of the District of Columbia Auditor	1,048,000	1,183,000	1,183,000	1,183,000	1,183,000
Advisory Neighborhood Commissions	0	623,000	623,000	623,000	623,000
Office of the Mayor	2,256,000	4,207,000	4,207,000	4,207,000	9,207,000 1/
Office of the Secretary	2,146,000	1,816,000	1,816,000	1,816,000	1,816,000
Office of Communications	350,000	0	0	0	0
Office of Intergovernmental Relations	1,271,000	0	0	0	0
Office of the City Administrator	926,000	25,132,000	12,821,000	12,821,000	12,821,000
Office of Personnel	8,963,000	10,445,000	10,445,000	10,445,000	10,445,000
Human Resource Development	0	3,766,000	3,766,000	3,766,000	3,766,000
Office of Finance and Resource Management	0	778,000	778,000	778,000	778,000
Office of Contracts and Procurement	17,080,000	14,150,000	14,150,000	14,150,000	14,150,000
Office of the Chief Technology Officer	14,924,000	3,740,000	3,740,000	3,740,000	3,740,000
Office of Property Management	9,445,000	9,152,000	9,152,000	9,152,000	9,152,000
Contract Appeals Board	603,000	687,000	687,000	687,000	687,000
Board of Elections and Ethics	2,954,000	3,238,000	3,238,000	3,238,000	3,238,000
Office of Campaign Finance	920,000	978,000	978,000	978,000	978,000
Public Employee Relations Board	559,000	632,000	632,000	632,000	632,000
Office of Employee Appeals	1,213,000	1,337,000	1,337,000	1,337,000	1,337,000
Metropolitan Washington Council of Governments	374,000	367,000	367,000	367,000	367,000
Office of Inspector General	7,430,000	6,827,000	6,827,000	6,827,000	6,827,000
Chief Financial Officer	82,294,000	75,132,000	75,132,000	75,132,000	75,132,000
Total, Governmental Direction and Support	164,144,000	174,667,000	162,356,000	162,356,000	167,356,000
Plus Intra-District funds	39,796,000	32,796,000	32,796,000	32,796,000	32,796,000
Total	203,940,000	207,463,000	195,152,000	195,152,000	200,152,000

1/ General Provision, Sec. 168, $5,000,000.

ECONOMIC DEVELOPMENT AND REGULATION

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Business Services and Economic Development	18,640,000	22,515,000	22,515,000	22,515,000	22,515,000
Office of Zoning	956,000	1,275,000	1,275,000	1,275,000	1,275,000
Department of Housing and Community Development	55,509,000	56,739,000	56,739,000	56,739,000	56,739,000
Housing Authority	2,080,000	0	0	0	0
Department of Employment Services	56,804,000	63,690,000	63,690,000	63,690,000	63,690,000
Board of Appeals and Review	203,000	240,000	240,000	240,000	240,000
Board of Real Property Assessments and Appeals	293,000	291,000	291,000	291,000	291,000
Department of Consumer and Regulatory	24,554,000	27,125,000	27,125,000	27,125,000	27,125,000
Office of Banking and Financial Institutions	0	870,000	870,000	870,000	870,000
Public Service Commission	0	5,327,000	5,327,000	5,327,000	5,327,000
Office of People's Counsel	0	2,823,000	2,823,000	2,823,000	2,823,000
Department of Insurance and Securities Regulation	0	6,990,000	6,990,000	6,990,000	6,990,000
Office of Cable Television and Telecommunications	0	2,450,000	2,450,000	2,450,000	2,450,000
Total, Economic Development and Regulation	159,039,000	190,335,000	190,335,000	190,335,000	190,335,000
Plus Intra-District Funds	3,634,000	3,136,000	3,136,000	3,136,000	3,136,000
Total	162,673,000	193,471,000	193,471,000	193,471,000	193,471,000

PUBLIC SAFETY AND JUSTICE

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Metropolitan Police Department	296,854,000	301,774,000	300,574,000	301,574,000	301,574,000
Fire and Emergency Medical Services Department	104,806,000	111,870,000	111,870,000	0 111,870,000	111,870,000
Police and Fire Retirement System	35,100,000	39,900,000	39,900,000	39,900,000	39,900,000
Office of the Corporation Counsel	39,835,000	46,425,000	46,425,000	46,425,000	46,425,000
Settlements and Judgments	19,700,000	26,900,000	26,900,000	26,900,000	26,900,000
Department of Corrections	254,857,000	245,577,000	252,577,000	245,577,000	245,577,000
National Guard	1,783,000	1,748,000	1,748,000	1,748,000	1,748,000
Office of Emergency Preparedness	2,627,000	2,641,000	2,641,000	2,641,000	2,641,000
Commission on Judicial Disabilities and Tenure	138,000	143,000	143,000	143,000	143,000
Judicial Nomination Commission	86,000	85,000	85,000	85,000	85,000
Office of Citizen Complaint Review	0	900,000	2,100,000	900,000	1,200,000
Advisory Commission on Sentencing	0	707,000	707,000	707,000	707,000
Total, Public Safety and Justice	755,786,000	778,670,000	785,670,000	778,470,000	778,770,000
Plus Intra-District funds	10,500,000	5,726,000	5,726,000	5,726,000	5,726,000
Total	766,286,000	784,396,000	791,396,000	784,196,000	784,496,000

PUBLIC EDUCATION SYSTEM

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Board of Education (Public Schools)	644,805,000	713,197,000	713,197,000	713,197,000	713,197,000
D.C. Resident Tuition System	0	0	17,000,000	17,000,000	17,000,000
Teachers' Retirement System	27,857,000	10,700,000	10,700,000	10,700,000	10,700,000
Public Charter Schools	18,600,000	27,885,000	27,885,000	27,885,000	27,885,000
University of the District of Columbia	72,088,000	72,347,000	72,347,000	72,347,000	72,347,000
Public Library	23,419,000	24,171,000	24,171,000	24,171,000	24,171,000
Commission on the Arts and Humanities	2,187,000	2,111,000	2,111,000	2,111,000	2,111,000
Total, Public Education System	788,956,000	850,411,000	867,411,000	867,411,000	867,411,000
Plus Intra-District funds	12,791,000	13,768,000	13,768,000	13,768,000	13,768,000
Total	801,747,000	864,179,000	881,179,000	881,179,000	881,179,000

HUMAN SUPPORT SERVICES

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Department of Human Development	391,416,000	393,441,000	393,691,000	393,441,000	393,691,000
Department of Health	996,080,000	1,004,113,000	1,004,113,000	1,004,113,000	1,004,113,000
Department of Recreation and Parks	24,119,000	26,196,000	26,196,000	26,196,000	26,196,000
Office on Aging	17,616,000	18,616,000	18,616,000	18,616,000	18,616,000
Public Benefit Corporation Subsidy	46,835,000	44,435,000	44,435,000	44,435,000	44,435,000
Unemployment Compensation Fund	10,678,000	7,200,000	7,200,000	7,200,000	7,200,000
Disability Compensation Fund	21,089,000	25,150,000	25,150,000	25,150,000	25,150,000
Department of Human Rights	1,044,000	1,106,000	1,221,000	1,221,000	1,221,000
Office on Latino Affairs	655,000	880,000	880,000	880,000	880,000
D.C. Energy Office	5,219,000	4,859,000	4,859,000	4,859,000	4,859,000
Total, Human Support Services	1,514,751,000	1,525,996,000	1,526,361,000	1,526,111,000	1,526,361,000
Plus Intra-District funds	7,232,000	6,568,000	6,568,000	6,568,000	6,568,000
Total	1,521,983,000	1,532,564,000	1,532,929,000	1,532,679,000	1,532,929,000

PUBLIC WORKS

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Department of Public Works	118,281,000	106,209,000	106,209,000	106,209,000	106,209,000
Department of Motor Vehicles	12,065,000	25,393,000	25,393,000	25,393,000	25,393,000
Taxicab Commission	716,000	730,000	730,000	730,000	730,000
Washington Metropolitan Area Transit Commission	81,000	81,000	81,000	81,000	81,000
Washington Metropolitan Area Transit Authority (Metro)	132,319,000	135,532,000	135,532,000	135,532,000	135,532,000
School Transit Subsidy	3,450,000	3,450,000	3,450,000	3,450,000	3,450,000
Total, Public Works	266,912,000	271,395,000	271,395,000	271,395,000	271,395,000
Plus Intra-District funds	22,274,000	19,382,000	19,382,000	19,382,000	19,382,000
Total	289,186,000	290,777,000	290,777,000	290,777,000	290,777,000

RECEIVERSHIPS

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Child and Family Services Agency	107,131,000	119,355,000	119,355,000	119,355,000	119,355,000
Incentives for Adoption of Children	0	0	8,500,000	0	5,000,000
Commission on Mental Health Services	198,548,000	204,422,000	204,422,000	204,422,000	204,422,000
Corrections Medical Receiver	13,300,000	13,300,000	13,300,000	13,300,000	13,300,000
Total, Receivership Programs	318,979,000	337,077,000	345,577,000	337,077,000	342,077,000
Plus Intra-District funds	0	1,200,000	1,200,000	1,200,000	1,200,000
Total	318,979,000	338,277,000	346,777,000	338,277,000	343,277,000

OTHER

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Workforce Investment	0	8,500,000	8,500,000	8,500,000	8,500,000
Buyouts and Other Management Reforms	0	0	20,000,000	0	18,000,000 2/
Reserve	0	150,000,000	150,000,000	150,000,000	150,000,000
D.C. Financial Responsibility and Management Assistance Authority	7,840,000	3,140,000	3,140,000	3,140,000	3,140,000
Total, Other	7,840,000	161,640,000	181,640,000	161,640,000	179,640,000

1/ General Provisions, Sec. 157.

FINANCING AND OTHER

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Washington Convention Center Transfer Payment	5,400,000	0	0	0	0
Repayment of Loans and Interest	382,170,000	328,417,000	328,417,000	328,417,000	328,417,000
Repayment of General Fund Deficit	38,453,000	38,286,000	38,286,000	38,286,000	38,286,000
Interest on Short-Term Borrowing	11,000,000	9,000,000	9,000,000	9,000,000	9,000,000
Certificate of Participation	7,926,000	7,950,000	7,950,000	7,950,000	7,950,000
Human Resources Development	6,674,000	0	0	0	0
Optical and Dental Payments	0	1,295,000	1,295,000	1,295,000	1,295,000
Productivity Bank	0	20,000,000	20,000,000	20,000,000	20,000,000
Productivity Bank Savings	0	(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)
Total, Financing and Other Uses	451,623,000	384,948,000	384,948,000	384,948,000	384,948,000

PROCUREMENT AND MANAGEMENT SAVINGS

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Management Reform and Productivity Savings	(10,000,000)	(7,000,000)	(7,000,000)	(7,000,000)	(7,000,000)
General Supply Schedule Savings	0	(14,457,000)	(14,457,000)	(14,457,000)	(14,457,000)
Total, Procurement and Management Savings	(10,000,000)	(21,457,000)	(21,457,000)	(21,457,000)	(21,457,000)

ENTERPRISE AND OTHER

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Water and Sewer Authority	239,493,000	236,075,000	236,075,000	236,075,000	236,075,000
Washington Aqueduct	33,821,000	43,533,000	43,533,000	43,533,000	43,533,000
Total, Water and Sewer Enterprise Fund	273,314,000	279,608,000	279,608,000	279,608,000	279,608,000
Lottery and Charitable Games Board	225,200,000	234,400,000	234,400,000	234,400,000	234,400,000
Office of Cable Television and Telecommunications	2,108,000	0	0	0	0
Public Service Commission	5,026,000	0	0	0	0
Office of People's Counsel	2,501,000	0	0	0	0
Department of Insurance and Securities Regulation	7,001,000	0	0	0	0
Office of Banking and Financial Institutions	640,000	0	0	0	0
Sports and Entertainment Commission	8,751,000	10,846,000	10,846,000	10,846,000	10,846,000
Public Benefit Corporation	66,764,000	89,008,000	89,008,000	89,008,000	89,008,000
Retirement Board	18,202,000	9,892,000	9,892,000	9,892,000	9,892,000
Correctional Industries Fund	3,332,000	1,810,000	1,810,000	1,810,000	1,810,000
Washington Convention Center Authority	48,139,000	50,226,000	50,226,000	50,226,000	50,226,000
Total, Enterprise Funds	660,978,000	675,790,000	675,790,000	675,790,000	675,790,000
Plus Intra-District funds	36,685,000	70,177,000	70,177,000	70,177,000	70,177,000
Total	697,663,000	745,967,000	745,967,000	745,967,000	745,967,000

GOVERNMENT OF THE DISTRICT OF COLUMBIA
AS APPROVED BY CONFERENCE ACTION, AUGUST 4, 1999
TOTAL ESTIMATED RESOURCES AVAILABLE TO THE DISTRICT OF COLUMBIA, FISCAL YEAR 2000
(Amount in Thousands)

	Code	Local Funds		Federal Grants		Private & Other		Subtotal FY 2000		Intra-District		FY 2000 Total Resources	
		FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Governmental Direction and Support:													
Council of the District of Columbia	AB	153	10,471	0	0	0	6	153	10,477	0	0	153	10,477
Office of the D.C. Auditor	AC	14	1,183	0	0	0	0	14	1,183	0	0	14	1,183
Advisory Neighborhood Commissions	DX	0	623	0	0	0	0	0	623	0	0	0	623
Office of the Mayor	AA	67	4,207	0	0	0	5,000 1/	67	9,207	0	0	67	9,207
Office of the Secretary	BA	25	1,737	0	0	2	79	27	1,816	0	0	27	1,816
Office of the City Administrator	AE	36	2,064	17	10,757	0	0	53	12,821	4	246	57	13,067
Office of Personnel	BE	126	9,204	0	0	21	1,241	147	10,445	24	1,179	171	11,624
Human Resource Development	HD	10	3,766	0	0	0	0	10	3,766	0	0	10	3,766
Office of Finance and Resource Management	AS	11	778	0	0	0	0	11	778	12	1,205	23	1,983
Office of Contracting and Procurement	PO	223	14,150	0	0	0	0	223	14,150	0	0	223	14,150
Office of the Chief Technology Officer	TO	42	3,740	0	0	0	0	42	3,740	13	1,771	55	5,511
Office of Property Management	AM	77	7,229	0	0	2	1,923	79	9,152	199	21,956	278	31,108
Contract Appeals Board	AF	6	687	0	0	0	0	6	687	0	0	6	687
Board of Elections and Ethics	DL	50	3,238	0	0	0	0	50	3,238	0	0	50	3,238
Office of Campaign Finance	CJ	15	978	0	0	0	0	15	978	0	0	15	978
Public Employee Relations Board	CG	4	632	0	0	0	0	4	632	0	0	4	632
Office of Employee Appeals	CH	15	1,337	0	0	0	0	15	1,337	0	0	15	1,337
Metropolitan Washington Council of Governments	EA	0	367	0	0	0	0	0	367	0	0	0	367
Office of Inspector General	AD	60	6,827	0	0	0	0	60	6,827	0	0	60	6,827
Office of the Chief Financial Officer	AT	919	63,916	5	913	41	10,303	965	75,132	104	6,439	1,069	81,571
Total, Governmental Direction and Support		1,853	137,134	22	11,670	66	18,552	1,941	167,356	356	32,796	2,297	200,152
Economic Development and Regulation:													
Business Services & Economic Development	EB	55	7,515	0	0	0	15,000	55	22,515	0	0	55	22,515
Office of Zoning	BJ	16	1,275	0	0	0	0	16	1,275	0	0	16	1,275
Department of Housing & Community Development	DB	7	3,889	125	48,388	0	4,462	132	56,739		1,200	132	57,939
Department of Employment Services	CF	71	11,489	391	35,867	174	16,334	636	63,690	0	0	636	63,690
Board of Appeals and Review	DK	3	240	0	0	0	0	3	240	0	0	3	240
Board of Real Property Assessments and Appeals	DA	3	291	0	0	0	0	3	291	0	0	3	291
Department of Consumer and Regulatory Affairs	CR	373	25,523	4	392	6	1,210	383	27,125	0	1,500	383	28,625
Office of Banking and Financial Institutions	BI	5	381	0	0	5	489	10	870	0	0	10	870
Public Service Commission	DH	0	0	2	104	56	5,223	58	5,327	0	0	58	5,327
Office of People's Counsel	DJ	0	0	0	0	28	2,823	28	2,823	0	0	28	2,823
Department of Insurance and Securities Regulation	SR	0	0	0	0	89	6,990	89	6,990	0	0	89	6,990
Office of Cable Television and Telecommunications	CT	11	2,308	0	0	3	142	14	2,450	12	436	26	2,886
Total, Economic Development and Regulation		544	52,911	522	84,751	361	52,673	1,427	190,335	12	3,136	1,439	193,471

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	Code	Local Funds FTE	Local Funds Amount	Federal Grants FTE	Federal Grants Amount	Private & Other FTE	Private & Other Amount	Subtotal FY 2000 FTE	Subtotal FY 2000 Amount	Intra-District FTE	Intra-District Amount	FY 2000 Total Resources FTE	FY 2000 Total Resources Amount
Public Safety and Justice:													
Metropolitan Police Department	FA	4,622	282,792	24	13,695	0	5,087	4,646	301,574	2	3,454	4,648	305,028
Fire and Emergency Medical Services Department	FB	1,828	111,861	0	0	0	9	1,828	111,870	0	72	1,828	111,942
Police and Fire Retirement System	FD	0	39,900	0	0	0	0	0	39,900	0	0	0	39,900
Office of the Corporation Counsel	CB	297	28,801	180	13,554	12	4,070	489	46,425	24	1,900	513	48,325
Settlement and Judgments	ZH	0	26,900	0	0	0	0	0	26,900	0	0	0	26,900
Department of Corrections	FL	979	69,696	0	800	1,197	175,081	2,176	245,577	0	300	2,176	245,877
National Guard	FK	30	1,748	0	0	0	0	30	1,748	0	0	30	1,748
Office of Emergency Preparedness	BN	26	1,678	13	963	0	0	39	2,641	0	0	39	2,641
Commission on Judicial Disabilities and Tenure	DQ	2	143	0	0	0	0	2	143	0	0	2	143
Judicial Nomination Commission	DV	1	85	0	0	0	0	1	85	0	0	1	85
Office of Citizen Complaint Review	FH	21	1,200	0	0	0	0	21	1,200	0	0	21	1,200
Advisory Commission on Sentencing	FZ	6	707	0	0	0	0	6	707	0	0	6	707
Total, Public Safety and Justice		7,812	565,511	217	29,012	1,209	184,247	9,238	778,770	26	5,726	9,264	784,496
Public Education System:													
Public Schools	GA	8,864	600,936	869	106,213	77	6,048	9,810	713,197	33	4,091	9,843	717,288
D.C. Resident Tuition Support		0	17,000	0	0	0	0	0	17,000	0	0	0	17,000
Teachers' Retirement System	GX	0	10,700	0	0	0	0	0	10,700	0	0	0	10,700
Public Charter Schools	GC	0	27,885	0	0	0	0	0	27,885	0	0	0	27,885
University of the District of Columbia	GF	581	40,491	167	13,536	189	18,320	937	72,347	162	9,677	1,099	82,024
Public Library	CE	400	23,128	8	798	0	245	408	24,171	0	0	408	24,171
Commission on the Arts and Humanities	BX	2	1,707	7	404	0	0	9	2,111	0	0	9	2,111
Total, Public Education System		9,847	721,847	1,051	120,951	266	24,613	11,164	867,411	195	13,768	11,359	881,179
Human Support Services:													
Department of Human Development	JA	821	199,643	1,126	189,742	7	4,306	1,954	393,691	27	1,653	1,981	395,344
Department of Health	HC	363	319,720	689	676,115	53	8,278	1,105	1,004,113	2	183	1,107	1,004,296
Department of Recreation and Parks	HA	477	24,029	0	34	19	2,133	496	26,196	93	3,954	589	30,150
Office on Aging	BY	14	13,316	9	5,300	0	0	23	18,616	3	648	26	19,264
Public Benefit Corporation Subsidy	JC	0	44,435	0	0	0	0	0	44,435	0	0	0	44,435
Unemployment Compensation Fund	BH	0	7,200	0	0	0	0	0	7,200	0	0	0	7,200
Disability Compensation Fund	BG	0	25,150	0	0	0	0	0	25,150	0	100	0	25,250
Office of Human Rights	HM	16	1,000	0	221	0	0	16	1,221	0	0	16	1,221
Office on Latino Affairs	BZ	4	880	0	0	0	0	4	880	0	30	4	910
Energy Office	JF	0	0	13	4,402	6	457	19	4,859	0	0	19	4,859
Total, Human Support Services		1,695	635,373	1,837	875,814	85	15,174	3,617	1,526,361	125	6,568	3,742	1,532,929

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	Code	Local Funds FTE	Local Funds Amount	Federal Grants FTE	Federal Grants Amount	Private & Other FTE	Private & Other Amount	Subtotal FY 2000 FTE	Subtotal FY 2000 Amount	Intra-District FTE	Intra-District Amount	FY 2000 Total Resources FTE	FY 2000 Total Resources Amount
Public Works:													
Department of Public Works	KA	1,044	96,646	14	3,099	47	6,464	1,105	106,209	267	18,872	1,372	125,081
Department of Motor Vehicles	KV	191	22,336	0	0	66	3,057	257	25,393	48	510	305	25,903
Taxicab Commission	TC	6	296	0	0	3	434	9	730	0	0	9	730
Washington Metropolitan Area Transit Commission	KC	0	81	0	0	0	0	0	81	0	0	0	81
Washington Metropolitan Area Transit Authority	KE	0	135,532	0	0	0	0	0	135,532	0	0	0	135,532
School Transit Subsidy	KD	0	3,450	0	0	0	0	0	3,450	0	0	0	3,450
Total, Public Works		1,241	258,341	14	3,099	116	9,955	1,371	271,395	315	19,382	1,686	290,777
Receivership Programs:													
Child and Family Services Agency	RL	321	75,556	196	43,799	0	0	517	119,355	0	1,200	517	120,555
Incentives for Adoption of Children		0	5,000	0	0	0	0	0	5,000	0	0	0	5,000
Commission on Mental Health Services	RM	1,568	123,750	660	62,312	0	18,360	2,228	204,422	0	0	2,228	204,422
Corrections Medical Receiver	RR	10	13,300	0	0	0	0	10	13,300	0	0	10	13,300
Total, Receivership Programs		1,899	217,606	856	106,111	0	18,360	2,755	342,077	0	1,200	2,755	343,277
Workforce Investments	UP	0	8,500	0	0	0	0	0	8,500	0	0	0	8,500
Buyouts and Other Management Reforms		0	0	0	0	0	18,000 2/	0	18,000	0	0	0	18,000
Reserve	RD	0	150,000	0	0	0	0	0	150,000	0	0	0	150,000
D.C. Financial Responsibility and Management Assistance Authority	XB	33	3,140	0	0	0	0	33	3,140	0	0	33	3,140
Financing and Other:													
Repayment of Loans and Interest	DS	0	328,417	0	0	0	0	0	328,417	0	0	0	328,417
Repayment of General Fund Deficit	ZD	0	38,286	0	0	0	0	0	38,286	0	0	0	38,286
Interest on Short-Term Borrowing	ZA	0	9,000	0	0	0	0	0	9,000	0	0	0	9,000
Certificate of Participation	CP	0	7,950	0	0	0	0	0	7,950	0	0	0	7,950
Optical and Dental Insurance Payments	DI	0	1,295	0	0	0	0	0	1,295	0	0	0	1,295
Productivity Bank	PB	0	20,000	0	0	0	0	0	20,000	0	0	0	20,000
Productivity Savings	PY	0	(20,000)	0	0	0	0	0	(20,000)	0	0	0	(20,000)
Total, Financing and Other		0	384,948	0	0	0	0	0	384,948	0	0	0	384,948
Procurement and Management Savings:													
General Supply Schedule Savings	PS	0	(14,457)	0	0	0	0	0	(14,457)	0	0	0	(14,457)
Management Reform Savings	PC	0	(7,000)	0	0	0	0	0	(7,000)	0	0	0	(7,000)
Total, Procurement and Management Savings		0	(21,457)	0	0	0	0	0	(21,457)	0	0	0	(21,457)
Total, General Fund - Operating Expenses		24,924	3,113,854	4,519	1,231,408	2,103	341,574	31,546	4,686,836	1,029	82,576	32,575	4,769,412

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	Code	Local Funds FTE	Local Funds Amount	Federal Grants FTE	Federal Grants Amount	Private & Other FTE	Private & Other Amount	Subtotal FY 2000 FTE	Subtotal FY 2000 Amount	Intra-District FTE	Intra-District Amount	FY 2000 Total Resources FTE	FY 2000 Total Resources Amount
Enterprise Funds:													
Water and Sewer Authority	LA	0	0	0	0	0	236,075	0	236,075	0	0	0	236,075
Washington Aqueduct	LB	0	0	0	0	0	43,533	0	43,533	0	0	0	43,533
Total, Water and Sewer Fund		0	0	0	0	0	279,608	0	279,608	0	0	0	279,608
Lottery and Charitable Games Board	DC	0	0	0	0	100	234,400	100	234,400	0	0	100	234,400
Sports and Entertainment Commission	SC	0	0	0	0	0	10,846	0	10,846	0	0	0	10,846
Public Benefit Corporation	JB	0	0	0	0	0	89,008	0	89,008	0	66,327	0	155,335
Retirement Board	DY	0	0	0	0	13	9,892	13	9,892	0	0	13	9,892
Correctional Industries Fund	FP	0	0	0	0	8	1,810	8	1,810	23	3,850	31	5,660
Washington Convention Center	ES	0	0	0	0	0	50,226	0	50,226	0	0	0	50,226
Total, Enterprise and Other Funds		0	0	0	0	121	675,790	121	675,790	23	70,177	144	745,967
Total, Operating Expenses		24,924	3,113,854	4,519	1,231,408	2,224	1,017,364	31,667	5,362,626	1,052	152,753	32,719	5,515,379
Capital Outlay													
General Fund		0	941,614	0	277,024	0	0	0	1,218,638	0	0	0	1,218,638
Water and Sewer		0	0	0	0	0	197,169	0	197,169	0	0	0	197,169
Total, Capital Outlay		0	941,614	0	277,024	0	197,169	0	1,415,807	0	0	0	1,415,807
GRAND TOTAL		24,924	4,055,468	4,519	1,508,432	2,224	1,214,533	31,667	6,778,433	1,052	152,753	32,719	6,931,186

1/ Above table includes $5,000,000 for Office of Mayor provided under section 168 of the General Provisions.

2/ Above table includes $18,000,000 for Buyouts and Other Management Reforms provided under section 157 of the General Provisions.

GFFIN
8/4/99

Fiscal Year 2000 Financial Plans
(In thousands of dollars)

	Local funds	Grants and other revenue	Gross funds
Revenue:			
Local sources, current authority:			
Property taxes	693,700	0	693,700
Sales taxes	620,000	0	620,000
Income taxes	1,185,100		1,185,100
Other taxes	348,500	0	348,500
Licenses, permits	48,498	0	48,498
Fines, forfeitures	56,771	0	56,771
Service charges	34,173	0	34,173
Miscellaneous	93,558	318,574	412,132
Tax Parity Act	(58,950)	0	(58,950)
Subtotal, local revenues	3,021,350	318,574	3,339,924
Federal sources:			
Federal payment	23,750	0	23,750
Grants	0	1,231,408	1,231,408
Subtotal, Federal sources	23,750	1,231,408	1,255,158
Other financing sources:			
Transfer Interest Income from Control Board	0	23,000	23,000
Lottery transfer	69,000	0	69,000
Subtotal, other financing sources	69,000	23,000	92,000
Total, general fund revenues	3,114,100	1,572,982	4,687,082
Expenditures:			
Current operating:			
Governmental Direction and Support	137,134	30,222	167,356
Economic Development and Regulation	52,911	137,424	190,335
Public Safety and Justice	565,511	213,259	778,770
Public Education System	681,356	113,708	795,064
Human Support Services	590,938	890,988	1,481,926
Public Works	258,341	13,054	271,395
Receiverships	217,606	124,471	342,077
Financial Authority	3,140	0	3,140
Nonunion pay increase	8,500	0	8,500
Buyouts and Other Management Reforms	0	18,000	18,000
Optical and Dental Benefits	1,295	0	1,295
Reserve	150,000	0	150,000
Productivity Bank	20,000	0	20,000
Productivity Savings	(20,000)	0	(20,000)
Management Reform and Productivity Savings	(7,000)	0	(7,000)
General Supply Schedule Savings	(14,457)	0	(14,457)
Subtotal, current operating	2,645,275	1,541,126	4,186,401

	Local funds	Grants and other revenue	Gross funds
Other financing uses:			
Debt service			
Principal and interest	383,653	0	383,653
Other financing uses:			
D.C. General	44,435	0	44,435
University of the District of Columbia	40,491	31,856	72,347
Subtotal, other financing uses	468,579	31,856	500,435
Total, general fund expenditures	3,113,854	1,572,982	4,686,836
Surplus/(Deficit)	246	0	246
Enterprise fund data:			
Enterprise fund revenues:			
Water and Sewer Authority	0	236,075	236,075
Washington Aqueduct	0	43,533	43,533
D.C. Lottery and Charitable Games Board	0	234,400	234,400
Sports and Entertainment Commission	0	10,846	10,846
Public Benefit Corporation	0	89,008	89,008
D.C. Retirement Board	0	9,892	9,892
Correctional Industries	0	1,810	1,810
Washington Convention Center Authority	0	50,226	50,226
Total, enterprise fund revenue	0	675,790	675,790
Enterprise fund expenditures:			
Water and Sewer Authority	0	236,075	236,075
Washington Aqueduct	0	43,533	43,533
D.C. Lottery and Charitable Games Board	0	234,400	234,400
Sports and Entertainment Commission	0	10,846	10,846
Public Benefit Corporation	0	89,008	89,008
D.C. Retirement Board	0	9,892	9,892
Correctional Industries	0	1,810	1,810
Washington Convention Center Authority	0	50,226	50,226
Total, enterprise expenditures	0	675,790	675,790
Total, revenues versus expenditures	0	0	0
Total, operating revenues	3,114,100	2,248,772	5,362,872
Total, operating expenditures	3,113,854	2,248,772	5,362,626
Revenue versus expenditures	246	0	246

GENERAL PROVISIONS

The conference action changes several section numbers for sequential purposes and makes technical revisions in certain citations.

The conference action restores section 117 of the House bill prohibiting the use of Federal funds for a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia government.

The conference action approves section 119 of the House bill in lieu of section 118 of the Senate bill concerning the cap on the salary of the City Administrator and the per diem compensation to the directors of the Redevelopment Land Agency.

The conference action approves section 127 of the Senate bill (new section 128) concerning financial management services.

The conference action revises the ceiling on operating expenses in section 135 (new section 136) to $5,515,379,000 including $3,113,854,000 from local funds instead of $5,522,779,000 including $3,117,254,000 as proposed by the House and $5,486,829,000 including $3,108,304,000 as proposed by the Senate.

The conference action deletes subsection (d) of section 135 of the House bill concerning the application of excess revenues as proposed by the Senate.

The conference action deletes section 137 of the House bill concerning a report on public school openings as proposed by the Senate.

The conference action requires the inventory of motor vehicles required by section 139 of the House bill and 138 of the Senate bill (new section 139) to be submitted by the Chief Financial Officer as proposed by the House instead of by the Mayor as proposed by the Senate.

The conference action restores section 142 of the House bill concerning the Compliance with Buy American Act.

the conference action deletes section 141 of the Senate bill concerning certain real property in the District of Columbia. The language was made permanent in Public Law 105–277.

The conference action deletes the date referenced in section 146 of the Senate bill concerning the correctional facility in Youngstown, Ohio as proposed by the Senate (new section 147).

The conference action approves section 148 of the Senate bill concerning a reserve and positive fund balance for the District of Columbia. The conferees believe that the reserve fund will now serve as a true ''rainy day'' fund. Further, the conferees have now required the District to maintain a budget surplus of not less than 4 percent. Any funds in excess of this level could be used for debt reduction and non-recurring expenses. The conferees believe that this combination of reforms will provide the District with a stable financial situation that will in time reduce the District's debt and lead to an improved bond rating.

The conference action deletes section 151 of the House bill which prohibits the use of Federal funds for legalizing marijuana or reducing penalties. Section 168 of the House bill (new section 167) prohibits Federal and local funds for legalizing marijuana or reducing penalties.

The conference action restores section 154 of the House bill (new section 153) concerning public charter school construction and repair funds and amends the language to provide $5,000,000 for a credit enhancement fund.

The conference action restores section 156 of the House bill (new section 155) concerning the authorization period for public charter schools.

The conference action restores section 157 of the House bill (new section 156) concerning sibling preference at public charter schools.

The conference action restores section 158 of the House bill (new section 157) concerning buyouts and management reforms and provides $18,000,000 instead of $20,000,000 as proposed by the House. The conference action also inserts a proviso concerning the spending and release of the funds.

The conference action restores section 159 of the House bill (new section 158) concerning the 14th Street Bridge and provides $5,000,000 instead of $7,500,000 as proposed by the House. The conference action also changes the source of funds from the infrastructure fund to the District's highway trust fund. The conferees direct that responsibility for this project along with these funds be transferred to the Federal Highway Administration for execution.

The conference action restores section 160 of the House bill (new section 159) concerning the Anacostia River environmental cleanup.

The conference action restores section 161 of the House bill (new section 160) concerning the Crime Victims Compensation Fund and amends the language so that funds are retained each year to pay crime victims at the beginning of the next year. The conference action also inserts language that ratifies payments and deposits to conform with the Revitalization Act (Public Law 105–33).

The conference action restores section 162 of the House bill (new section 161) requiring the chief financial officers of the District of Columbia government to certify that they understand the duties and restrictions required by this Act.

The conference action restores section 163 of the House bill (new section 162) requiring the fiscal year 2001 budget to specify potential adjustments that might be necessary if the proposed management savings are not achieved.

The conference action restores section 164 of the House bill (new section 163) requiring descriptions of certain budget categories.

The conference action restores section 165 of the House bill (new section 164) concerning improvements to the Southwest Waterfront in the District and modifies the language to provide flexibility for the Mayor in executing new 30-year leases with the existing lessee or their successors at the Municipal Fish Wharf and the Washington Marina.

The conference action restores section 166 of the House bill (new section 165) expressing the sense of Congress concerning the American National Red Cross project at 2025 E Street Northwest.

The conference action restores section 167 of the House bill (new section 166) concerning sex offender registration.

The conference action restores section 168 of the House bill (new section 167) prohibiting the use of funds to legalize marijuana or reduce penalties.

The conference action retains and amends section 149 of the Senate bill (new section 168) providing $5,000,000 to offset local taxes for a commercial revitalization program in enterprise zones and low and moderate income areas in the District of Columbia. The conferees believe that the Commercial Revitalization program will be an important tool for the city to improve blighted neighborhoods in the District of Columbia. The conferees believe it is important to bring new commercial enterprises into neglected areas of the city. The conferees direct the District to review Congressional proposals on this issue in order to use the funds effectively.

The conference action inserts section 151 of the Senate bill (new section 170) concerning quality-of-life issues and changes the findings from a sense of the Senate to a sense of the Congress.

The conference action inserts section 152 of the Senate bill (new section 171) concerning the use of Federal Medicaid payments to Disproportionate Share Hospitals.

The conference action inserts section 153 of the Senate bill (new section 172) concerning a study by the General Accounting Office of the District's criminal justice system. The conferees request that this be a comprehensive study of all components of the criminal justice system including law enforcement, courts, corrections, probation, and parole. The report should include recommendations for improving the performance of the overall system as well as the individual agencies and programs.

The conference action deletes section 154 of the Senate bill concerning termination of parole for illegal drug use.

TITLE II—TAX REDUCTION

The conference action restores Title II—Tax Reduction commending the District of Columbia for its action to reduce taxes and ratifying the District's Service Improvement and Fiscal Year 2000 Budget Support Act of 1999 as proposed by the House.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2000 recommended by the Committee of Conference, with comparisons to the fiscal year 1999 amount, the 2000 budget estimates, and the House and Senate bills for 2000 follow:

Federal Funds:	
New budget (obligational) authority, fiscal year 1999	683,639,000
Budget estimates of new (obligational) authority, fiscal year 2000	393,740,000
House bill, fiscal year 2000	429,100,000
Senate bill, fiscal year 2000	429,100,000
Conference agreement, fiscal year 2000	429,100,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999	−254,539,000
Budget estimates of new (obligations) authority, fiscal year 2000	35,360,000
House bill, fiscal year 2000	
Senate bill, fiscal year 2000	
District of Columbia funds:	
New Budget (obligational) authority, fiscal year 1999	*6,790,168,737*
Budget estimates of new (obligational) authority, fiscal year 2000	*6,745,278,500*
House bill, fiscal year 2000	*6,778,432,500*
Senate bill, fiscal year 2000	*6,778,432,500*
Conference agreement, fiscal year 2000	*6,778,432,500*
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999	*−11,736,237*

Budget estimates of new (obligations) authority, fiscal year 2000	*33,154,000*
House bill, fiscal year 2000	
Senate bill, fiscal year 2000	

DIVISION B

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

The conferees on H.R. 3064 agree with the matter inserted in this division of this conference agreement and the following description of this matter. This matter was developed through negotiations on the differences in the House reported version of H.R. 3037 and the Senate version of S. 1650, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 2000, by members of the subcommittee of both the House and Senate with jurisdiction over H.R. 3037 and S. 1650.

In implementing this agreement, the Departments and agencies should comply with the language and instructions set forth in House Report 106–370 and Senate Report 106–166.

In the case where the language and instructions specifically address the allocation of funds, the Departments and agencies are to follow the funding levels specified in the Congressional budget justifications accompanying the fiscal year 2000 budget or the underlying authorizing statute and should give full consideration to all items, including items allocating specific funding included in the House and Senate reports. With respect to the provisions in the House and Senate reports that specifically allocate funds, each has been reviewed and those which are jointly concurred in have been included in this joint statement.

The provisions of the House Report (105–205) are endorsed that direct ''. . . the Departments of Labor, Health and Human Services, and Education and the Social Security Administration and the Railroad Retirement Board to submit operating plans with respect to discretionary appropriations to the House and Senate Committees on Appropriations. These plans, which are to be submitted within 30 days of the final passage of the bill, must be signed by the respective Departmental Secretaries, the Social Security Commissioner and the Chairman of the Railroad Retirement Board.''

The Departments and agencies covered by this directive are expected to meet with the House and Senate Committees as soon as possible after enactment of the bill to develop a methodology to assure adequate and timely information on the allocation of funds within accounts within this conference report while minimizing the need for unnecessary and duplicative submissions.

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, FY 2000, put in place by this bill, incorporates the following agreements of the managers:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

The conference agreement appropriates $5,465,618,000, instead of $4,572,058,000 as proposed by the House and $5,472,560,000 as proposed by the Senate. Of the amount appropriated, $2,463,000,000 becomes available on October 1, 2000, instead of $2,607,300,000 as proposed by the House and $2,720,315,000 as proposed by the Senate.

The agreement includes language authorizing the use of funds under the dislocated workers program for projects that provide assistance to new entrants in the workforce and incumbent workers as proposed by the Senate. It also includes language proposed by the Senate modified to waive a 10 percent limitation in the Workforce Investment Act with respect to the use of discretionary funds to carry out demonstration and pilot projects, multiservice projects and multistate projects with regard to dislocated workers and to waive certain other provisions in that Act. The House bill had no similar provisions.

The Department is expected to make every effort to be flexible in the use of worker training funds for reactivated shipyards, such as those referenced in the Senate Report. The conference agreement encourages the Department to use national emergency grants under the dislocated workers program to supplement available resources for (1) worker training needs at reactivated shipyards that have experienced large-scale worker dislocation, (2) continuing training to utilize the workplace as site for learning, (3) supporting training for American workers at state-of-the-art foreign shipyards, and (4) continuing upgrading of workers skills to increase employability and job retention.

The agreement includes a citation to the Women in Apprenticeship and Nontraditional Occupations Act as proposed by the House. The Senate bill did not cite this Act.

The conference agreement includes $5,000,000 under Job Corps for the purpose of constructing or rehabilitating facilities on some Job Corps campuses to co-locate Head Start programs to serve Job Corps students and their children as proposed in the House Report.

The Labor Department is encouraged to continue and provide technical assistance to the Role Models America Academy Demonstration Program.

The Ways to Work family loan program is an innovative micro-loan program which provides small loans to low-income families who are attempting to make the transition from public assistance to the workforce or retain employment. This program allows families who often lack access to loans from mainstream sources because of their weak credit histories to receive the necessary financial resources to meet emergency expenses. The Department is urged to consider making available up to $1 million for this program to demonstrate its effectiveness in assisting low-income parents in obtaining and retaining jobs.

The conference agreement includes the following amounts for the following projects and activities:

Dislocated workers

—$1,000,000 for the York Skill Center, York, PA

—$2,000,000 for development of a new model for high-tech workforce development at San Diego State University

—$1,000,000 for the Central Indiana Technology Training Center at Ball State University

—$1,000,000 for Clayton College and State University in Georgia for a virtual education and training project to improve military-to-civilian employment transition

—$1,500,000 for a dislocated farmer retraining project at the University of Idaho

—$1,000,000 for the Chipola Junior College in Florida to retrain dislocated workers.

—$500,000 for the State of New Mexico for rural employment in telecommunications

—$500,000 for the Puget Sound Center for Technology to help alleviate the shortage of information technology workers in the Puget Sound Region

—$400,000 for the Philadelphia Area Accelerated Manufacturing Education, Inc.

—$1,500,000 for the Pennsylvania training consortium

—$600,000 for the Lehigh University integrated product development

—$2,500,000 to train foreign workers, including Russians in oil field management in Alaska

Pilots and demonstrations

—$800,000 for the Center for Workforce Preparation at the U.S. Chamber of Commerce

—$1,000,000 for Green Thumb for replication in rural areas of a project to train disadvantaged individuals for jobs in the information technology industry

—$1,000,000 for Focus:HOPE in Detroit for information technology training

—$300,000 for the Bowling Green, KY Housing Authority for workforce preparation and training for low-income youth and adults

—$400,000 for the Collegiate Consortium for Workforce and Economic Development

—$2,000,000 for the Springfield Workforce Development Center in Springfield, Vermont for a model regional workforce development

—$200,000 to Northlands Job Corps Center in Vergennes, Vermont for a center child care project

—$170,000 for the Greater Burlington Industrial Corporation in Burlington, Vermont for a model pre-employment counseling program

—$100,000 for the Commonwealth of Pennsylvania, Department of Labor and Industry, to study the financial impact of professional employer arrangements on the Unemployment Compensation Fund

—$1,000,000 for the Lorain County Community College for a workforce development project

—$800,000 for Jobs for America's Graduates

—$2,500,000 for Alaska Works in Fairbanks, Alaska for construction job training

—$2,500,000 for Hutchinson Career Center in Fairbanks, Alaska to upgrade equipment to provide vocational training

—$1,500,000 to train Alaska Native and local low income youth as cultural tour guides and in museum operations for the Alaska Native Heritage Center, Bishop Museum in Hawaii, and Peabody-Essex Museum in Massachusetts

—$1,500,000 for the University of Missouri-St. Louis for the design and implementation of the Regional Center for Education and Work

—$400,000 for the Vermont Technical College for a Technology Training Initiative

—$150,000 to the Nebraska Urban League for a welfare-to-work pilot project

—$1,000,000 to the Des Moines Community College for SMART Partners, a public-private partnership which guarantees full-time employment to students who meet the competencies and skill standards required in modern advanced high performance manufacturing

—$500,000 to the American Indian Science and Engineering Society for the Native American Rural Computer Utilization Training Program

—$500,000 to the Maui Economic Development Board for the Rural Computer Utilization Training Program

—$250,000 to the Job Corps of North Dakota for the Fellowship Executive Training Program

—$250,000 for the University of Colorado Health Sciences Center to provide training and assistance through the University's telehealth/telemedicine distance learning.

The conference agreement also provides funds to continue in FY 2000 those projects and activities which were awarded under the dislocated workers program and under pilots and demonstrations in FY 1999 as described in the Senate Report, subject to project performance, demand for activities and services, and utilization of prior year funding.

The conference agreement includes $15,000,000 to continue and expand the Youth Offender grant program serving youth who are or have been under criminal justice system supervision.

There is awareness of the job training activities of the South Dakota Intertribal Bison Cooperative. The Department is urged to consider funding of a proposal for a vocational training program which will provide employment-related skills for native tribes in bison herd management, meat processing, animal husbandry, hide tanning and leather work.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

The conference agreement appropriates $415,150,000 as proposed by the Senate instead of $314,400,000 as proposed by the House.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

The conference agreement appropriates $3,253,740,000, instead of $3,141,740,000 as proposed by the House and $3,358,073,000 as proposed by the Senate.

The agreement includes $41,300,000 for the alien labor certification program as proposed by the Senate instead of $36,300,000 as proposed by the House. For administration of the work opportunity tax credit and the welfare-to-work tax credit, the agreement includes $22,000,000 as proposed by the Senate instead of $20,000,000 as proposed by the House. For one-stop centers/labor market information, the agreement includes $140,000,000 instead of $100,000,000 as proposed by the House and $146,500,000 as proposed by the Senate. Included in the amount of $140,000,000 is $20,000,000 for work incentives grants. The Senate proposed to fund this as a separate line item. The House did not propose to fund it. Funds are included for a ''talking'' America's Job Bank for the blind.

The agreement does not include a citation to section 461 of the Job Training Partnership Act proposed by the Senate. The House bill did not include this citation.

PROGRAM ADMINISTRATION

The conference agreement appropriates $146,000,000, instead of $138,126,000 as proposed by the House and $149,340,000 as proposed by the Senate. The agreement also includes language proposed by the House requiring that the majority of the welfare-to-work program staff shall be term appointments lasting no more than one year. The Senate bill contained no such language.

The Department is expected to conduct an analysis of the case backlog in the alien labor certification program and report its findings to the Appropriations Committees by February 1, 2000. Further, it is expected that the Department will submit at the same time its proposed schedule for eliminating this backlog.

There is a proposal by the City of Salinas, CA to transfer a DOL building to the local government for use as a child care facility. The Department of Labor is urged to work with the City of Salinas to resolve this matter in a timely manner.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement appropriates $96,000,000, instead of $90,000,000 as proposed by the House and $99,831,000 as proposed by the Senate.

PENSION BENEFIT GUARANTY CORPORATION

The conference agreement provides $11,155,000 for the administrative expense limitation, instead of $10,958,000 as proposed by the House and $11,352,000 as proposed by the Senate.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement appropriates $335,000,000, instead of $314,000,000 as proposed by the House and $342,787,000 as proposed by the Senate.

There is concern about the December 3, 1997 Opinion Letter issued by the Employment Standards Administration regarding section 3(o) of the Fair Labor Standards Act. Within the constraints of not preempting the Department's discussions with industry or the courts' impartial consideration of the merits of this issue, the Department is urged to clarify this letter with regard to retroactivity and to existing collective bargaining agreements or private litigation.

BLACK LUNG DISABILITY TRUST FUND

The conference agreement appropriates $49,771,000 for salaries and expenses from the Trust Fund, instead of $49,404,000 as proposed by the House and $50,138,000 as proposed by the Senate. The agreement includes a definite annual appropriation for black lung benefit payments and interest payments on advances made to the Trust Fund as proposed by the House instead of an indefinite permanent appropriation as proposed by the Senate.

There is concern about the structural deficit in the Black Lung Disability Trust Fund. The Administration is directed to provide its recommended solution for the problem of the increasing indebtedness of the Trust Fund to the Congress as part of its fiscal year 2001 budget request.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement appropriates $370,000,000, instead of $337,408,000 as proposed by the House and $388,142,000 as proposed by the Senate. The agreement does not include language proposed by the Senate that would have earmarked one-half of the increase over the FY 1999 appropriation for State consultation grants and one-half for enforcement and all other purposes. The House bill had no similar provision. The detailed table at the end of this joint statement reflects the activity distribution agreed upon.

The Department is urged to consider allowing the use of all FDA-approved devices which reduce the risk of needlestick injury, whether or not such safety feature is integrated into the needle or other sharp medical object, if the non-integrated device is at least as safe and effective as other FDA-approved devices.

Without any intent to delay pending regulations, the conference agreement includes $450,000 elsewhere in this bill for a National Academy of Sciences study of the proposed standard on tuberculosis.

Concerns have been expressed about recommendations of the Metalworking Fluids Standards Advisory Committee, established by the Department, with respect to metalworking fluids exposure levels. The Department is expected to carefully consider peer-reviewed scientific research and examine the technical feasibility and economic consequences of its recommendations. An economic analysis to the three-digit SIC code and a risk assessment should be completed on the impact of reduced exposure levels.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement appropriates $228,373,000, instead of $211,165,000 as proposed by the House and $230,873,000 as proposed by the Senate. The agreement includes $2,500,000 over the budget request for physical improvements at the National Mine Safety and Health Academy.

The agreement does not include language proposed by the House that would have prohibited the use of funds to carry out the miner training provisions of the Mine Safety and Health Act with respect to certain industries, including sand and gravel and surface stone, until June 1, 2000. The Senate bill did not include a similar provision.

The agreement also does not include language proposed by the Senate that would have allowed MSHA to retain and spend up to $1,000,000 in fees collected for the approval and certification of mine equipment and materials. The House bill did not include a similar provision.

Concerns have been expressed about the possible ramifications of a rulemaking on the use of conveyor belts in underground coal mines, including concerns about the validity of the testing on which the rule is based. MSHA is urged to carefully examine the record and to conduct additional research that may be required to address any significant concerns that have been raised.

MSHA is urged to examine the ongoing NCI/NIOSH study of Lung Cancer and Diesel Exhaust among Non-Metal Miners in connection with the promulgation of a proposed rule on diesel exhaust.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

The conference agreement appropriates $409,444,000 as proposed by the Senate instead of $394,697,000 as proposed by the House.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement appropriates $210,788,000, instead of $191,131,000 as proposed by the House and $247,311,000 as proposed by the Senate. The agreement includes language proposed by the Senate that authorizes the expenditure of funds for the management or operation of Departmental bilateral and multilateral foreign technical assistance. The House bill included no such language. The agreement does not include language proposed by the Senate that would have authorized the use of up to $10,000 of DOL salaries and expenses funds in this Act for receiving and hosting officials of foreign states and official foreign delegations. The House bill included no such language. Instead, the agreement authorizes the Secretary to use up to $20,000 from funds available for salaries and expenses for official reception and representation expenses in a general provision in title V of the bill (§504), instead of $15,000 as proposed in both the House and Senate bills.

International child labor activities are funded at the level requested in the President's budget.

The agreement does not include statutory language proposed by the Senate requiring a report to Congress containing options to promote a legal domestic workforce in the agricultural sector, provide for improved compensation and benefits, improved living conditions and better transportation between jobs and address other issues related to agricultural labor that the Secretary determines

to be necessary. However, the Department is instructed to prepare such a report and submit it to Congress as soon as possible.

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

The conference agreement appropriates $184,341,000, instead of $182,719,000 as proposed by the House and $185,613,000 as proposed by the Senate.

OFFICE OF INSPECTOR GENERAL

The conference agreement appropriates $51,925,000 as proposed by the Senate instead of $47,500,000 as proposed by the House.

GENERAL PROVISIONS

JOB CORPS PAY CAP

The conference agreement includes language proposed by the House adjusting the salary cap for employees of Job Corps contractors from Federal Executive Level III to Executive Level II. The Senate bill left the cap at the current level of Executive Level III.

DAVIS-BACON HELPER REGULATIONS

The conference agreement does not include language proposed by the House that would have prohibited the use of funds in the bill to implement the proposed Davis-Bacon helper regulations issued by the Wage and Hour Division on April 9, 1999. The Senate bill contained no such provision.

HEALTH CLAIMS REGULATIONS

The conference agreement does not include language proposed by the House that would have prohibited the use of funds in the bill to implement the proposed regulations issued by the Labor Department on September 9, 1998 concerning changes in ERISA health claims processing requirements. The Senate bill contained no such provision.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The conference agreement includes $4,429,292,000 for Health Resources and Services instead of $4,204,395,000 as proposed by the House and $4,365,498,000 as proposed by the Senate.

The conference agreement includes bill language identifying $104,052,000 for the construction and renovation of health care and other facilities instead of $10,000,000 as proposed by the Senate. The House bill contained no similar provision. These funds are to be used for the following projects: Northwestern University/Evanston Hospital Center for Genomics and Molecular Medicine; Sinai Family Health Centers of Chicago; Condell Medical Center Regional Center for Cardiac Health Services; Northwestern Memorial Hospital; Hackensack University Medical Center; Brookfield Zoo/Loyola University School of Medicine; Westcare Fresno Community Healthcare Campus, Fresno, California; Northern Illinois University Center for the Study of Family Violence and Sexual Assault; Memorial Hermann Healthcare System, Houston, Texas; George Mason University Center for Services to Families and Schools; Dominican College Center for Health Sciences; Marklund Children's Home, Bloomingdale, Illinois; Lawton and Rhea Chiles Center for Healthy Mothers and Babies Perinatal Data Center; Aging Health Services Center, Somerset, Kentucky; St. Joseph's Hospital Health Center, Syracuse, New York; Northeastern Ohio Universities College of Medicine; Gateway Community Health Center, Laredo, Texas; Uvalde County Clinic, Uvalde, Texas; Vida y Salud Community Health Center, Crystal City, Texas; Sul Ross State University, Alpine, Texas; University of Mississippi Medical Center, Guyton Building; Children's Hospital of Alabama, Birmingham, Alabama; Edward Health Services, Naperville, Illinois; Marquette University School of Dentistry; St. Christopher-Ottilie Residential Treatment Center, Sea Cliff, Long Island; Louisiana State University Feist-Weiller Cancer Center, Shreveport, Louisiana; Columbus Community Healthcare Center, Buffalo, New York; Children's Hospital Los Angeles Research Institute; Englewood Hospital and Medical Center, Englewood, New Jersey; Marywood University Northeast Pennsylvania Healthy Families Center, Scranton, Pennsylvania; Temple University Outpatient Facility; Temple University Children's Medical Center; Pittsburgh Magee-Women's Hospital Women's Center; College of Physicians, Philadelphia, Pennsylvania; Drexel University National Chemical and Biological Research Center; University of Pittsburgh Cancer Center; Philadelphia College of Osteopathic Medicine; Fairbanks Memorial Hospital, Fairbanks, Alaska; Yukon-Kuskokwim Health Corporation, Bethel, Alaska; University of Vermont Cancer Center; Burlington, Vermont community health center; Central Wyoming community health center; Clinical Diabetes Islet Transplanation Research Center at the former NIH/Perrine, Florida Animal Research Facility; Cooper Green Hospital, Alabama; Central Ozarks Medical Center, Richland, Missouri; University of Alabama at Birmingham Interdisciplinary Biomedical Research Institute; Lawton Chiles Foundation, Florida; Mississippi Institute for Cancer Research; Jackson Medical Mall Foundation, Mississippi; Union Hospital, Terre Haute, Indiana; St. Joe's Hospital of Ohio; University of Northern Colorado, Rocky Mountain Cancer Rehabilitation Institute; National Jewish Medical and Research Center; University of Florida Genetics Institute; Hidalgo County Health Complex, Lordsburg, New Mexico; community health centers in Iowa; Medical University of South Carolina Cancer Center; Child Health Institute at the University of Medicine and Dentistry of New Jersey; Harts Health Center, Harts, West Virginia; West Virginia University Eye Institute; University of South Dakota Medical School Research Facility; Tufts University, Biomedical/Nutrition Research Center; New York University Program in Women's Cancer; Laguna Honda Hospital, San Francisco, California; and University of Montana Institute for Environmental and Health Sciences.

The conference agreement includes bill language identifying $214,932,000 for family planning instead of $215,000,000 as proposed by the House and $222,432,000 as proposed by the Senate.

There is concern that there has been a steady erosion of title X funds being made available by the Department for authorized section 1001 clinical services. The Department is directed to allocate at least 90 percent of the funds appropriated for title X specifically for clinical services. The conference agreement concurs with the language contained in the Senate report regarding the expenditure of year-end funds and allocation of title X funds to regional offices.

The conference agreement does not include a provision to allow funds to be used to operate the Council on Graduate Medical Education as proposed by the Senate. The House bill contained no similar provision. The Health Professions Education Partnerships Act of 1998 authorizes the use of funds for this purpose.

The conference agreement provides $50,000,000 for the Ricky Ray Hemophilia Relief Fund Act as proposed by the Senate instead of $20,000,000 as proposed by the House. This funding is included in the Public Health and Social Services Emergency Fund as proposed by the House. The Senate bill provided funding in the HRSA account. Within the total provided, $10,000,000 shall be for HRSA administrative costs.

The conference agreement does not include a provision related to the Health Care Fraud and Abuse Data Collection Program as proposed by the Senate. The House bill contained no similar provision.

The conference agreement provides $1,024,000,000 for community health centers as proposed by the Senate instead of $985,000,000 as proposed by the House. Within the total provided, $5,000,000 is for native Hawaiian health programs.

The demonstration project by the Utah area health education centers was identified under community health centers in the Senate report and should be considered under the area health education centers account.

The conference agreement provides $38,244,000 for the national health service corps, field placements as proposed by the House instead of $36,997,000 as proposed by the Senate. Within the total provided, $1,000,000 is to expand the availability of behavioral and mental health services nationwide.

The conference agreement provides $78,666,000 for national health service corps, recruitment instead of $78,166,000 as proposed by both the House and Senate. The amount provided includes $500,000 to increase the number of SEARCH grantees so as to include the Illinois Primary Health Care Association. The conference agreement concurs with the Senate report language concerning increasing health care availability in underserved areas.

The conference agreement provides $324,277,000 for health professions instead of $301,986,000 as proposed by the House and $226,916,000 as proposed by the Senate. The conference agreement includes $1,000,000 within allied health special projects for expansion of the Illinois Community College Board's program, in coordination with the Illinois Department of Human Services, to train and place welfare recipients in the allied health field using distance technology.

The conference agreement includes $20,000,000 for pediatric graduate medical education, subject to authorization. The funds would be used to support health professions training at children's teaching hospitals. The Secretary is directed to provide a detailed operating plan that clearly specifies those hospitals deemed eligible for funding, the methodology and criteria used in determining payments, and performance measurements and outcomes. It is intended that the funds provided for this activity will be a one-time payment, pending action by the authorizing Committees to establish statutory guidelines for the structure and operation of the program.

The conference agreement provides $20,282,000 for Hansen's Disease Services instead of $18,670,000 as proposed by the House and $17,282,000 as proposed by the Senate. The conference agreement includes $3,000,000 to continue the Diabetes Lower Extremity Amputation Prevention (LEAP) programs at the University of South Alabama, the Louisiana State University School of Medicine, and the Roosevelt Warm Springs Institute for Rehabilitation.

The conference agreement provides $710,000,000 for the maternal and child health

block grant instead of $800,000,000 as proposed by the House and $695,000,000 as proposed by the Senate. The conference agreement includes bill language designating $108,742,000 of the funds provided for the block grant for special projects of regional and national significance (SPRANS) instead of $198,742,000 as proposed by the House. The Senate bill contained no similar provision. It is intended that $5,000,000 of this amount be used for the continuation of the traumatic brain injury State demonstration projects as authorized by title XII of the Public Health Service Act.

Within the funds provided, sufficient funds are included to initiate a multi-state dental sealant demonstration program identified in the Senate bill. The agency is urged to work closely with the Departments of Health of New Mexico and Alaska to develop dental sealant programs that address the needs of medically underserved children, especially those living in rural, American Indian, and Native Alaskan communities.

Within the total provided, $150,000 is included for the Whole Kids Outreach program in southeast Missouri.

Within the total provided, the agency is encouraged to support the efforts of the Kids Peace program in Orefield, Pennsylvania, that assist children to overcome situational crises.

The conference agreement provides $90,000,000 for healthy start instead of $110,000,000 as proposed by the Senate. The House bill provided $90,000,000 for healthy start within the Maternal and Child Health block grant SPRANS account. It is intended that these projects will be evaluated and States will begin to incorporate those activities that are proven successful and can be replicated into the mission of the maternal and child health program.

The conference agreement provides $3,500,000 for newborn and infant hearing screening instead of $2,500,000 as proposed by the House and $4,000,000 as proposed by the Senate. These funds are to be used to implement title VI of this Act, Early Detection, Diagnosis, and Interventions for Newborns and Infants with Hearing Loss.

The conference agreement provides $32,067,000 for rural health outreach grants instead of $38,892,000 as proposed by the House and $31,396,000 as proposed by the Senate. Within the total provided, $1,200,000 is to continue and expand the development of the Center for Acadiana Genetics and Hereditary Health Care at Louisiana State University Medical Center.

The conference agreement provides $30,548,000 for rural health research instead of $11,713,000 as proposed by the House and $6,085,000 as proposed by the Senate. The conference agreement includes the following amounts for the following projects and activities:

—$300,000 for the Northern California Telemedicine Network at Santa Rosa Memorial Hospital;

—$385,000 for a rural telemedicine distance learning project at Daemen College, Amherst, New York;

—$1,000,000 for a University of New Mexico and University of Hawaii joint telehealth initiative;

—$1,000,000 for the Medical University of South Carolina Center for the joint MUSC/Walter Reed/Sloan Kettering Telemedicine program;

—$1,500,000 for the Southwest Alabama Rural Telehealth Network at the University of South Alabama College of Medicine;

—$1,500,000 for the Children's Hospital and Regional Medical Center, Seattle, telemedicine project;

—$1,650,000 for the University of Maine rural children's health assessment and follow-up program;

—$2,000,000 for the University of Mississippi Center for Sustainable Health Outreach;

—$2,500,000 for the Mississippi State University Rural Health, Safety, and Security Institute;

—$3,000,000 for a telehealth deployment research testbed program; and

—$4,000,000 for the Alaska Federal Health Care Access Network, Anchorage.

The conference agreement does not provide separate funding for the Office for the Advancement of Telehealth as proposed by the Senate. The House bill contained no similar provision.

The conference agreement provides $5,000,000 for traumatic brain injury demonstrations within the Maternal and Child Health block grant SPRANS account as proposed by the House. The Senate bill provided $5,000,000 as a separate appropriation.

The conference agreement does not provide separate funding for trauma care as proposed by the Senate. The House bill contained no similar provision. Within funds available for maternal and child health, HRSA is urged to work with the National Highway Traffic Safety Administration and the American Trauma Society to assess emergency medical services systems.

The conference agreement provides $3,000,000 for poison control as proposed by the Senate. The House bill contained no similar provision. Efforts are underway by HRSA and the Centers for Disease Control and Prevention to initiate planning for a national toll-free number for poison control services. Funding is provided to support this effort and related system enhancements such as the development and assessment of uniform patient management guidelines. The agency is also urged to assist the poison control centers' planning and stabilization efforts.

The conference agreement provides $6,000,000 for black lung clinics as proposed by the Senate instead of $5,000,000 as proposed by the House.

The conference agreement provides a total of $1,550,000,000 for Ryan White programs instead of $1,519,000,000 as proposed by the House and $1,610,500,000 as proposed by the Senate. Included in this amount is $525,000,000 for emergency assistance, $814,000,000 for comprehensive care, $132,000,000 for early intervention, $51,000,000 for pediatric demonstrations, $20,000,000 for dental services, and $8,000,000 for education and training centers.

The conference agreement includes bill language identifying $518,000,000 for the Ryan White Title II State AIDS drug assistance programs. The House bill identified $500,000,000 and the Senate bill identified $536,000,000.

The conference agreement provides $125,000,000 for program management instead of $115,500,000 as proposed by the House and $133,000,000 as proposed by the Senate. Within the total provided, it is intended that $900,000 will be allocated to support the efforts of the American Federation for Negro Affairs Education and Research Fund of Philadelphia and $750,000 is for the University of Northern Iowa Global Health Corps project.

There are plans by several transplant organizations to hold a National Consensus Conference on Living Organ Donation in early 2000 to examine the opportunities and challenges surrounding living organ donation. Despite efforts to increase organ donation, the demand for donations continues to surpass the number of donated organs. The support of the Administration is an important part of organ donation efforts. The Department is urged to be a partner in this upcoming conference.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

The conference agreement includes $2,798,886,000 for disease control, research, and training instead of $2,621,476,000 as proposed by the House and $2,760,544,000 as proposed by the Senate. In addition, the conference agreement includes bill language designating $51,000,000 for violence against women programs financed from the Violent Crime Reduction Trust Fund as proposed by both the House and Senate.

The conference agreement provides $60,000,000 for equipment, construction, and renovation of facilities instead of $40,000,000 as proposed by the House and $59,800,000 as proposed by the Senate, of which $20,000,000 was included in the Public Health and Social Services Emergency Fund. The conference agreement also repeats bill language included in the fiscal year 1999 appropriations bill to allow the General Services Administration to enter into a single contract or related contracts for the full scope of the infectious disease laboratory and that the solicitation and contract shall contain the clause ''availability of funds'' found in the Code of Federal Regulations.

The conference agreement provides a total of $100,000,000 for the National Center for Health Statistics instead of $94,573,000 as proposed by the House and $109,573,000 as proposed by the Senate. The conference agreement also includes bill language designating $71,690,000 of the total to be available to the Center under the Public Health Service one percent evaluation set-aside instead of $71,793,000 as proposed by the House and $109,573,000 as proposed by the Senate. The Center is urged to give priority to the NHANES survey.

The table accompanying the conference agreement includes a breakout of program costs and salaries and expenses by program. Salaries and expenses activities encompass all non-extramural activities with the exception of program support services, centrally managed services, buildings and facilities, and the Office of the Director. It is intended that designated amounts for salaries and expenses are ceilings. The agency may allocate administrative funds for extramural program activities according to its judgment. Funds should be apportioned and allocated consistent with the table, and any changes in funding are subject to the normal notification procedures.

The conference agreement provides $135,204,000 for the prevention health services block grant instead of $152,247,000 as proposed by the House and $118,161,000 as proposed by the Senate.

The conference agreement provides $17,500,000 for prevention centers as proposed by the House instead of $15,500,000 as proposed by the Senate. Within the total provided, sufficient funds are included to establish an Appalachian prevention center at the University of Kentucky.

The conference agreement provides $461,875,000 for childhood immunization instead of $421,477,000 as proposed by the House and $512,273,000 as proposed by the Senate. In addition, the conference agreement provides $20,000,000 for polio eradication in the Public Health and Social Services Emergency Fund.

In addition, the Vaccines for Children (VFC) program funded through the Medicaid program is expected to provide $545,043,000 in vaccine purchases and distribution support in fiscal year 2000, for a total program level of $1,006,918,000.

The conference agreement provides $662,276,000 for HIV/AIDS as proposed by the Senate instead of $657,036,000 as proposed by the House.

The conference agreement provides $123,574,000 for tuberculosis instead of $121,962,000 as proposed by the House and $125,185,000 as proposed by the Senate.

The conference agreement provides $129,097,000 for sexually transmitted diseases as proposed by the House instead of $128,808,000 as proposed by the Senate. CDC is encouraged to address chlamydia as a disease with widespread prevalence among teens and young adults.

The conference agreement provides $361,705,000 for chronic and environmental diseases instead of $315,511,000 as proposed by the House and $327,081,000 as proposed by the Senate. In addition, the conference agreement provides $5,000,000 for the environmental health laboratory in the Public Health and Social Services Emergency Fund. Included in this amount are increases for the following activities: $500,000 for oral health; $500,000 for prostate cancer; $500,000 colorectal cancer; $500,000 for autism; $503,261 for chronic fatigue syndrome; $538,820 for radiation; $539,055 for folic acid; $1,000,000 for limb loss; $1,000,000 for arthritis; $1,000,000 for women's health/ovarian cancer; $1,176,793 for birth defects; $2,000,000 for diabetes; $2,300,000 for pfiesteria; $3,500,000 for newborn and infant hearing screening; $5,000,000 for nutrition/obesity; $10,000,000 for asthma; $10,000,000 for cardiovascular diseases; and $27,000,000 for smoking and health/tobacco. The agency is urged to give full and fair consideration to the Hale County, Alabama, HERO program.

The conference agreement provides $167,051,000 for breast and cervical cancer screening as proposed by the Senate instead of $161,071,000 as proposed by the House. The conference agreement includes bill language to allow the agency to expand the WISEWOMAN program to not more than 10 States. The agency is urged to give full and fair consideration to proposals from Pennsylvania, Iowa, and Connecticut.

The conference agreement provides a total of $165,610,000 for infectious diseases as proposed by both the House, when adjusted for transfers from the Public Health and Social Services Emergency Fund, and the Senate. Within this amount, $145,610,000 is provided in this account and $20,000,000 is provided in the Public Health and Social Services Emergency Fund for bioterrorism surveillance-emergency preparedness and response activities.

The conference agreement provides $38,248,000 for lead poisoning as proposed by the House instead of $37,205,000 as proposed by the Senate.

The conference agreement provides $86,198,000 for injury control instead of $57,581,000 as proposed by the House and $82,819,000 as proposed by the Senate. The conference agreement includes the following amounts for the following projects and activities:

—$200,000 to the City of Waterloo, Iowa, for expansion of Fire PALS, a school-based injury prevention program;

—$500,000 for the Trauma Information Exchange Program as described in the House and Senate reports;

—$2,500,000 to expand injury control centers; and

—$12,500,000 to initiate or expand youth violence programs, of which $10,000,000 shall be for national academic centers of excellence on youth violence prevention and $2,500,000 shall be for a national youth violence prevention resource center.

The conference agreement provides $215,000,000 for the national occupational safety and health program as proposed by the Senate instead of $200,000,000 as proposed by the House.

The conference agreement provides $85,916,000 for epidemic services as proposed by the House instead of $81,349,000 as proposed by the Senate. Within the total provided, it is intended that $1,600,000 will be allocated to support expansion of an existing post-traumatic peer support model intervention network to address the needs of landmine victims in affected regions overseas.

The conference agreement provides $36,322,000 for the Office of the Director instead of $31,136,000 as proposed by the House and $32,322,000 as proposed by the Senate. The conference agreement includes the following amounts for the following projects and activities:

—$1,000,000 to establish a sustainable pilot program that would initiate an interdisciplinary approach to mind-body medicine and to assess their preventive health impact. To ensure a program of the highest quality, a strong peer-review process for all proposals should be put in place.

—$1,000,000 for the University of South Alabama birth defects monitoring and prevention activities; and

—$3,000,000 for the Center for Environmental Medicine and Toxicology at the University of Mississippi Medical Center at Jackson.

The conference agreement provides $30,000,000 for health disparities demonstrations instead of $10,000,000 as proposed by the House and $35,000,000 as proposed by the Senate. The agency is urged to expand the REACH initiative to additional communities and collaborate with Missouri community health centers as well as other worthy centers across the country.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

The conference agreement provides $3,332,317,000 for the National Cancer Institute instead of $3,163,727,000 as proposed by the House, when adjusted for transfers from the Public Health and Social Services Emergency Fund, and $3,286,859,000 as proposed by the Senate.

NATIONAL HEART, LUNG AND BLOOD INSTITUTE

The conference agreement provides $2,040,291,000 for the National Heart, Lung and Blood Institute instead of $1,937,404,000 as proposed by the House and $2,001,185,000 as proposed by the Senate.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

The conference agreement provides $270,253,000 for the National Institute of Dental and Craniofacial Research instead of $257,349,000 as proposed by the House, when adjusted for transfers from the Public Health and Social Services Emergency Fund, and $267,543,000 as proposed by the Senate.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

The conference agreement provides $1,147,588,000 for the National Institute of Diabetes and Digestive and Kidney Diseases instead of $1,087,455,000 as proposed by the House and $1,130,056,000 as proposed by the Senate.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

The conference agreement provides $1,034,886,000 for the National Institute of Neurological Disorders and Stroke instead of $979,281,000 as proposed by the House and $1,019,271,000 as proposed by the Senate.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

The conference agreement provides $1,803,063,000 for the National Institute of Allergy and Infectious Diseases instead of $1,714,705,000 as proposed by the House, when adjusted for transfers from the Public Health and Social Services Emergency Fund, and $1,786,718,000 as proposed by the Senate.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

The conference agreement provides $1,361,668,000 for the National Institute of General Medical Sciences instead of $1,298,551,000 as proposed by the House and $1,352,843,000 as proposed by the Senate.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

The conference agreement provides $862,884,000 for the National Institute of Child Health and Human Development instead of $817,470,000 as proposed by the House, when adjusted for transfers from the Public Health and Social Services Emergency Fund, and $848,044,000 as proposed by the Senate.

NATIONAL EYE INSTITUTE

The conference agreement provides $452,706,000 for the National Eye Institute instead of $428,594,000 as proposed by the House and $445,172,000 as proposed by the Senate.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

The conference agreement provides $444,817,000 for the National Institute of Environmental Health Sciences instead of $421,109,000 as proposed by the House, when adjusted for transfers from the Public Health and Social Services Emergency Fund, instead of $436,113,000 as proposed by the Senate.

NATIONAL INSTITUTE ON AGING

The conference agreement provides $690,156,000 for the National Institute on Aging instead of $651,665,000 as proposed by the House and $680,332,000 as proposed by the Senate.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

The conference agreement provides $351,840,000 for the National Institute of Arthritis and Musculoskeletal and Skin Diseases instead of $333,378,000 as proposed by the House and $350,429,000 as proposed by the Senate.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

The conference agreement provides $265,185,000 for the National Institute on Deafness and Other Communication Disorders instead of $251,218,000 as proposed by the House and $261,962,000 as proposed by the Senate.

NATIONAL INSTITUTE OF NURSING RESEARCH

The conference agreement provides $90,000,000 for the National Institute of Nursing Research as proposed by the Senate instead of $76,204,000 as proposed by the House.

NATIONAL INSTITUTE OF ALCOHOL ABUSE AND ALCOHOLISM

The conference agreement provides $293,935,000 for the National Institute of Alcohol Abuse and Alcoholism instead of

$279,901,000 as proposed by the House and $291,247,000 as proposed by the Senate.

NATIONAL INSTITUTE ON DRUG ABUSE

The conference agreement provides $689,448,000 for the National Institute on Drug Abuse instead of $656,551,000 as proposed by the House and $682,536,000 as proposed by the Senate.

NATIONAL INSTITUTE OF MENTAL HEALTH

The conference agreement provides $978,360,000 for the National Institute of Mental Health instead of $930,436,000 as proposed by the House and $969,494,000 as proposed by the Senate.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

The conference agreement provides $337,322,000 for the National Human Genome Research Institute as proposed by the Senate instead of $308,012,000 as proposed by the House.

NATIONAL CENTER FOR RESEARCH RESOURCES

The conference agreement provides $680,176,000 for the National Center for Research Resources instead of $642,311,000 as proposed by the House, when adjusted for transfers from the Public Health and Social Services Emergency Fund, and $655,988,000 as proposed by the Senate. The conference agreement also includes bill language designating $75,000,000 for extramural facilities construction grants. These funds will provide seed money to stimulate greater public and private sector investments in this needed modernization effort. In awarding grants with these funds, NCRR is directed to recognize the special needs of smaller and developing institutions. NCRR shall assure that, given a sufficient number of meritorious applications from smaller and developing institutions, no less than 50 percent of the awards are made to these institutions. In addition, NCRR shall take all steps necessary to assure that small and developing institutions are notified of the funds available in this account and are provided adequate technical assistance in the application process. The conference agreement does not include a provision proposed by the Senate to provide $30,000,000 for extramural facilities available on October 1, 2000. The House bill contained no similar provision.

The total provided also includes $40,000,000 for the Institutional Development Awards (IDeA) program as proposed by the House instead of $20,000,000 as proposed by the Senate. In addition, $15,000,000 is included to enhance the science education program as referenced in the House and Senate reports.

The conference agreement concurs with language contained in the Senate report concerning animal research facilities in minority health professional schools.

JOHN E. FOGARTY INTERNATIONAL CENTER

The conference agreement provides $43,723,000 for the John E. Fogarty International Center as proposed by the Senate instead of $40,440,000 as proposed by the House, when adjusted for transfers from the Public Health and Social Services Emergency Fund.

NATIONAL LIBRARY OF MEDICINE

The conference agreement provides $215,214,000 for the National Library of Medicine instead of $202,027,000 as proposed by the House and $210,183,000 as proposed by the Senate.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

The conference agreement provides $68,753,000 for the National Center for Complementary and Alternative Medicine instead of $68,000,000 as proposed by the House and $56,214,000 as proposed by the Senate. The conference agreement does not include bill language proposed by the Senate to make these funds available for obligation through September 30, 2001. The House bill contained no similar provision.

It is believed that Federal policy in a number of areas is failing to keep up with the increased use of complementary and alternative therapies. Funding was provided in fiscal year 1999 to support the establishment and operation of a White House Commission on Complementary and Alternative Medicine Policy to study and make recommendations to the Congress on appropriate policies regarding consumer information, training, insurance coverage, licensing, and other pressing issues in this area. It is believed that the Commission is not intended to review the work of or set the priorities for the Center. Rather, the Center is expected simply to provide administrative support to the Commission.

The conference agreement concurs with the House and Senate report language regarding the training of physicians in integrative medicine, but urges the Center to also support the training of nurses in integrative medicine through appropriate mechanisms. The Center is also urged to study strategies for integrating complementary and alternative medicine into all nursing curricula.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $283,509,000 for the Office of the Director instead of $270,383,000 as proposed by the House and $299,504,000 as proposed by the Senate. The conference agreement includes a designation in bill language of $44,953,000 for the operations of the Office of AIDS Research as proposed by the House. The Senate bill contained no similar provision.

It is expected that the Minority Access to Research Careers, Minority Biomedical Research Support, Research Centers in Minority Institutions, and the Office of Research on Minority Health programs will continue to be supported at a level commensurate with their importance.

Investigations into the causes, prevention, treatment, and cure for diabetes are important. The Diabetes Research Working Group report outlines many scientific opportunities and NIH is encouraged to pursue research on all types of diabetes with equal vigor.

NIH is expected to consult closely with the research community, clinicians, patient advocates, and the Congress regarding Parkinson's research and fulfillment of the goals of the Morris K. Udall Parkinson's Research Act. NIH is requested to develop a report to Congress by March 1, 2000 outlining a research agenda for Parkinson's focused research for the next five years, along with professional judgment funding projections. The NIH Director should be prepared to discuss Parkinson's focused research planning and implementation for fiscal year 2000 and fiscal year 2001.

Continued advances in biomedical imaging and engineering, including the development of new techniques and technologies for both clinical applications and medical research and the transfer of new technologies from research projects to the public health sector are important. The disciplines of biomedical imaging and engineering have broad applications to a range of disease processes and organ systems and research in these fields does not fit into the current disease and organ system organizational structure of the NIH. The present organization of the NIH does not accommodate basic scientific research in these fields and encourages unproductive diffusion of imaging and engineering research. Several efforts have been made in the past to fit imaging into the NIH structure, but these have proved to be inadequate.

For these reasons, NIH is urged to establish an Office of Bioimaging/Bioengineering and to review the feasibility of establishing an Institute of Biomedical Imaging and Engineering. This Office should coordinate imaging and bioengineering research activities, both across the NIH and with other Federal agencies. The NIH shall report to the Appropriations Committees of the House and Senate on the progress achieved by this Office no later than June 30, 2000.

Security at Federal facilities is a growing concern and with the number of visitors to the NIH campus, including both domestic and foreign dignitaries, and the type of research that occurs on campus, adequate security at NIH is critical. The Director is requested to contract with an independent group to study the overall security situation at the Bethesda campus. This study should include, but not be limited to, recommendations regarding the appropriate manpower, training, and equipment needed to provide adequate security for NIH employees and all visitors to the campus as well as any recommended changes to the current security policy.

Infantile autism and autism spectrum disorders are biologically based neurodevelopmental diseases that cause severe impairments in language and communication and generally manifest in young children sometime during the first two years of life. Best estimates indicate that 1 in 500 children born today will be diagnosed with an autism spectrum disorder and that 400,000 Americans have autism or an autism spectrum disorder. NIH is strongly encouraged to dedicate more resources and to expand and intensify these efforts through the NIH Autism Coordinating Committee. More knowledge is needed concerning the underlying causes of autism and autism spectrum disorders, how to treat and prevent these disorders; the epidemiology and risk factors for the disorders; the development of methods for early medical diagnosis; dissemination to medical personnel, particularly pediatricians, to aid in the early diagnosis and treatment of this disease; and the costs incurred in educating and caring for individuals with autism and autism spectrum disorders. NIH is also encouraged to explore mechanisms, including innovative collaborative approaches in autism, supported by the Institutes to conduct basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of autism, including research in the fields of developmental neurobiology, genetics, and psychopharmacology.

NIDDK and NIAID are to be commended for jointly supporting research on foodborne illness. The Institutes are encouraged to enhance research on the reaction of the gut to foodborne pathogens, including research on the pathogenesis of the disease, the reasons for antibiotic resistance, the reaction of the gut to infections, the development of animal models to test therapies, and the invention of vaccines or substances that bind with the toxins to prevent the illness.

BUILDINGS AND FACILITIES

The conference agreement provides $135,376,000 for buildings and facilities instead of $108,376,000 as proposed by the House and $100,732,000 as proposed by the Senate. In

addition, $40,000,000 was provided in the fiscal year 1999 appropriations bill for the Clinical Center.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

The conference agreement provides $2,549,728,000 for substance abuse and mental health services instead of $2,413,731,000 as proposed by the House and $2,799,516,000 as proposed by the Senate. The conference agreement does not provide $148,816,000 to become available on October 1, 2000 as proposed by the Senate. The House bill contained no similar provisions.

Center for Mental Health Services

The conference agreement provides $300,000,000 for the mental health block grant as proposed by the House instead of $358,816,000, of which $48,816,000 was to become available on October 1, 2000, as proposed by the Senate.

The conference agreement provides $83,000,000 for children's mental health as proposed by the House instead of $78,000,000 as proposed by the Senate.

Mental health services for children and adolescents could be strengthened by a comprehensive system that measures the quality and effectiveness of these services. The Center's Committee on Child and Adolescent Outcomes has supported the collaboration between Vanderbilt University and Australia in developing such an evaluation system in the United States. The Department is urged to continue this collaboration.

The National Mental Health Self-Help Clearinghouse, the Consumer Organization and Networking Technical Assistance Center, and the National Empowerment Center provide information and resources to individuals suffering from mental illnesses and their families. Continued funding of these Centers will allow services to be provided uninterrupted.

The conference agreement provides $31,000,000 for grants to states for the homeless (PATH) as proposed by the Senate instead of $28,000,000 as proposed by the House.

The conference agreement provides $25,000,000 for protection and advocacy as proposed by the Senate instead of $22,957,000 as proposed by the House.

The conference agreement provides $137,932,000 for knowledge development and application as proposed by the Senate instead of $85,851,000 as proposed by the House. The conference agreement has doubled funding for mental health services for school-age children, as part of an effort to reduce school violence. It is intended that $80,000,000 be used for the support and delivery of school-based and school-related mental health services for school-age youth. It is intended that the Department will continue to collaborate its efforts with the Department of Education to develop a coordinated approach.

Within the total provided, $1,000,000 is for the Northwest Suburban Cook County and Lake County Public Action to Deliver Shelter (PADS) provider organizations to address long-term homelessness through service integration.

Center for Substance Abuse Treatment

The conference agreement provides $1,585,000,000 for the substance abuse block grant as proposed by the House instead of $1,715,000,000 as proposed by the Senate. The conference agreement does not include a provision proposed by the Senate to provide $100,000,000 on October 1, 2000. The House bill contained no similar provision.

The conference agreement provides $181,741,000 for knowledge development and application instead of $136,613,000 as proposed by the House and $226,868,000 as proposed by the Senate. Within the total provided, $200,000 is for the Center Point Program in Marin County, California, for substance abuse and related services to high-risk individuals and families.

Recent reports by NIH and the Institute of Medicine recommend expansion of effective treatment approaches for adolescent drug abusers. CSAT is to be commended for its work in developing and testing manuals for program interventions through the Cannabis Youth Treatment initiative. CSAT is encouraged to expand this initiative by examining the immediate and long-term outcomes across the developmental period when adolescents are at risk for peak drug use, and by taking steps to replicate and improve such treatment approaches.

The Norton Sound Health Corporation project for substance abuse treatment services should be given full and fair consideration for funding.

Center for Substance Abuse Prevention

The conference agreement provides $139,955,000 for knowledge development and application instead of $118,910,000 as proposed by the House and $161,000,000 as proposed by the Senate. Within the total provided, $750,000 is for the Rio Arriba and Santa Fe Counties ''black tar'' heroin program and $3,000,000 is for a regional consortium of South Dakota, North Dakota, Minnesota, and Montana to provide Fetal Alcohol Syndrome services.

The conference agreement provides $7,000,000 for high risk youth grants as proposed by the Senate. The House bill contained no similar provision.

Program Management

The conference agreement provides $59,100,000 for program management instead of $53,400,000 as proposed by the House and $58,900,000 as proposed by the Senate. It is intended that $1,000,000 of the increase over the Administration request is to support the school violence prevention initiative.

It is intended that, from within the funds reserved for rural programs, $12,000,000 be allocated for CSAT grants and $8,000,000 be allocated for CSAP grants.

The conference agreement includes $3,700,000 to initiate and test the effectiveness of Community Assessment and Intervention Centers in providing integrated mental health and substance abuse services to troubled and at-risk children and youth, and their families in four Florida communities. Building upon successful juvenile programs, this effort responds directly to nationwide concerns about youth violence, substance abuse, declining levels of service availability and the inability of certain communities to respond to the needs of their youth in a coordinated manner. The total provided includes: $2,000,000 from mental health knowledge development and application; $500,000 from substance abuse prevention knowledge development and application; $1,000,000 from substance abuse treatment knowledge development and application; and $200,000 from program management.

The Senate recently heard testimony about pathological gambling disorders and the importance of additional federal research in this area as recommended by the National Gambling Impact Study Commission. The Center is urged to conduct demonstration projects to determine effective strategies and best practices for preventing and treating pathological gambling.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

The conference agreement provides $111,424,000 in appropriated funds instead of $104,403,000 as proposed by the House and $19,504,000 as proposed by the Senate.

The conference agreement designates $83,576,000 to be available to the Agency under the Public Health Service one percent evaluation set-aside instead of $70,647,000 as proposed by the House and $191,751,000 as proposed by the Senate.

In addition, $5,000,000 previously identified by the Senate report for bioterrorsm activities is included in the Public Health and Social Services Emergency Fund for the same purpose.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

The conference agreement provides $1,971,648,000 for program management instead of $1,752,050,000 as proposed by the House and $1,991,321,000 as proposed by the Senate. The House bill assumed that the Administration's user fee proposal would be enacted prior to conference. An additional appropriation of $630,000,000 has been provided for this activity in the Health Insurance Portability and Accountability Act of 1996.

The conference agreement provides $95,000,000 for Medicare+Choice as proposed by the Senate instead of $15,000,000 as proposed by the House.

The conference agreement does not include language proposed by the Senate that would have allowed Medicaid and CHIP funding to be interchangeable. The House bill contained no similar provision.

The conference agreement repeats language included in last year's bill related to administrative fees collected relative to Medicare overpayment recovery activities.

The conference agreement does not include bill language proposed by the Senate to allow appropriated funds to be used to increase Medicare provider audits. The House bill contained no similar provision.

Research, Demonstration, and Evaluation

The conference agreement provides $60,000,000 for research, demonstration, and evaluation instead of $50,000,000 as proposed by the House and $65,000,000 as proposed by the Senate. The conference agreement includes the following amounts for the following projects and activities:

—$100,000 for Littleton Regional Hospital in New Hampshire to assist in the development of rural emergency medical services;

—$250,000 for the University of Missouri-Kansas City to test behavioral interventions of nursing home residents with moderate to severe dementia;

—$2,000,000 for a nursing home transition initiative;

—$2,000,000 for a demonstration of residential and outpatient treatment facilities at the AIDS Healthcare Foundation in Los Angeles; and

—$3,000,000 for the University of Pennsylvania Medical Center, the University of Louisville Sciences Center, and St. Vincent's Hospital in Montana to conduct a demonstration to reduce hospitalizations among high-risk patients with congestive heart failure.

HCFA is urged to conduct a demonstration project to test the potential savings to the Federal government and to the Medicare program by comparing different products used for diabetic wound-care treatment. Such a demonstration should compare the aggregate costs of wound care treatment using different wound-care gel products as well as different gel application regimens.

HCFA is urged to conduct a demonstration project addressing the extraordinary adverse health status of native Hawaiians at the Waimanalo health center exploring the use of preventive and indigenous health care expertise.

HCFA is urged to conduct a demonstration project in Hawaii and Alaska to address the extraordinary adverse health status and limited access to health services of the indigenous people in Hawaii and Alaska natives and others residing in southwest Alaska.

There is strong concern over HCFA's failure to articulate clear guidelines and set expeditious timetables for consideration of new technologies, procedures and products for Medicare coverage. Two particularly troubling examples are HCFA's lengthy delays and failure to articulate clear standards regarding Medicare coverage of positron emission tomography (PET) and lung volume reduction surgery (LVRS). The effect of these delays in instituting Medicare coverage is to deny the benefits of these technologies and products to Medicare patients. There is also concern that HCFA appears to be requiring new technologies to repeat clinical trials and testing already successfully completed by the new products in the process of gaining FDA approval or in NIH clinical trials and which serve as signals to private insurers to cover new technologies. The recent creation of a 120-person advisory committee to review new technologies is also of some concern and it is noted that the Appropriations Committees will be observing the new advisory committee to review its costs and to see whether its use further delays Medicare coverage of new products. Because of the possible duplication of efforts among HHS agencies and related unnecessary costs to the Medicare program and the Department, it is expected that the Secretary will take a leadership role in resolving this matter expeditiously.

The Secretary is strongly urged to appoint a three-person Medicare-Technology Consumer Advisory Committee. The Committee should be appointed from among knowledgeable patient advocates and members of the medical community with expert knowledge of new technologies and cost-benefit analysis. The new Committee should study the current HCFA process for determining new coverages and should report at least every six months to the Secretary, the Appropriations Committees, and the general public on its findings and recommendations. The Secretary is expected to report prior to fiscal year 2001 appropriations hearings about its recommendations on streamlining HCFA's approval process for Medicare coverage of new technologies.

If the Secretary of the Department of Health and Human Services, under existing demonstration authority, chooses to implement a program to improve health care access for uninsured workers, the Secretary should encourage applications from private, not-for-profit multi-state health systems in urban and rural areas. Such multi-state systems should be given special consideration if they are willing to provide private matching funds to create model public-private partnerships which enhance integrated systems of health care for the working poor.

Medicare contractors

The conference agreement provides $1,244,000,000 for Medicare contractors as proposed by the Senate instead of $1,176,950,000 as proposed by the House. The amount provided reflects HCFA's proposal to change its approach for processing managed care encounter data, which will result in estimated savings of $30,000,000.

State survey and certification

The conference agreement provides $189,674,000 for State survey and certification instead of $106,000,000 as proposed by the House and $204,347,000 as proposed by the Senate.

Federal administration

The conference agreement provides $480,000,000 for Federal administration as proposed by the Senate instead of $421,126,000 as proposed by the House.

The conference agreement concurs with House report language regarding its concern that the current performance evaluation and recertification process for Organ Procurement Organizations (OPO) may hinder the goal of increased organ donations. HCFA is urged to work with and support the industry in its effort to develop alternative performance measures. HCFA is also urged to use existing authority to extend the OPO certification period until such time as an alternative process has been adopted.

Hospices in Wichita, Kansas will be adversely affected in their Medicare reimbursement in fiscal year 2000 because of an error in a faulty hospital cost report in 1995, over which they had no control, and because of a faulty tabulation by HCFA or its fiscal intermediary. HCFA is expected to correct the error in the publication of the hospice wage index for the Wichita, Kansas MSA by using the July 30, 1999 hospital wage index, published in the Federal Register, for the current fiscal year, rather than delaying until the following fiscal year, and by publishing a revised notice to reflect this correction.

Congress enacted the Indian Health Care Improvement Act with the intention of improving access to health care for Native Americans, including access to Medicaid-funded services. Congress intended to cover 100 percent of amounts that States expend for medical assistance received through an Indian Health Service (IHS) facility or a tribally-operated facility, including contractual and referral arrangements made through IHS or tribally-operated health programs. Moreover, medical assistance includes the full array of services for which a State Medicaid program can claim Federal matching funds. Therefore, HCFA is urged to reconsider its interpretation of the Indian Health Care Improvement Act.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

The conference agreement provides no extended availability of funds proposed by the Senate. The House bill proposed no extended availability.

LOW INCOME HOME ENERGY ASSISTANCE

The conference agreement includes language proposed by the House designating that the $1,100,000,000 appropriated for LIHEAP for FY 2000 in the FY 1999 appropriations act is an emergency under the Budget Act and requiring that such funds be allocated in accordance with the statutory formula. The Senate bill contained no such language. The agreement also includes the House legal citation to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act.

REFUGEE AND ENTRANT ASSISTANCE

The conference agreement appropriates $426,505,000, instead of $423,500,000 as proposed by the House and $430,500,000 as proposed by the Senate. The agreement provides for an annual appropriation as proposed by the House instead of three-year availability of funds proposed by the Senate. In the case of the Torture Victims Relief Act funds, the agreement provides for an annual appropriation as proposed by the House instead of the funds remaining available until expended proposed by the Senate.

In addition, the conference agreement includes language not contained in either bill that designates all funding in this account as an emergency requirement under the Budget Act.

The conference agreement includes $20,000,000 from carryover funds that are to be used under social services to increase educational support to schools with a significant proportion of refugee children and for the development of alternative cash assistance programs that involve case management approaches to improve resettlement outcomes. Such support should include intensive English language training and cultural assimilation programs.

The agreement also includes $26,000,000 for increased support to communities with large concentrations of refugees whose cultural differences make assimilation especially difficult justifying a more intense level and longer duration of Federal assistance.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

The conference agreement appropriates $1,182,672,000 as an advance appropriation for fiscal year 2001, instead of $2,000,000,000 as proposed by the Senate. The agreement further provides that $19,120,000 shall be for child care resource and referral and school-aged child care activities as proposed by the Senate. The House bill had no appropriation for this account.

The conference agreement includes $500,000 for a toll-free child care services program hotline to be operated by Child Care Aware.

States are encouraged to create or enhance systems of care that support and educate families expecting a baby or with young children, and help them understand that day-to-day interaction with children helps them develop cognitively, socially, physically and emotionally. Many states have already created state and local collaboratives that coordinate early childhood development, and these efforts are to be commended.

In the case of states that have yet to initiate such coordination, they are encouraged to look at best practices from across the country. The National Governors Association has developed goals, model indicators, and measures of performance to help states focus on improving the conditions of young children and their families. The State of Ohio has a successful initiative known as Family and Children First that could serve as a model. All states are encouraged to continue to develop and expand healthy early childhood systems of care.

SOCIAL SERVICES BLOCK GRANT

The conference agreement includes $1,700,000,000, instead of $1,909,000,000 as proposed by the House and $1,050,000,000 as proposed by the Senate. The agreement also includes the provision in the House bill that limits the ability of States to transfer TANF funds to the Social Services Block Grant to 4.25 percent instead of the 5 percent proposed in the Senate bill.

The conference agreement does not include section 216 of the Senate bill which increased the appropriation to $2,380,000,000 but specified that $1,330,000,000 of that amount would not become available for obligation until fiscal year 2001 and that the amount available for allocation to States in fiscal year 2001 would be $3,030,000,000. The House had no similar provision.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING RESCISSIONS)

The conference agreement appropriates $6,809,733,000, instead of $6,240,216,000 as proposed by the House and $6,789,635,000 as proposed by the Senate. In addition, the agreement rescinds $21,000,000 from permanent appropriations as proposed by the House.

The agreement includes an advance appropriation of $1,400,000,000 for Head Start for fiscal year 2001 as proposed by the House instead of $1,900,000,000 proposed by the Senate.

An amount of $10,000,000 is included under social services and income maintenance research for establishing Individual Development Accounts. The House proposed to fund this as a separate line item.

The Hull House Association's Neighbor to Neighbor (NTN) program in Chicago and Florida provides specialized placement and family services for sibling groups, keeping such children together, placed within their community, and stabilized in one foster home. Outcomes for this program have been noteworthy, including high rates of family reunification, placement stability and foster parent retention. The conference agreement includes $500,000 to support the Association's project to provide training, technical assistance and implementation assistance to establishment of NTN programs within public and private foster care agencies in other states and localities.

The conference agreement includes language not contained in either House or Senate bills that requires the Department to establish certain procedures regarding the disposition of intangible property in the community economic development program under the Community Services Block Grant Act.

There is awareness of efforts by the state information technology consortium to identify best practices with regard to implementing Temporary Assistance to Needy Families, including best practices developed by states, the federal government, and the private sector. The next phase of this effort will enable states to discern which best practices are appropriate for their particular needs, then work with the consortium to implement those practices. Continuation of this effort at the current level of support is urged.

It is important that the Congress determine the economic status of former recipients of Temporary Assistance to Needy Families, and the conference agreement provides funds to support such research and evaluation.

Head Start grantees may use their basic grant funds, quality funds, and expansion funds for minor renovations and rehabilitation of existing Head Start facilities. The Secretary is urged to give special attention to Native American communities with particular needs, including the Alaskan communities of Chevak, Napakiak, Haines, Marshall, Noorvik, Selawik, Pilot Station, Hooper Bay, and Dillingham.

Within the funds provided for Runaway Youth—Transitional Living, the conference agreement includes $500,000 for the House of Mercy in Des Moines, Iowa.

Within the funds provided for child abuse prevention programs, the conference agreement includes $1,000,000 for a one-stop shopping demonstration for Catholic Social Services in Juneau, Alaska; $2,000,000 for the Healthy Beginnings Program in Alaska; $500,000 for Children's Advocacy Services Center of Greater St. Louis; $50,000 for the Taos Community Against Violence for ongoing services for children and victims of domestic violence; and $1,000,000 for the University of Louisville, Center for Research in Early Childhood Development.

Within the funds provided for Native American programs, the conference agreement includes $700,000 for the Cook Inlet Tribal Council, Inc. and $300,000 for Kawerak, Inc.

The conference agreement includes $2,000,000 for the Public Children Services Association of Ohio to build a multi-State grassroots network that results in a State infrastructure of local child protection agencies.

The conference agreement includes $400,000 for the National Adoption Center to develop a national adoption photo listing service on the Internet.

Within the funds provided for developmental disabilities, projects of national significance, the conference agreement includes $1,000,000 for the Sertoma Center in Knoxville, Tennessee to work in conjunction with other entities to develop a training regime for providers of services for the developmentally disabled.

PROMOTING SAFE AND STABLE FAMILIES

The conference agreement changes the name of this appropriation account to ''Promoting Safe and Stable Families'' as proposed by the Senate instead of ''Family Preservation and Support'' proposed by the House.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

The conference agreement appropriates $4,307,300,000 as proposed by the House instead of $4,312,300,000 as proposed by the Senate.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

The conference agreement appropriates $930,225,000, instead of $881,976,000 as proposed by the House and $942,355,000 as proposed by the Senate. The agreement includes a legal citation as proposed by the Senate with respect to the Alzheimer's initiative.

The conference agreement includes the following amounts under aging research and training:

—$3,000,000 for social research into Alzheimer's disease care options, best practices and other Alzheimer's research priorities as specified in the House Report

—$10,000,000 for the ''Senior Waste Patrol'' pilot project to determine the most effective means of eliminating Medicare fraud, waste and abuse

—$2,000,000 for the Texas Tech University Center for Healthy Aging

—$500,000 for the West Virginia University Rural Aging Project

—$850,000 for Elder Services, Inc. in Middlebury, Vermont

—$2,200,000 for the Anchorage, Alaska Senior Center

—$450,000 for the Deaconess Billings Clinic Northwest Area Center for Aging in Montana

—$1,000,000 for Family Friends

—$100,000 for the Nevada Rural Counties Retired and Senior Volunteer Home Companion Program to provide services to homebound elderly in rural areas

Within the funds provided for state and local innovations/projects of national significance, the conference agreement intends that funds be used for ongoing projects scheduled for refunding in FY 2000.

Nearly one in four American households is currently involved in family caregiving to elderly relatives or friends. The Administration on Aging should give full and fair consideration to a demonstration and evaluation of the Metropolitan Family Services' community-based program that builds on the strengths of families to provide cost-effective and high quality care.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

The conference agreement appropriates $215,552,000, instead of $227,787,000 as proposed by the House and $189,420,000 as proposed by the Senate. To the extent that any staffing reductions are required to implement the conference agreement to freeze the basic salaries and expenses funding in this account at the fiscal year 1999 level, the Secretary should make the reductions in such overhead areas as the immediate office of the Secretary, public affairs, Congressional affairs, and intergovernmental affairs.

The agreement includes $1,500,000 for the United States-Mexico Border Health Commission. The conference agreement concurs with the Senate Report language concerning the human services transportation technical assistance program. It also concurs with the Senate Report language concerning the amount available for a public education campaign on osteoporosis in the Office on Women's Health. Within the amount allocated to the Office on Women's Health, $2,000,000 is for the initiation of biological, chemical and botanical studies to assist in the development of the clinical evaluation of phytomedicines in women's health.

The conference agreement includes language proposed by the House that earmarks $450,000 for a contract with the National Academy of Sciences to conduct a study of OSHA's proposed rule relating to occupational exposure to tuberculosis. The study should address the following questions:

1. Are health care workers at a greater risk of infection, disease, and mortality due to tuberculosis than the general community within which they reside? If so, what is the excess risk due to occupational exposure?

2. Can the occupationally acquired risk be quantified for different work environments, different job classifications, etc., as a result of implementation of the 1994 Centers for Disease Control and Prevention (CDC) guidelines for the prevention of tuberculosis transmission at the worksite or the implementation of specific parts of the CDC guidelines?

3. What effect will the implementation of OSHA's proposed tuberculosis standard have in minimizing or eliminating the risk of infection, disease, and mortality due to tuberculosis?

The agreement includes language as proposed by the Senate setting aside $10,569,000 under the adolescent family life program for activities specified under §2003(b)(2) of the Public Health Service Act, of which $9,131,000 shall be for prevention grants under §510(b)(2) of the Social Security Act, without application of the limitation of §2010(c) of the Public Health Service Act. The House bill had no similar provision.

With respect to the advance appropriation of $20,000,000 for title XX of the Public Health Service Act, it is intended that these funds be used for grants to organizations that clearly and consistently focus on abstinence for preventing STD's and unwanted pregnancy. [Abstinence shall have the same meaning as in Public Law 104–193, title IX, section 912.] Grants to these organizations should focus on training persons as abstinence instructors and on providing actual presentations to youth at vulnerable ages (grades 7 through 12). The Department shall hold competition for these grants during the regular grant cycle in fiscal year 2000 and

issue these grants at the beginning of fiscal year 2001.

The conference agreement concurs with the language in the House Report relating to an Institute of Medicine study on ethnic bias in medicine.

Sufficient funds are available to continue the inner city childhood asthma project at the Children's Hospital of Philadelphia.

It is understood that the screening of blood and blood products could be improved through the use of nucleic acid testing (NAT) to better detect known infectious diseases such as Human Immunodeficiency Virus (HIV–1) and Hepatitis C virus (HCV). The National Heart, Lung and Blood Institute in the National Institutes of Health has contracted with private companies to develop fully automated NAT tests for HIV–1 and HCV. In view of NIH's financial commitment to NAT and the approval of NAT in other countries, the Public Health Service Blood Safety Committee, chaired by the Surgeon General/Assistant Secretary for Health, is urged to encourage the adoption of these screening tools for individual donor testing of blood and plasma.

The conference agreement includes language proposed by the Senate modified to earmark $2,000,000 to be utilized by the Surgeon General to prepare and disseminate the findings of the Surgeon General's report on youth violence and to coordinate with other agencies activities to prevent youth violence. The House bill had no similar provision.

The conference agreement also includes the following amounts for the following projects:

—$1,000,000 for the Albert Einstein Medical Center LIFE elderly care model

—$500,000 for the Thomas Jefferson University Hospital alternative medicine program

—$500,000 for the Thomas Jefferson University Hospital sickle cell program

—$1,000,000 for the CORE Center at Cook County Hospital in Chicago to develop a model HIV/AIDS Education and Training Center.

OFFICE OF INSPECTOR GENERAL

The conference agreement appropriates $31,500,000, instead of $29,000,000 as proposed by the House and $35,000,000 as proposed by the Senate. The agreement does not include language proposed by the House to limit the amount of funds available to the Inspector General in FY 2000 under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to no more than $100,000,000, the same amount as in FY 1999. The Senate bill had no similar provision.

Sufficient funds are available to initiate activities in Pittsburgh, PA as mentioned in the Senate Report.

OFFICE FOR CIVIL RIGHTS

The conference agreement appropriates $21,652,000, instead of $20,652,000 as proposed by the House and $22,159,000 as proposed by the Senate.

POLICY RESEARCH

The conference agreement appropriates $17,000,000, instead of $15,000,000 as proposed by the Senate and $14,000,000 as proposed by the House. The agreement includes $850,000 for the East St. Louis Center operated by Southern Illinois University to analyze problems faced by health service providers in administering multiple sources of funding.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The conference agreement provides $510,600,000 for the Public Health and Social Services Emergency Fund instead of $391,833,000 as proposed by the House and $475,000,000 as proposed by the Senate. The conference agreement also includes a provision that these funds shall be made available only upon submission of a budget request designating the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 as proposed by the House. The Senate bill did not propose this account as an emergency.

The amount provided includes $196,000,000 for the Centers for Disease Control and Prevention. Included in this amount is $122,000,000 for the following bioterrorism activities:

—$1,000,000 to enhance technical capabilities to identify certain biological agents;

—$2,000,000 to assist States in developing emergency preparedness plans;

—$2,000,000 for public health training centers;

—$2,000,000 to discover, develop, and transition anti-infective agents to combat emerging diseases;

—$2,000,000 to expand epidemiological intelligence service;

—$4,000,000 for conducting independent studies of health and bioterrorism threats, of which $1,000,000 is for the Carnegie Mellon Research Institute, $1,000,000 is for the St. Louis University School of Public Health, $1,000,000 is for the University of Texas Medical Branch at Galveston; and $1,000,000 is for the Johns Hopkins University Center for Civilian Biodefense;

—$5,000,000 to develop rapid toxic screening;

—$7,000,000 to strengthen State and local epidemiological and surveillance capacity;

—$8,400,000 to better identify potential biological and chemical terrorism agents;

—$9,000,000 to develop new sources and methods for surveillance;

—$9,600,000 for regional laboratories for measuring biological and chemical agents;

—$20,000,000 for infectious diseases emergency preparedness and response;

—$30,000,000 for a national health alert network; and

—$20,000,000 for a pharmaceutical and vaccine stockpile.

The remaining $74,000,000 is provided for the following activities: $5,000,000 for the environmental health laboratory; and $69,000,000 for a global health initiative, of which $5,000,000 is for micronutrient malnutrition programs; $9,000,000 is for malaria programs; $20,000,000 is for polio eradication activities; and $35,000,000 is for international HIV/AIDS programs.

The amount provided also includes $30,000,000 for the Office of the Secretary, $24,600,000 for the Office of Emergency Preparedness, and $5,000,000 for the Agency for Health Care Policy and Research for bioterrorism activities; $20,000,000 for NIH Challenge Grants; $35,000,000 for minority HIV/AIDS activities within the Office of the Secretary; $50,000,000 for Ricky Ray Hemophilia Relief Fund Act within the Health Resources and Services Administration, of which $10,000,000 is for program administration; and $150,000,000 for Y2K activities at the Health Care Financing Administration.

Within the increase provided to NIH, sufficient funds are available for global health initiative activities identified in the Senate report.

GENERAL PROVISIONS

NIH AND SAMHSA SALARY CAP

The conference agreement includes a provision limiting the use of the National Institutes of Health and the Substance Abuse and Mental Health Services Administration funds to pay the salary of an individual, through a grant or other extramural mechanism, at a rate not to exceed Level II of the Executive Schedule instead of Level III as proposed by the Senate. The House bill contained no similar provision.

TRANSFER AUTHORITY

The conference agreement includes a provision proposed by the House to prohibit any appropriation from increasing by more than three percent as a result of use of the Secretary's one percent transfer authority. The Senate bill contained a similar provision except it exempted the Public Health and Social Services Emergency Fund.

ORGAN ALLOCATION FINAL RULE

The conference agreement includes a provision to provide a 60-day comment period on the final rule entitled ''Organ Procurement and Transplantation Network'', promulgated by the Secretary of Health and Human Services on April 2, 1998 together with the amendments to such rule promulgated on October 20, 1999. The comment period begins 3 days after the date of enactment of this Act. Following the comment period, the Department will have 21-days to review submitted comments and to amend the rule, if necessary. The rule shall not become effective before the end of a 90-day period beginning from the date of enactment of this Act. The House bill included a provision to prohibit the rule from becoming effective until October 1, 2000. The Senate bill contained no similar provision.

SUBSTANCE ABUSE BLOCK GRANT FORMULA ALLOCATION

The conference agreement includes a provision proposed by the House to provide each State with the same funding level in fiscal year 2000 as it received in fiscal year 1999. The Senate bill contained a similar provision except it was based on an increased appropriation amount.

EXTENSION OF CERTAIN ADJUDICATION PROVISIONS

The conference agreement includes a provision proposed by the Senate to extend the refugee status for persecuted religious groups. The House bill contained no similar provision.

MEDICARE COMPETITIVE PRICING DEMONSTRATION PROJECT

The conference agreement includes a provision proposed by the Senate to prohibit funding to implement or administer the Medicare Prepaid Competitive Pricing Demonstration Project in Arizona or in Kansas City, Missouri or in the Kansas City, Kansas area. The House bill contained no similar provision.

DELAYED OBLIGATIONS

The conference agreement includes a provision to delay the obligation of $7,500,000,000 of NIH funds; $1,120,000,000 of HRSA funds; $965,000,000 of CDC funds; $450,000,000 of SAMHSA funds; $425,000,000 of Social Services Block Grant funds; and $400,000,000 of Children and Families Services funds until September 29, 2000. The Senate bill contained a provision to delay the obligation of $3,000,000,000 of NIH funds until September 29, 2000. The House bill contained no similar provision.

SENSE OF THE SENATE REGARDING DIABETES AWARENESS AND FUNDING

The conference agreement deletes without prejudice a sense of the Senate provision regarding diabetes awareness and support for

increased diabetes research funding. The House bill contained no similar provision.

STUDY OF THE GEOGRAPHIC ADJUSTMENT FACTORS IN THE MEDICARE PROGRAM

The conference agreement includes a provision proposed by the Senate to require the Secretary of HHS to conduct a study on appropriateness of the geographic adjustment factors used to determine the amount of payment for physicians' services under the Medicare program in New Mexico, Arizona, Colorado, and Texas and the effect these factors have on recruitment and retention of physicians in small rural States. The House bill contained no similar provision.

DENTAL SEALANT DEMONSTRATION PROGRAM

The conference agreement deletes a provision proposed by the Senate to establish a multi-State dental sealant demonstration program. The House bill contained no similar provision. The agreement includes sufficient funds within the Maternal and Child Health block grant to initiate such a program.

WITHHOLDING OF SUBSTANCE ABUSE FUNDS

The conference agreement includes a provision proposed by the Senate to allow a State to avoid a penalty under section 1926 of the Public Health Service Act (commonly known as the Synar Amendment) if the State agrees to commit new State funding to help ensure compliance with State laws prohibiting youth purchase of tobacco products. It is noted that the provision applies only for fiscal year 2000 and States are expected to continue to try to meet the established Synar Amendment targets for enforcement of their youth tobacco laws. It is also noted that there is increasing sentiment that the Synar Amendment needs to be reexamined and all concerned parties are encouraged to work toward a compromise solution next year with the appropriate authorizing committees. The provision allows the Secretary to exercise discretion in enforcing the timing of the new State expenditures in order to provide flexibility to States that do not immediately have available funds for this purpose. It is expected that within 30 days of accepting an agreement to increase funding for enforcement, the State will provide a report to the Secretary of all State resources spent in fiscal year 1999 on enforcement of the State law by program activity and by May 15, 2000, a report on FY 2000 obligations regarding enforcement unless otherwise negotiated by the Secretary. The Secretary shall deliver the findings of these reports to Congress. The language provides the Secretary authority to permit a State to commit an amount smaller than its formula amount as described in subsection (b) in order to recognize that an individual state may have been granted ''delayed applicability'' status under the Synar Amendment by the Substance Abuse and Mental Health Services Administration.

MEDICARE INJECTABLE DRUG COVERAGE

The conference agreement includes a provision not proposed by either House or Senate related to Medicare injectable drug coverage. There is concern that an August 13, 1997 memorandum and subsequent interpretations will inappropriately restrict beneficiary access to injectable drugs that are and have been covered by the Medicare program. It is noted that for many years, Medicare policy (as stated in Section 2049.2 of the Medicare Carriers Manual) has allowed coverage of a drug or biological administered incident to a physician's service where the product is one that is not usually self-administered by the patient. It is intended that HCFA continue to cover such products under Social Security Act section 1861(s)(2) and communicate this policy through a program memorandum to all HCFA regional offices.

NATIONAL CANCER INSTITUTE

The conference agreement includes a provision to allow the Cancer Therapy and Research Center in San Antonio, Texas to continue to use prior year construction grant funding without fiscal year limitation.

CHILDHOOD ASTHMA

The conference agreement deletes a provision proposed by the Senate to provide an earmark of $8,706,000 for the asthma prevention program on October 1, 2000. The House bill contained no similar provision. The conference agreement includes $11,294,053 for asthma prevention as part of the Centers for Disease Control and Prevention.

TITLE II CITATION

The conference agreement includes a provision proposed by the House to cite title II as the ''Department of Health and Human Services Appropriations Act, 2000''. The Senate bill contained no similar provision.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

The conference agreement includes $1,586,560,000 for Education Reform, instead of the $800,100,000 proposed by the House and $1,655,600,000 as proposed by the Senate. The agreement does not include advance funding of $344,625,000 as proposed by the Senate. The House had no similar provision.

Goals 2000

For Goals 2000, the conference agreement provides $491,000,000. The Senate provided $494,000,000. The House proposed no funding for this program. This amount includes $458,000,000 for state grants, instead of $461,000,000 as proposed by the Senate. The House proposed no funding for this program. For parental assistance, the conference agreement includes $33,000,000, the same level as in the Senate bill. The House did not propose funding for this program.

School-to-Work Opportunities

The conference agreement provides $55,000,000 for School-to-Work Opportunities, the same amount provided by the Senate. The House provided no funding for this program.

Education technology

For education technology, the conference agreement provides $740,560,000. The Senate provided $706,600,000. The House proposed $500,100,000.

Technology Literacy Challenge Fund

For the Technology Literacy Challenge Fund, the conference agreement includes $425,000,000 proposed by the Senate. The House provided $375,000,000.

Technology Innovation Challenge Grants

For the Technology Innovation Challenge Grants, the conference agreement provides $143,310,000. Both the House and the Senate provided $115,100,000. Within the amount provided for Technology Innovation Challenge Grants, the conference report specifies funding for the following activities:

Houston Independent School District for technology infrastructure	$500,000
Long Island 21st Century Technology and E-Commerce Alliance	300,000
I CAN LEARN	8,000,000
Linking Education Technology and Educational Reform (LINKS) for educational technology	2,000,000
Center for Advanced Research and Technology (CART) for comprehensive secondary education reform	1,000,000
Vaughn Reno Starks Community Center in Elizabethtown, KY for a technology program	250,000
Wyandanch Compel Youth Academy Educational Assistance Program in New York	125,000
Hi-Technology High School in San Bernardino County, California for technology enhancement	3,000,000
Montana State University for a distance learning initiative	800,000
Tupelo School District in MS for technology innovation	2,000,000
Seton Hill College in Greensburg, PA for a model education technology training program	1,000,000
University of Alaska-Fairbanks	500,000
North East Vocational Area Cooperative in WA for a multi-district technology education center	1,000,000
University of Vermont for the Vermont Learning Gateway Program	400,000
State University of New Jersey for the RUNet 2000 project at Rutgers for an integrated voice-video-data network to link students, faculty and administration via a high-speed, broad band fiber optic network	2,500,000
Iowa Area Education Agency 13 for a public/private partnership to demonstrate the effective use of technology in grades one through three	500,000
Louisville Deaf Oral School for technology enhancements	235,000
Bibb County Board of Education for technology enhancements	50,000
Calhoun County Board of Education for technology enhancements	50,000
Chambers County Board of Education for technology enhancements	50,000
Chilton County Board of Education for technology enhancements	50,000
Clay County Board of Education for technology enhancements	50,000
Cleburne County Board of Education for technology enhancements	50,000
Coosa County Board of Education for technology enhancements	50,000
Lee County Board of Education for technology enhancements	50,000
Macon County Board of Education for technology enhancements	50,000
St. Clair County Board of Education for technology enhancements	50,000
Talladega County Board of Education for technology enhancements	50,000
Tallapoosa County Board of Education for technology enhancements	50,000
Randolph County Board of Education for technology enhancements	50,000
Russell County Board of Education for technology enhancements	50,000
Alexander City Board of Education for technology enhancements	50,000

Anniston City Board of Education for technology enhancements ...	50,000
Lanett City Board of Education for technology enhancements ...	50,000
Pell City Board of Education for technology enhancements	50,000
Roanoke City Board of Education for technology enhancements ...	50,000
Talledega City Board of Education for technology enhancements	50,000
University of Alaska at Anchorage for distance learning education	900,000
Alaska Department of Education for the Alaska State Distance Education Technology Consortium	200,000
Mansfield University to continue a technology demonstration	500,000

Regional technology in education consortia

For Regional technology in education consortia, the conference agreement includes $10,000,000 proposed by the Senate. The House provided no funding for this program.

National activities

The conference agreement includes $87,000,000 for education technology initiatives funded under National Activities: $75,000 for teacher training in technology, $10,000,000 to establish computer learning centers in low-income communities, and $2,000,000 for national technology leadership activities. The amounts provided are the same as provided by the Senate. The House provided $10,000,000 for Community Based Technology Centers and no funding for other programs within this account.

Star Schools

For Star Schools, the conference agreement provides $50,750,000. The Senate bill provided $45,000,000. The House bill provided no funding for this program. Within the amount provided for Star Schools, the conference report specifies funding for the following activities:

Technology Literacy Center at the Museum of Science & Industry, Chicago	$750,000
Oklahoma State University for an on-line math and science training program	1,000,000
Continuation and expansion of the Iowa Communications network statewide fiber optic demonstration	4,000,000

Ready to learn television

The conference agreement provides $16,000,000 as proposed by the Senate. The House proposed no funds. The conference agreement notes that only $3,369,913 of the $25,000,000 appropriated for this program since fiscal year 1997 have been outlayed to date. The conference agreement accordingly directs the Corporation for Public Broadcasting to report to the Appropriations Committees in the House and the Senate during each quarter of fiscal year 2000 the amount of funds obligated and outlayed from each of the fiscal years 1997, 1998, 1999 and 2000 appropriations, the dates on which outlays occur during fiscal year 2000 and the specific uses to which such outlays are put.

Telecommunications demonstration project for mathematics

The conference agreement provides $8,500,000 for telecommunications demonstration project for mathematics as proposed by the Senate. The House proposed no funds.

21st Century Learning Centers

The conference agreement includes $300,000,000 for the 21st Century Learning Centers proposed by the House instead of $400,000,000 proposed by the Senate. Within the amount provided, the conference report specifies funding for the following activities:

Study Partners Program, Inc. in Louisville, KY	$6,000
Shawnee Gardens Tenants Association Inc. in Louisville, KY ...	12,000
100 Black Men of Louisville, KY for a mentoring program	12,000
Omaha Nebraska Public Schools for the OPS 21st Century Learning Grant	500,000
Plymouth Renewal Center in Kentucky for a tutoring program	25,000
Canaan Community Development Corporation's Village Learning Center Program	25,000
St. Stephen Life Center After School Program	25,000
Louisville Central Community Centers Youth Education Program	25,000
Trinity Family Life Center tutoring program	15,000
New Zion Community Development Foundation, Inc. after school mentoring program	15,000
St. Joseph Catholic Orphan Society program for abused and neglected children	20,000
Portland Neighborhood House after school program	25,000
St. Anthony Community Outreach Center, Inc. for the Education PAYs program	25,000

EDUCATION FOR THE DISADVANTAGED

The conference agreement includes $8,547,986,000 for Education for the Disadvantaged instead of the $8,750,986,000 proposed by the Senate and $8,417,897,000 as proposed by the House. The agreement includes advance funding for this account of $6,204,763,000, the same as both the House and the Senate.

For Grants to Local Education Agencies (LEAs) the agreement provides $7,807,397,000, compared with $8,052,397,000 provided in the Senate bill and $7,732,397,000 provided in the House bill. Of the funds made available for basic grants, $5,046,366,000 becomes available on October 1, 1999 for the academic year 1999–2000.

The agreement includes $6,649,000,000 for basic state grants and $1,158,397,000 for concentration grants. Of this total, $1,158,397,000 for fiscal year 2000 was advance funded in the fiscal year 1999 Departments of Labor, Health and Human Services and Education and Related Agencies Act (P.L. 105–277). The conference agreement funding of $1,158,397,000 for concentration grants is advanced for fiscal year 2001.

The conference agreement includes $12,000,000 for capital expenses for private school children, instead of $15,000,000 proposed by the Senate. The House contained no funding for this program.

The conference agreement provides $150,000,000 for the Even Start program as proposed by the House. The Senate provided $145,000,000 for this program.

The conference agreement provides $42,000,000 for Neglected and Delinquent Youth as proposed by the Senate. The House provided $40,311,000 for this program.

The conference agreement provides $8,900,000 for evaluation of title I programs as proposed by the Senate. The House provided $7,500,000 for this activity.

The conference agreement includes the provision contained in the Senate bill regarding a 100% hold harmless for States and LEAs for both basic and concentration grants. The conference agreement also adopts language included in the Senate bill providing that the Department shall make 100% hold harmless awards to LEAs who were eligible for concentration grants in 1998 but are not eligible to receive grants in fiscal year 2000, ratably reduced if necessary.

The House nevertheless opposes the hold harmless provision because it unfairly penalizes underprivileged and immigrant children in growing states, including Arizona, Arkansas, California, Connecticut, Florida, Georgia, Hawaii, Montana, Nevada, New Mexico, New York, North Carolina, South Carolina, Texas, Virginia and the District of Columbia. These states represent over half of the U.S. population of underprivileged schoolchildren.

The House also notes that the 100% hold harmless provision is opposed by the House authorizing committee of jurisdiction and the Administration. The House will continue to oppose the inclusion of such a provision in the future.

The conference agreement also adopts language included in the Senate bill providing that the Secretary of Education shall not take into account the 100% hold harmless provision in determining State allocations under any other program.

The conference agreement includes $160,000,000 for demonstrations of comprehensive school reform; both the House and Senate funded this program at $120,000,000. The conference agreement directs the Department to follow the directives in the conference report accompanying the fiscal year 1998 bill (House Report 105–390) and in the conference report accompanying the fiscal year 1999 bill (House Report 105–825).

IMPACT AID

The conference agreement provides $910,500,000 for the Impact Aid programs. The House proposed $907,200,000. The Senate proposed $892,000,000. For basic grants the conference agreement includes $737,200,000, for payments for children with disabilities the agreement includes $50,000,000, and for payments for heavily impacted districts the agreement includes $76,000,000. The agreement also includes $5,000,000 for facilities maintenance, $10,300,000 for construction, and $32,000,000 for payments for federal property. The conference agreement provides within the account for construction, $500,000 for the Ft. Sam Houston ISD, $800,000 for the Hays Lodgepole School District in MT and $2,000,000 for the North Chicago Community Unit School District.

The conference agreement also includes the following language provisions: eligibility for the Central Union, Island, and Hueneme School Districts in California and the Hill City, Wall, and Hot Springs School Districts in South Dakota; timely filing of applications by the Brookeland School District in Texas, the Fallbrook High School District in California and Hydaburg School District in Alaska; forgiveness of overpayment for the Hatboro-Horsham and Delaware Valley School Districts in Pennsylvania; and computing payments for Travis School District in California. Neither the House nor Senate bills contained similar provisions.

The conference agreement notes the Administration's proposal to significantly expand the Military Family Housing Privatization Initiative, which has since been scaled back. In some privatization projects, the property itself is privatized, causing serious implications for the affected school districts' ability to receive funding under the Impact Aid program. Thus, the conference agreement strongly urges the Administration to

clarify that military family housing privatization proposals will have no effect on Impact Aid payments to local school districts, even if land is privatized.

SCHOOL IMPROVEMENT PROGRAMS

The conference agreement provides $2,926,134,000 for School Improvement Programs, instead of $3,115,188,000 as proposed by the House and $2,961,634,000 as proposed by the Senate. The agreement provides $1,396,134,000 in fiscal year 2000 and $1,530,000,000 in fiscal year 2001 funding for this account.

Eisenhower professional development

For the Eisenhower professional development activities, the agreement provides $335,000,000, the same level as in the Senate bill. The House provided no funding for this activity.

Innovative education program strategies

For innovative education program strategies, title VI of the Elementary and Secondary Education Act of 1965, the conference agreement provides $380,000,000. The House provided $385,000,000 and the Senate bill included $375,000,000.

Class size/Teacher Assistance Initiative

The conference agreement includes $1,200,000,000 for a class size/teacher assistance initiative. The House bill provided $1,800,000,000 for the Teacher Empowerment Act, subject to authorization. The Senate bill provided $1,200,000,000 for teacher assistance activities subject to authorization. The agreement provides $300,000,000 in fiscal year 2000 and $900,000,000 in fiscal year 2001 funding for this account.

The conference agreement modifies language contained in the Senate bill regarding a class size/teacher assistance initiative.

The modified provision distributes funds according to the formula developed for the class size reduction initiative in the fiscal year 1999 Departments of Labor, Health and Human Services and Education and Related Agencies Act (P.L. 105–277). The provision allows school districts to use funds for class size reduction activities; however, if the local educational agency determines that it wishes to use the funds for purposes other than class size reduction as part of a local strategy for improving academic achievement, funds may be used for professional development activities, teacher training or any other local need that is designed to improve student performance. Funds must be used to supplement and not supplant state and local funds that would otherwise be spent for activities under this section.

The Senate bill provided funds for the initiative if authorized by July 1, 2000. If the initiative was not authorized by July 1, 2000, funds could be used for any activity authorized by Title VI of the Elementary and Secondary Education Act of 1965 that would improve the academic achievement of all students.

Safe and drug free schools

The conference agreement includes $605,000,000 for the Safe and Drug Free Schools and Communities Act instead of the $566,000,000 proposed by the House and $636,000,000 proposed by the Senate. The agreement provides $115,000,000 in fiscal year 2000 and $345,000,000 in fiscal year 2001 funding for this account.

Included within this amount is $460,000,000 for state grants, instead of $441,000,000 as proposed by the House and $476,000,000 as proposed by the Senate.

The conference agreement also includes $95,000,000 for national programs, instead of $90,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

The conference agreement includes $850,000 within the safe and drug free schools national programs to continue the National Recognition Awards programs to provide models of alcohol and drug abuse prevention and education at the college level.

The conference agreement includes $50,000,000 under national programs for the Safe and Drug Free Schools coordinator initiative, instead of $35,000,000 as proposed by the House and $60,000,000 as proposed by the Senate.

Reading is Fundamental

For the Reading is Fundamental program, the conference agreement provides $20,000,000 instead of $21,500,000 as proposed by the Senate and $18,000,000 as proposed by the House.

Arts in education

For Arts in Education, the conference agreement provides $11,500,000, instead of $10,500,000 as proposed by the House and $12,500,000 as proposed by the Senate.

Magnet Schools Assistance Program

For the Magnet Schools Assistance Program, the conference agreement provides $110,000,000 instead of $104,000,000 as proposed by the House and $112,000,000 as proposed by the Senate.

Education of Native Hawaiians

The conference agreement includes $23,000,000 for the Education of Native Hawaiians, the same level as in the Senate. The House included $20,000,000 for this account. The conference agreement assumes that when allocating these funds, the Secretary of Education will fund the following activities as described in the Report of the Senate Committee (Senate Report No. 106–166).

Alaska Native educational equity

The conference agreement includes $13,000,000 for the Alaska Native Educational Equity program, the same level as in the Senate. The House included $10,000,000 for this account.

Charter schools

The conference agreement includes $145,000,000 for Charter Schools, instead of $130,000,000 proposed by the House and $150,000,000 proposed by the Senate.

Comprehensive Regional Assistance Centers

The conference agreement includes $28,000,000 for Comprehensive Regional Assistance Centers as proposed by the Senate instead of $27,054,000 as proposed by the House. The conference agreement includes $750,000 within these funds for an evaluation to collect performance indicator data.

Advanced placement fees

For advanced placement fees, the conference agreement provides $15,000,000 as proposed by the Senate instead of $4,000,000 as proposed by the House. The conference agreement notes that less than half of our Nation's high schools offer some form of Advanced Placement (AP) course instruction for junior and senior high school students. The lack of access to this instruction is particularly acute in rural parts of the country. Internet-based AP course instruction is a dynamic and cost-effective way to deliver AP instruction to students living in rural areas and other areas where conventional instructor-led training for AP courses is not available. Accordingly, the conference agreement encourages the Secretary to use some of the Advanced Placement Incentive Program funds to award grants to States or LEAs seeking to establish Internet-based AP pilot programs in rural parts of the country or other under-served districts where students would otherwise not have access to AP instruction.

READING EXCELLENCE

The conference agreement includes $260,000,000 for activities authorized under the Reading Excellence Act instead of the $200,000,000 proposed by the House and $285,000,000 proposed by the Senate. The agreement provides $65,000,000 in fiscal year 2000 and $195,000,000 in fiscal year 2001 funding for this account.

INDIAN EDUCATION

The conference agreement includes $77,000,000 for Indian Education, the same level as in the Senate. The House proposed $66,000,000 for this account.

BILINGUAL AND IMMIGRANT EDUCATION

The conference agreement includes $387,000,000 for Bilingual and Immigrant Education programs instead of the $380,000,000 proposed by the House and $394,000,000 proposed by the Senate.

For Instructional Services, the agreement includes $162,500,000 instead of the $160,000,000 proposed by the House and $165,000,000 proposed by the Senate. For Support Services, the agreement provides $14,000,000, the same level as in the House and Senate bills. For Professional Services, the agreement provides $52,500,000 instead of the $50,000,000 proposed by the House and $55,000,000 proposed by the Senate. For immigrant education, the agreement provides $150,000,000, the same level as in the House and Senate bills. The agreement also provides $8,000,000 for foreign language assistance instead of the $6,000,000 proposed by the House and $10,000,000 proposed by the Senate.

SPECIAL EDUCATION

The conference agreement includes $6,036,646,000 for Special Education instead of the $5,833,146,000 proposed by the House and $6,035,646,000 proposed by the Senate. The agreement provides $2,294,646,000 in fiscal year 2000 and $3,742,000,000 in fiscal year 2001 funding for this account.

Included in these funds is $4,989,685,000 for Grants to the States, the same as the Senate level. The House provided $4,810,700,000. This funding level provides an additional $679,000,000 to assist the States in meeting the additional per pupil costs of services to special education students.

The conference agreement provides $390,000,000 for Preschool Grants as proposed by the Senate instead of $373,985,000 as proposed by the House.

The conference agreement includes $375,000,000 for Grants for Infants and Families as proposed by the Senate instead of $370,000,000 as proposed by the House.

The conference agreement also includes $1,000,000 for the completion of the Easter Seal Society's Early Childhood Development Project for the Mississippi River Delta Region and $1,000,000 for the Center for Literacy and Assessment at the University of Southern Mississippi. The conference agreement also includes $1,500,000 for the 2001 Special Olympics World Winter Games in Alaska and $1,000,000 for the VIII Paralympic Winter Games.

Included in the conference agreement is $34,523,000 for technology and media services proposed by the Senate instead of the $33,523,000 as proposed by the House. The conference agreement includes $7,500,000 for Recordings for the Blind and Dyslexic as described in the House and Senate Reports. The conference agreement contemplates that

these funds be distributed to RFB&D as early in the fiscal year as possible.

The conference agreement also includes $1,500,000 for Public Telecommunications Information and Training Dissemination as proposed by the Senate. The House did not contain funds for this activity.

REHABILITATION SERVICES AND DISABILITY RESEARCH

The conference agreement includes $2,701,772,000 for Rehabilitation Services and Disability Research instead of $2,687,150,000 proposed by the House and $2,692,872,000 proposed by the Senate.

For Vocational Rehabilitation State Grants, the agreement provides $2,338,977,000, the same as the House and Senate levels.

The conference agreement includes $21,842,000 for demonstration and training programs instead of $13,942,000 proposed by the House and $18,942,000 proposed by the Senate.

The conference agreement also includes $11,894,000 for Protection and Advocacy of Individual Rights, the same level as in the House bill. The Senate provided $10,894,000.

The conference agreement also provides $48,000,000 for Independent Living Centers proposed by the Senate instead of $46,109,000 proposed by the House. The conference agreement includes $15,000,000 for services for older blind individuals as proposed by the Senate instead of $11,169,000 as proposed by the House.

The conference agreement also includes $34,000,000 for Assistive Technology, the same level as in the House bill. The Senate provided $30,000,000.

Within the amounts provided, the conference report specifies funding for the following activities:

Krasnow Institute at George Mason University for a receptive language disorders research center	$750,000
University of Central Florida for a virtual reality-based education and training program for the deaf	$1,000,000
Seattle Lighthouse for the Blind	$2,000,000
Professional development and Research Institute on Blindness in Louisiana	$1,000,000
California State University at Northridge for a Western Center for Adaptive Aquatic Therapy	$1,000,000
Alaska Center for Independent Living in Anchorage	$600,000

The conference agreement recognizes the importance of supporting grants for the purchase of assistive technology for persons with disabilities to help them become employable and live independently. This technology can improve the lives of over 50 million Americans with physical or mental disabilities. The conference agreement recommends that, after state assistive technology projects have been allocated, remaining funds should be used for Title III grants, which enable consumers with disabilities to purchase needed assistive technology.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

The conference agreement provides $10,100,000 for American Printing House for the Blind as proposed by the Senate, instead of $9,000,000 as proposed by the House.

GALLAUDET UNIVERSITY

The conference agreement provides $85,980,000 for Gallaudet University as proposed by the House instead of $85,500,000 as proposed by the Senate.

VOCATIONAL AND ADULT EDUCATION

The conference agreement includes $1,656,750,000 for Vocational and Adult Education instead of the $1,582,247,000 as proposed by the House and $1,676,750,000 as proposed by the Senate. The agreement provides $865,750,000 in fiscal year 2000 and $791,000,000 in fiscal year 2001 funding for this account.

$1,055,650,000 is included in the agreement for Vocational Education basic state grants, instead of the $1,080,650,000 as proposed by the House and $1,030,650,000 as proposed by the Senate.

The conference agreement provides $4,600,000 for Tribally Controlled Postsecondary Vocational Institutions as proposed by the Senate instead of $4,100,000 as proposed by the House.

The conference agreement also includes $17,500,000 for vocational education national programs instead of $13,497,000 proposed by the House and $19,500,000 proposed by the Senate. The conference agreement provides $9,000,000 for National Occupational Information Coordinating Committee activities as proposed by the Senate. The House did not include funding for this activity.

For Adult Education State Grants, the agreement provides $425,000,000 instead of the $365,000,000 provided in the House bill and $468,000,000 in the Senate bill.

The conference agreement provides $14,000,000 for adult education national leadership activities as proposed by the Senate instead of $7,000,000 as proposed by the House.

The conference agreement also includes $19,000,000 for State Grants for Incarcerated Youth as proposed by the Senate. The House did not provide funding for this activity.

STUDENT FINANCIAL ASSISTANCE

The conference agreement provides $9,435,000,000 for Student Financial Assistance instead of $9,259,000,000 as proposed by the House and $9,548,000,000 as proposed by the Senate. The conference agreement sets the maximum Pell Grant at $3,300 and provides a program level of $7,700,000,000 for current law Pell Grants. The conference agreement does not provide advance funding for this account. The House advance funded $2,286,000,000 and the Senate advance funded $1,226,400,000 for this account.

$621,000,000 is included in the agreement for Federal Supplemental Educational Opportunity Grants (SEOG), instead of the $619,000,000 as proposed by the House and $631,000,000 as proposed by the Senate. The agreement also includes an additional emergency appropriation of $10,000,000 and allows the Secretary of Education to waive the usual rules regarding the SEOG program for low-income college students that live in or attend school in areas affected by Hurricane Floyd and subsequent flooding as proposed by the House. The Senate included no similar language.

$934,000,000 is included in the agreement for Federal Work Study as proposed by the Senate. The House proposed $880,000,000.

The agreement includes $40,000,000 for Leveraging Educational Assistance Partnerships (LEAP), instead of the $75,000,000 as proposed by the Senate. The House did not provide funding for this program.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

The conference agreement provides $48,000,000 for the Federal Family Education Loan Program Account as proposed by the Senate instead of $46,482,000 as proposed by the House.

HIGHER EDUCATION

The conference agreement provides $1,466,826,000 for Higher Education instead of $1,151,786,000 as proposed by the House and $1,406,631,000 as proposed by the Senate.

The conference agreement includes $42,250,000 for Hispanic Serving Institutions as proposed by the Senate instead of $28,000,000 as proposed by the House.

The conference agreement includes $141,500,000 for strengthening Historically Black Colleges and Universities as proposed by the Senate instead of $136,000,000 as proposed by the House.

The conference agreement includes $31,000,000 for Historically Black Graduate Institutions as proposed by the Senate instead of $30,000,000 as proposed by the House.

The conference agreement includes $5,000,000 for Alaska and Native Hawaiian Institutions proposed by the Senate instead of $3,000,000 proposed by the House.

The conference agreement also includes $6,000,000 for strengthening Tribal Colleges proposed by the Senate instead of $3,000,000 proposed by the House.

The conference agreement includes $62,075,000 for the Fund for the Improvement of Postsecondary Education instead of $27,500,000 as proposed by the Senate and $22,500,000 as proposed by the House.

The conference agreement includes $62,000,000 for International Education domestic programs as proposed by the House instead of $61,320,000 as proposed by the Senate. The conference agreement also includes $6,680,000 for International Education overseas programs as proposed by the Senate instead of $6,536,000 as proposed by the House. The conference agreement also includes $1,022,000 for the Institute for International Public Policy as proposed by the Senate instead of $1,000,000 as proposed by the House.

The conference agreement includes $645,000,000 for TRIO rather than the $630,000,000 included in the Senate bill and the $660,000,000 included in the House bill.

The conference agreement includes $180,000,000 for the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP), the same level proposed by the Senate. The House contained no funds for this program.

The conference agreement includes $39,859,000 for Byrd Scholarships as proposed by the Senate. The House did not provide funding for this program.

The conference agreement includes $51,000,000 for Graduate Assistance in Areas of National Need (GAANN) as proposed by the Senate instead of $31,000,000 as proposed by the House. Within the total, $10,000,000 is provided to fund the Javits Fellowship program in school year 2000–2001. An additional $10,000,000 is also provided within this total to allow the Javits Fellowship program to be forward funded.

The conference agreement includes $17,940,000 for the Learning Anytime Anywhere Partnerships instead of $10,000,000 proposed by the Senate. The House did not fund this program. Within the amount provided, the conference report specifies funding for the following activities:

University of South Florida for a distance learning program	$3,000,000
New York Global Communication Center in West Islip, NY for a distance learning program	190,000
Alliance for Technology, Learning and Society (ATLAS) at the University of Colorado for technology-enhanced learning	1,000,000

Interactive Learning Environments at the University of Idaho for a distance learning program 1,250,000

Illinois Community College Board to develop a systemwide, on-line virtual degree program for the community college system 2,500,000

The conference agreement includes $80,000,000 for Teacher Quality Enhancement Grants as proposed by the Senate instead of $75,000,000 as proposed by the House.

The conference agreement also includes $1,750,000 for the Underground Railroad Educational and Cultural Program as proposed by the Senate. The House did not fund this activity.

The conference agreement includes $1,000,000 for community scholarship mobilization, instead of $2,000,000 as proposed by the Senate. The House did not fund this program.

The conference agreement includes $3,000,000 for data collection and program evaluations in higher education programs, including the development of performance measurement data, instead of $4,000,000 as proposed by the House. The Senate did not provide separate line item funding for this activity.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

The conference agreement includes $737,000 for administering the College Housing and Academic Facilities Loans program as proposed by the Senate instead of $698,000 as proposed by the House.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The conference agreement provides $207,000 for the Historically Black College and University Capital Financing Program Account as proposed by the Senate instead of $96,000 as proposed by the House.

EDUCATION RESEARCH, STATISTICS AND IMPROVEMENT

The conference agreement includes $492,679,000 for Education Research, Statistics and Improvement instead of the $390,867,000 as proposed by the House and $368,867,000 as proposed in the Senate.

The conference agreement provides $93,567,000 for research instead of $83,567,000 proposed by the House and $82,567,000 proposed by the Senate. Within this increase, $10,000,000 is included for an expansion of comprehensive school reform activities and $1,000,000 is included for the development of a five-year plan for an expanded research program of large-scale, systematic experimentation and demonstration focused on strategic education issues in accordance with the guidelines outlined in the Report of the House Committee (House Report 106–370).

The conference agreement provides $65,000,000 for regional educational labs as proposed by the Senate instead of $61,000,000 as proposed by the House. The conference agreement provides that the regional laboratory governing boards set the research and development priorities to guide the work funded and that funds be obligated and distributed in accordance with the fiscal year 1999 allocations by December 1, 1999.

The conference agreement provides $68,000,000 for statistics as proposed by the House instead of $70,000,000 proposed by the Senate.

The conference agreement provides $4,000,000 for NAGB as proposed by the House instead of $4,500,000 as proposed by the Senate.

Fund for the improvement of education

For the fund for the improvement of education (FIE), the conference agreement provides $155,812,000 instead of the $76,000,000 as proposed by the House and $39,500,000 as proposed by the Senate.

The conference agreement provides $25,000,000 for continuation grants for schools in their third year of implementing comprehensive school reform.

The conference agreement provides funds for the continuation of Project Jump Start and provides funds for the continuation and expansion of the Youth Safety Corps. The conference agreement also includes $400,000 for the National Student and Parent Mock Elections and $500,000 for the continuation and expansion of the Boston Symphony Orchestra's education resource center.

Within the amount provided, $20,000,000 is to be used for the Elementary School Counseling Demonstration Program to establish or expand counseling programs in elementary schools.

Within the amount provided, the conference report specifies funding for the following activities:

Loyola University Chicago for recruitment and preparation of new teacher candidates for employment in rural and inner-city schools $700,000

Shedd Aquarium/Brookfield Zoo for science education programs 500,000

Big Brothers/Big Sisters of America to expand school-based mentoring 3,000,000

Chicago Public School System to support a substance abuse pilot program in conjunction with Elgin and East Aurora School Systems 2,500,000

University of Virginia Center for Governmental Studies for the Youth Leadership Initiative 1,000,000

Institute for Student Achievement at Holmes Middle School and Annandale High School in Virginia for academic enrichment 800,000

Mountain Arts Center in Kentucky for educational programming 100,000

University of Louisville for research in the area of academic readiness 1,500,000

WestEd Regional Educational Laboratory for the 24 Challenge and Jumping Levels Math Demonstration Project 500,000

Central Michigan University for a charter schools development and performance institute 1,000,000

Living Science Interactive Learning Model partnership in Indian River, FL for a science education program 950,000

North Babylon Community Youth Services for an educational program 825,000

Los Angeles County Office of Education/Educational Telecommunications and Technology for a pilot program for teachers 1,000,000

University of Northern Iowa for an institute of technology for inclusive education 650,000

Youth Crime Watch of America to expand a program to prevent crime, drugs and violence in schools 500,000

Muhlenberg College in Pennsylvania for an environmental science program 892,000

Western Suffolk St. Johns-La-Salle Academy Science and Technology Mentoring Program 560,000

National Teaching Academy of Chicago for a model teacher recruitment, preparation and professional development program 4,000,000

University of West Florida for a teacher enhancement program 2,000,000

Virginia Living Museum in Newport News, VA for an educational program 1,000,000

Challenger Learning Center in Hardin County, KY for technology assistance and teacher training 450,000

Crawford County School System in Georgia for technology and curriculum support 250,000

Berrien County School System in Georgia for technology development 500,000

Louisville Salvation Army Boys and Girls Club Diversion Enhancement Program 35,000

New Mexico Department of Education for school performance improvement and drop-out prevention 1,000,000

Semos Unlimited Inc. in New Mexico to support bilingual education and literacy programs 300,000

Delta State University in MS for innovative teacher training 1,000,000

Alaska Humanities Forum, Inc. in Anchorage 1,000,000

An Achievable Dream in Newport News to improve academic performance of at-risk youths 250,000

Rock School of Ballet in Philadelphia to expand its community-outreach programs for inner-city children and underprivileged youth in Camden, NJ and southern NJ 250,000

University of Maryland Center for Quality and Productivity to provide a link for the Blue Ribbon Schools 1,000,000

Continuing Education Center and Teachers' Institute in South Boston, Virginia to promote participation among youth in the U.S. democratic process 1,000,000

National Museum of Women in the Arts to expand its ''Discovering Art'' program to elementary and secondary schools and other educational organizations 1,000,000

Alaska Department of Education's summer reading program 400,000

Partners in Education, Inc. to foster successful business-school partnerships 400,000

Kodiak Island Borough School district for development of an environmental education program 250,000

Reach out and Read Program to expand literacy and health awareness for at-risk families .. 2,000,000

Jazz in the Schools program for educational programs 100,000

Mississippi Delta Education Initiative 500,000

Project 2000 D.C. Mentoring Project 100,000

National Constitution Center 10,000,000

Continuation of Iowa public school facilities repair demonstration administered by the Iowa Department of Education 10,000,000

Continuation of Foorman, Frances, and Fletcher NICHD-approved longitudinal project ''Early Interventions for Children with Reading Problems'' in public elementary schools in the District of Columbia. 500,000

For Civics Education, the conference agreement provides $9,500,000, the same level as in the Senate, rather than the $5,500,000 included in the House bill.

The conference agreement provides $9,000,000 for the National Writing Project instead of $10,000,000 as proposed by the Senate and $5,000,000 as proposed by the House.

DEPARTMENTAL MANAGEMENT

The conference agreement includes $475,384,000 for Departmental Management as proposed by the Senate instead of $459,242,000 proposed by the House. Within this amount, the agreement provides $71,200,000 for the Office of Civil Rights and $34,000,000 for the Office of Inspector General as provided by the Senate. The House provided $66,000,000 for the Office of Civil Rights and $31,242,000 for the Office of the Inspector General.

The conference agreement urges the Secretary of Education to take whatever steps are necessary to select and fill the Liaison for Proprietary Institutions of Higher Education position which is provided for in section 219 of the Higher Education Act, as amended (HEA). The conference agreement notes that section 219 requires the Secretary to appoint the Liaison within 6 months of passage of HEA.

GENERAL PROVISIONS

CALCULATIONS FOR HEAVILY IMPACTED SCHOOL DISTRICTS

The conference agreement modifies a legislative provision that was contained in the House bill relating to payments for heavily impacted school districts (section 8003(f)) that changes the method by which payments made under this section are allocated to provide supplemental payments for federally connected students. The Senate bill had no similar provision.

EXTENSION OF PARTICIPATION IN EVEN START PROGRAM

The conference agreement contains an amendment to the Elementary and Secondary Education Act of 1965 that was contained in the House bill that allows local grantees to continue to participate in the Even Start program beyond eight years and reduces the federal share for the ninth and succeeding years from 50 percent to 35 percent. The Senate bill had no similar provision.

FEDERAL FAMILY EDUCATION LOANS (FFEL)

The conference agreement includes a provision regarding the FFEL program that was not contained in either House or Senate bills.

HIGHER EDUCATION ASSISTANCE FOUNDATION (HEAF)

The conference agreement includes a provision regarding HEAF claims reserves that was not contained in either House or Senate bills.

ADDITIONAL HIGHER EDUCATION FUNDING

The conference agreement includes the following amounts for the following projects and activities. Neither the House nor the Senate bills contained this language.

Middle Georgia College for an advanced distributed learning center demonstration program $250,000

University Center of Lake County, IL 3,000,000

Oregon University System 1,000,000

Columbia College in IL for a freshman retention program 500,000

University of Hawaii at Manoa for a globalization research center 1,500,000

University of Arkansas at Pine Bluff for technology infrastructure 2,000,000

I Have a Dream Foundation 1,000,000

Demonstration program for activities authorized under part G of title VII of the Higher Education Act 1,000,000

University of the Incarnate Word in San Antonio, TX to improve teacher capabilities in technology 1,000,000

Elmira College in New York for a technology enhancement initiative 1,000,000

Rust College in MS for technology infrastructure 1,650,000

Snelling Center for Government at the University of Vermont for a model school program 250,000

Texas A&M University, Corpus Christi for the operation of the Early Childhood Development Center 750,000

Southeast Missouri State University for equipment and curriculum development associated with the university's Polytechnic Institute 1,000,000

Washington Virtual Classroom Consortium 800,000

Puget Sound Center for Technology for faculty development activities for the use of technology in the classroom 500,000

Center for the Advancement of Distance Education in Rural America 500,000

Daniel J. Evans School of Public Policy at the University of Washington 1,500,000

North Dakota State University for the Career Program for Dislocated Farmers and Ranchers 200,000

North Dakota State University for the Tech-based Industry Traineeship Program 350,000

Washington State University for the Thomas S. Foley Institute to support programs in congressional studies, public policy, voter education, and to ensure community access and outreach 1,500,000

Minot State University for the Rural Communications Disabilities Program 200,000

Bryant College for the Linking International Trade Education Program (LITE) 300,000

Concord College, WV for a technology center to further enhance the technical skills of WV teachers and students 1,000,000

Peirce College in Philadelphia for education and training programs 200,000

Philadelphia Zoo for educational programs 250,000

Philadelphia University Education Center for technology education 1,000,000

Lock Haven University for technology innovations 725,000

Southeastern Pennsylvania Consortium on Higher Education for education programs 1,000,000

Lehigh University Iacocca Institute for educational training 400,000

Lafayette College for arts education 250,000

Lewis and Clark College for the Crime Victims Law Institute ... 1,000,000

University of Notre Dame for a teacher quality initiative 500,000

Spelman College in Georgia for educational operations 800,000

Western Governors University for a distance learning initiative ... 2,000,000

TECHNICAL CORRECTION TO FISCAL YEAR 1999 BILL

The conference agreement deletes a provision contained in the House bill which made a technical correction to P.L. 105–277 (the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999). The Senate bill had no similar provision.

DIRECT STUDENT LOAN ADMINISTRATIVE ACCOUNT

The conference agreement deletes a provision contained in the House bill which froze the administrative account for the Direct Student Loan program at fiscal year 1999 levels. The Senate bill had no similar provision.

VOLUNTARY NATIONAL TESTS

The conference agreement does not include a provision contained in the Senate bill regarding voluntary national tests. This language is not necessary since P.L. 105–277 (the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999) adopted a permanent change to the law that specifically prohibited any pilot testing, field testing, administration or distribution of individualized national tests that are not specifically and explicitly provided for in authorizing legislation enacted into law. At the present time, there is no specific and explicit authority in Federal law for individualized national tests.

FUNDING

The conference agreement deletes a provision contained in the Senate bill which redistributed funding for certain education programs. The House bill contained no similar provision.

LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM

The conference agreement deletes a provision contained in the Senate bill that provided advance funding for the LEAP program. The House bill contained no similar provision.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

The conference agreement provides $68,295,000 for the Armed Forces Retirement Home as proposed by the House. The Senate bill contained no appropriation for the Home.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

The conference agreement provides $295,645,000 for the Domestic Volunteer Service programs instead of $293,261,000 as proposed by the Senate and $274,959,000 as proposed by the House.

Volunteers in Service to America (VISTA)

The conference agreement provides $81,000,000 for VISTA as proposed by the Senate instead of $73,000,000 proposed by the House.

National Senior Volunteer Corps

The conference agreement provides $95,782,000 for the Foster Grandparent Program (FGP), $39,669,000 for the Senior Companion Program (SCP), and $46,565,000 for the

Retired Senior Volunteer Program (RSVP). The House proposed $93,256,000 for Foster Grandparents, $36,573,000 for Senior Companions and $43,001,000 for Retired Senior Volunteers. The Senate proposed $95,000,000 for FGP, $39,031,000 for SCP and $46,001,000 for RSVP.

One-third of the increases provided for the FGP, SCP, and RSVP programs shall be used to fund Programs of National Significance expansion grants to allow existing FGP, RSVP and SCP programs to expand the number of volunteers serving in areas of critical need as identified by Congress in the Domestic Volunteer Service Act.

Sufficient funding has been included to provide a 2 percent increase for administrative costs realized by all current grantees in the FGP and SCP programs, and a 4 percent increase for administrative costs realized by all current grantees in the RSVP program. Funds remaining above these amounts should be used to begin new FGP, RSVP and SCP programs in geographic areas currently unserved. The conference agreement expects these projects to be awarded via a nationwide competition among potential community-based sponsors.

The Corporation for National and Community Service shall comply with the directive that use of funding increases in the Foster Grandparent Program, Retired and Senior Volunteer Program and VISTA not be restricted to America Reads activities. The agreement further directs that the Corporation shall not stipulate a minimum or maximum amount for PNS grant augmentations.

The conference agreement also provides $1,500,000 for senior demonstration activities, instead of $3,100,000 proposed by the Senate. The House did not propose funding for this activity. Sufficient funds are provided for the third and final year of the Seniors for Schools demonstration. Of the total, $350,000 is provided to conduct an evaluation of existing demonstration activities and to bring to closure the Seniors for Schools demonstration project.

Funds are also provided to continue other existing senior demonstration activities, except that no funds are provided for the payment of non-taxable, non-income stipends to individuals not meeting income requirements established by Congress. No new demonstration projects may be begun with these funds. None of the increases provided for FGP, SCP, or RSVP in fiscal year 2000 may be used for demonstration activities. The agreement further expects that all future demonstration activities will be funded through allocations made through Part E of the Domestic Volunteer Service Act.

Funds appropriated for Fiscal Year 2000 may not be used to implement or support service collaboration agreements or any other changes in the administration and/or governance of national service programs prior to passage of a bill by the authorizing committees of jurisdiction specifying such changes.

Program administration

The conference agreement includes $31,129,000 for program administration of DVSA programs at the Corporation, instead of $29,129,000 that was provided in both House and Senate bills. The additional $2,000,000 is provided to assist the Corporation in correcting its financial management weaknesses and obtaining a clean opinion on its financial statements. Funding should be used to fully implement the new core financial management system and to make other technology enhancements that will improve customer service and field communications.

CORPORATION FOR PUBLIC BROADCASTING

The conference agreement provides $350,000,000 in advance funding for fiscal year 2002 for the Corporation for Public Broadcasting as proposed by the Senate instead of $340,000,000 as proposed by the House.

The conference agreement includes language proposed by the House providing an additional $10,000,000 for digitalization, if specifically authorized by subsequent legislation by September 30, 2000. The Federal Communications Commission (FCC) has mandated that all public television be converted from analog to digital transmission by May 2003. Because television and radio broadcast infrastructures are closely linked, the conversion of television to digital will create immediate costs not only for television, but also for public radio stations. Public broadcasting stations with limited resources, in particular small rural stations, will be faced with extreme hardship because of the significant cost of converting to digital, therefore, the conference agreement encourages funds provided to be targeted to those stations with the most financial need.

The conference agreement commends the Corporation for adoption of the Listener Access 2000 initiative and other related efforts that recognize the need to enhance service in rural and underserved areas. These steps will expand the number of stations defined as serving rural areas, create a new incentive grant tailored to areas with limited financial resources, while maintaining the public-private nature of public broadcasting.

While this approach is a meaningful initial investment, the conference agreement urges the Corporation to continue to explore additional ways to ensure that its goal of universal service throughout the country is achieved. The conference agreement recognizes that stations serving rural and underserved audiences typically have limited local potential for fundraising because of sparse populations serviced, limited number of local businesses, and low-income levels.

The conference agreement strongly urges the Corporation to consider expanding its Rural Listener Access Incentive Fund, which will support further enhancements to and reliability of service in rural and underserved areas. Furthermore, the conference agreement supports additional actions that will assist stations in serving rural and underserved areas.

FEDERAL MEDIATION AND CONCILIATION SERVICE

The conference agreement provides $36,834,000 for the Federal Mediation and Conciliation Service as proposed by the Senate instead of $34,620,000 as proposed by the House. The conference agreement also includes bill language proposed by the Senate stating that FMCS may charge for training activities, services, and assistance, including those provided to foreign governments and international organizations.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

The conference agreement provides $6,159,000 for the Federal Mine Safety and Health Review Commission as proposed by the Senate instead of $6,060,000 as proposed by the House.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

The conference agreement provides $163,250,000 for the Institute of Museum and Library Services. The Senate proposed $154,500,000. The House proposed $149,500,000. The conference agreement does not accept the President's request for $5,000,000 under National Leadership Grants for Libraries for the National Digital Library initiative. The increase in funding for this account should be used for new awards under the regular grant competition. Within the amount provided, the conference report specifies funding for the following activities:

Library & Archives of New Hampshire's Political Tradition at the New Hampshire State Library	$700,000
Vermont Department of Libraries in Montpelier, Vermont	1,000,000
Consolidation and preservation of archives and special collections at the University of Miami Library in Coral Gables, FL	750,000
Exhibits and library improvements for the Mississippi River Museum and Discovery Center in Dubuque, Iowa	1,900,000
Alaska Native Heritage Center in Anchorage	750,000
Peabody-Essex Museum in Salem, MA	750,000
Bishop Museum in Hawaii	750,000
Oceanside Public Library in California for a local cultural heritage project	200,000
Urban Children's Museum Collaborative to develop and implement pilot programs dedicated to serving at-risk children and their families	1,000,000
Troy State University Dothan in Alabama for archival of a special collection	150,000
Chadron State College in Nebraska for the Mari Sandoz Center	450,000
Alabama A&M University Alabama State Black Archives Research Center and Museum	350,000

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

The conference agreement provides $1,300,000 for the National Commission on Libraries and Information Science as proposed by the Senate instead of $1,000,000 as proposed by the House. The conference agreement also includes bill language citing Public Law 91–345, as amended.

NATIONAL COUNCIL ON DISABILITY

The conference agreement provides $2,400,000 for the National Council on Disability as proposed by the Senate instead of $2,344,000 as proposed by the House.

NATIONAL EDUCATION GOALS PANEL

The conference agreement provides $2,250,000 for the National Education Goals Panel as proposed by the Senate instead of $2,100,000 as proposed by the House.

NATIONAL LABOR RELATIONS BOARD

The conference agreement provides $199,500,000 for the National Labor Relations Board instead of $210,193,000 as proposed by the Senate and $174,661,000 as proposed by the House.

The conference agreement deletes language proposed by the House which prohibits the NLRB from expending any funds to promulgate a final rule regarding the use of single location bargaining units in representation cases. The conference agreement notes that the NLRB has indefinitely withdrawn from active consideration its proposed rulemaking proceedings in this area.

NATIONAL MEDIATION BOARD

The conference agreement provides $9,100,000 for the National Mediation Board as proposed by the Senate instead of $8,400,000 as proposed by the House. The conference agreement also includes bill language that unobligated balances at the end

of fiscal year 2000 not needed for emergencies shall remain available through September 30, 2001.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

The conference agreement provides $8,500,000 for the Occupational Safety and Health Review Commission as proposed by the Senate instead of $8,100,000 as proposed by the House.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENT ACCOUNT

The conference agreement provides $174,000,000 for dual benefits payments instead of $175,000,000 as proposed by both the House and the Senate.

LIMITATION ON ADMINISTRATION

The conference agreement includes a limitation on transfers from the railroad trust funds of $91,000,000 for administrative expenses instead of $90,000,000 as proposed by both the House and the Senate.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

The conference agreement includes $21,503,085,000 for the Supplemental Security Income Program instead of $21,553,085,000 as proposed by the Senate and $21,474,000,000 as proposed by the House.

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement includes a limitation of $6,093,871,000 on transfers from the Social Security and Medicare trust funds and Supplemental Security Income program for administrative activities instead of $6,188,871,000 as proposed by the Senate and $5,996,000,000 as proposed by the House.

The conference agreement includes language authorizing the Commissioner of Social Security to use up to $3,000,000, in addition to amounts appropriated previously, for Federal-State partnerships to evaluate ways to promote Medicare buy-in programs targeted to elderly and disabled individuals.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $66,000,000 for the Office of Inspector General through a combination of general revenues and limitations on trust fund transfers as proposed by the Senate instead of $56,000,000 as proposed by the House.

UNITED STATES INSTITUTE OF PEACE

The conference agreement provides $13,000,000 for the United States Institute of Peace as proposed by the Senate instead of $12,160,000 as proposed by the House. The conference agreement directs the United States Institute of Peace to provide information in the fiscal year 2001 Congressional budget justification regarding the use of appropriated funds in the Endowment. Included in this information should be the total amount of appropriated funds transferred into the Endowment from the most recent fiscal year available, the total amount of interest earned in the fiscal year on those funds, a list of all dates in which draw downs occur and those amounts, and a beginning and end of year balance of the Endowment.

TITLE V—GENERAL PROVISIONS

DISTRIBUTION OF STERILE NEEDLES

The conference agreement includes a general provision as proposed by the House that prohibits the use of funds in this Act to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug. The Senate bill included the same provision except that it would not have become effective until one day after the date of enactment of this Act.

UNOBLIGATED SALARIES AND EXPENSESA

The conference agreement includes a general provision proposed by the House that would allow salaries and expenses funds in the bill that are unobligated at the end of the fiscal year to remain available for three additional months, provided that the Appropriations Committees are notified before they are obligated. The Senate bill had no similar provision.

RAILROAD RETIREMENT BOARD BUYOUTS

The conference agreement includes a provision amending existing law as proposed by the Senate to allow the Railroad Retirement Board to offer voluntary separation incentives to Board employees who either retire or resign by December 31, 1999. The House bill contained no similar provision.

BROOKLYN MUSEUM OF ART

The conference agreement does not include a provision expressing the sense of the Senate that the conferees on H.R. 2466, the FY 2000 Interior Appropriations Act, shall include language prohibiting the use of funds for the Brooklyn Museum of Art unless the Museum immediately cancels the exhibit ''Sensation'' which contains obscene and pornographic pictures and other offensive material.

HOSPITAL OUTPATIENT SERVICES

The conference agreement deletes without prejudice a sense of the Senate provision that the Secretary of HHS should carry out congressional intent and cease her inappropriate interpretation of the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 13951(t)).

FORMER RECIPIENTS OF TANF ASSISTANCE

The conference agreement deletes without prejudice a sense of the Senate provision stating that it is important that Congress determine the economic status of former recipients of assistance under the TANF program.

SCIENTIFIC VALIDITY OF POLYGRAPHY

The conference agreement deletes without prejudice a sense of the Senate provision stating that the Director of the NIH should enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation into the scientific validity of polygraphy as a screening tool for Federal and Federal contractor personnel. However, the Secretary of HHS is urged to conduct such a study and report her findings to Congress.

PROSTATE CANCER RESEARCH

The conference agreement deletes without prejudice a sense of the Senate provision stating that finding treatment breakthroughs and a cure for prostate cancer should be made a national health priority, that significant increases in prostate cancer research funding should be made available to NIH and DoD, and that these agencies should prioritize research that is directed toward innovative clinical and translational projects.

BORDER HEALTH COMMISSION ACT

The conference agreement includes a Senate provision amending the United States-Mexico Border Health Commission Act to require the President to appoint the United States members of the Commission and attempt to conclude an agreement with Mexico providing for the establishment of such Commission no later than 30 days after the date of enactment of this provision. The House bill contained no similar provision.

ACCESS TO OBSTETRIC AND GYNECOLOGICAL SERVICES

The conference agreement deletes without prejudice a sense of the Senate provision stating that Congress should enact legislation that requires health plans to provide women with direct access to a participating obstetrician/gynecologist without first having to obtain a referral from a primary care provider or the health plan.

PUBLIC EDUCATION REFORM

The conference agreement deletes without prejudice a sense of the Senate provision stating that the Federal government should support state and local educational agencies engaged in comprehensive reform of their public education systems.

FEDERAL EMPLOYEES' COMPENSATION ACT

The conference agreement includes a Senate provision with respect to a compensation claim arising from injuries sustained as a result of an employee's exposure to a nitrogen or sulfur mustard agent at the Department of the Army's Edgewood Arsenal before March 20, 1944. The House had no similar provision.

WORKFORCE INVESTMENT ACT

The conference agreement includes a Senate provision amending the Workforce Investment Act with respect to Alaska Natives. The House had no similar provision.

NEEDLESTICK INJURIES

The conference agreement deletes without prejudice a sense of the Senate provision stating that the Senate should pass legislation to eliminate or minimize the risk of needlestick injury to health care workers.

SALARIES AND EXPENSES REDUCTION

The conference agreement includes a reduction of $121,000,000 in the salaries and expenses funds contained in this bill to be allocated by the Office of Management and Budget among the Departments and agencies in the bill. This provision was not included in either House or Senate bills. Within 30 days of enactment, the Director of OMB shall submit a report showing the allocation of the reduction. In making these reductions, the Departments and agencies are strongly urged to make reductions first in such areas as public affairs, Congressional affairs, intergovernmental affairs, planning and evaluation, and the immediate offices of the Secretaries. Administrative travel costs should also be closely scrutinized and should be one of the first things to be reduced.

TITLE VI

NEWBORN AND INFANT HEARING SCREENING AND INTERVENTION

The conference agreement includes a separate title as proposed by the House which authorizes grants to States on a voluntary basis for a three-year period to aid in setting up newborn infant hearing screening programs. This language authorizes funding for the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the National Institutes of Health for the implementation of these programs and provides that State programs shall work with participants to ensure that all children are given options for care to include, but not be limited to medical, audiologic, rehabilitative, education, and community service programs. The Senate bill contained no similar language.

OTHER PROVISIONS

The conference agreement deletes without prejudice a House provision to require any elementary or secondary school or public library that has received any Federal funds for

the acquisition or operation of any computer that is accessible to minors and that has access to the Internet to install software on such computer designed to prevent minors from obtaining access to any obscene information using that computer and to ensure that such software is operational whenever that computer is used by minors. Exceptions are granted to permit a minor to have access to information that is not obscene or otherwise unprotected by the Constitution under the direct supervision of an adult designated by the school or library. The Senate bill contained no similar provision.

The conference agreement does not include House language amending the National Labor Relations Act to require the NLRB to adjust its jurisdictional threshold amounts for the inflation that has occurred since the adoption of the current thresholds on August 1, 1959. The Senate bill contained no similar provision.

The conference agreement does not include House language amending the Internal Revenue Code to require that Earned Income Tax Credit payments be paid on a monthly basis rather than in a lump sum annual payment. The Senate bill contained no similar language.

The conference agreement does not include House language amending the Higher Education Act to require the Secretary of Education to charge an origination fee on direct student loans of four percent. The Senate bill included no similar provision.

The conference agreement does not include House language amending the National Housing Act to eliminate the premium rebate on FHA home mortgages. The Senate bill included no similar provision.

The conference agreement does not include an appropriation of $508,000,000 proposed by the House for the Department of Agriculture to provide assistance to producers for crop and livestock losses incurred as a result of the hurricanes, and the flooding associated with the hurricanes, that struck the eastern United States in August and September, 1999. The Senate bill included no similar appropriation.

CONFERENCE AGREEMENT

The following table displays the amounts agreed to for each program, project or activity with appropriate comparisons:

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
TITLE I - DEPARTMENT OF LABOR									
EMPLOYMENT AND TRAINING ADMINISTRATION									
TRAINING AND EMPLOYMENT SERVICES									
Grants to States:									
Adult Training, current year	955,000	955,000	215,500	238,000	238,000	-717,000	+22,500	---	D FF
FY01	---	---	644,000	712,000	712,000	+712,000	+68,000	---	D
Adult Training, program level	955,000	955,000	859,500	950,000	950,000	-5,000	+90,500	---	
Youth Training	1,000,965	1,000,965	900,869	1,000,965	1,000,965	---	+100,096	---	D FF
Dislocated Worker Assistance, current year	1,400,510	1,595,510	315,159	395,510	535,510	-865,000	+220,351	+140,000	D FF
FY01	---	---	945,300	1,200,000	1,060,000	+1,060,000	+114,700	-140,000	D
Dislocated Worker Assistance, program level	1,400,510	1,595,510	1,260,459	1,595,510	1,595,510	+195,000	+335,051	---	
Federally administered programs:									
Native Americans	57,815	53,815	53,815	60,000	58,800	+985	+4,985	-1,200	D FF
Migrant and Seasonal Farmworkers (1)	78,517	71,017	71,017	75,996	74,445	-4,072	+3,428	-1,551	D FF
Job Corps:									
Operations (2)	1,158,642	1,213,533	307,000	485,413	634,000	-524,642	+327,000	+148,587	D FF
FY01	---	---	918,000	728,120	591,000	+591,000	-327,000	-137,120	D
Construction and Renovation (3)	150,572	133,658	34,000	53,463	34,000	-116,572	---	-19,463	D FF
FY01	---	---	100,000	80,195	100,000	+100,000	---	+19,805	D
Subtotal, Job Corps	1,309,214	1,347,191	1,359,000	1,347,191	1,359,000	+49,786	---	+11,809	
Veterans' employment	7,300	7,300	7,300	7,300	7,300	---	---	---	D FF

(1) Includes $7 million in emergency funding.

(2) Includes $1.595 million in emergency funding for Year 2000 computer conversion.

(3) Three year forward funded availability.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
National activities:									
Pilots, Demonstrations and Research	67,500	35,000	35,000	98,500	82,500	+15,000	+47,500	-16,000	D FF
Evaluation	9,098	12,000	9,098	9,098	9,098	---	---	---	D FF
Right Track Partnership	---	75,000	---	---	---	---	---	---	D FF
Youth Opportunity Grants	250,000	250,000	---	250,000	250,000	---	+250,000	---	D FF
Other	9,000	5,000	5,000	5,000	5,000	-4,000	---	---	D FF
Subtotal, National activities	335,598	377,000	49,098	362,598	346,598	+11,000	+297,500	-16,000	
Subtotal, Federal activities	1,788,444	1,856,323	1,540,230	1,853,085	1,846,143	+57,699	+305,913	-6,942	
Total, Job Training Partnership Act	5,144,919	5,407,798	4,561,058	5,399,560	5,392,618	+247,699	+831,560	-6,942	
Women in Apprenticeship	1,000	---	1,000	1,000	1,000	---	---	---	D
Skills Standards	7,000	7,000	7,000	7,000	7,000	---	---	---	D FF
Subtotal, National activities, TES	343,598	384,000	57,098	370,598	354,598	+11,000	+297,500	-16,000	
School-to-Work (1)	125,000	55,000	---	55,000	55,000	-70,000	+55,000	---	D FF
Homeless Veterans	3,000	5,000	3,000	10,000	10,000	+7,000	+7,000	---	D
Total, Training and Employment Services	5,280,919	5,474,798	4,572,058	5,472,560	5,465,618	+184,699	+893,560	-6,942	
Welfare-to-work rescission	-137,000	---	---	---	---	+137,000	---	---	D
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS	440,200	440,200	440,200	440,200	440,200	---	---	---	D FF

(1) 15 month forward funded availability.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES									
Trade Adjustment	312,300	306,400	306,400	349,000	349,000	+36,700	+42,600	---	M
NAFTA Activities	48,400	8,000	8,000	66,150	66,150	+17,750	+58,150	---	M
Total	360,700	314,400	314,400	415,150	415,150	+54,450	+100,750	---	
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS									
Unemployment Compensation (Trust Funds):									
State Operations (1)	2,122,631	2,206,125	2,135,125	2,154,625	2,150,125	+27,494	+15,000	-4,500	TF
National Activities	10,000	57,000	10,000	10,000	10,000	---	---	---	TF
Year 2000 Computer conversion (advance from prior year)	(40,000)	---	---	---	---	(-40,000)	---	---	NA
Contingency	161,884	196,333	75,000	151,333	125,000	-36,884	+50,000	-26,333	TF
Subtotal, Unemployment Comp (trust funds)	(2,294,515)	(2,459,458)	(2,220,125)	(2,315,958)	(2,285,125)	(-9,390)	(+65,000)	(-30,833)	

(1) The request earmarks $91 million for integrity activities.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
Employment Service:									
Allotments to States:									
Federal Funds	23,452	23,452	23,452	23,452	23,452	---	---	---	D
Trust Funds	738,283	738,283	738,283	738,283	738,283	---	---	---	TF
Subtotal	761,735	761,735	761,735	761,735	761,735	---	---	---	
Reemployment Service Grants	---	53,000	---	40,000	---	---	---	-40,000	TF
National Activities:									
Federal Funds	---	10,000	---	---	---	---	---	---	D
Trust Funds	59,880	23,580	59,880	66,880	66,880	+7,000	+7,000	---	TF
Subtotal, Employment Service	821,615	848,315	821,615	868,615	828,615	+7,000	+7,000	-40,000	
Federal funds	23,452	33,452	23,452	23,452	23,452	---	---	---	
Trust funds	798,163	814,863	798,163	845,163	805,163	+7,000	+7,000	-40,000	
One Stop Career Centers									
Federal Funds	138,645	149,000	100,000	146,500	140,000	+1,355	+40,000	-6,500	D
Trust Funds	7,855	---	---	---	---	-7,855	---	---	TF
Total, One stop centers	146,500	149,000	100,000	146,500	140,000	-6,500	+40,000	-6,500	
Work Incentives Grants	---	50,000	---	27,000	---	---	---	-27,000	D
Total, State Unemployment	3,262,630	3,506,773	3,141,740	3,358,073	3,253,740	-8,890	+112,000	-104,333	
Federal Funds	162,097	232,452	123,452	196,952	163,452	+1,355	+40,000	-33,500	
Trust Funds	3,100,533	3,274,321	3,018,288	3,161,121	3,090,288	-10,245	+72,000	-70,833	
ADVANCES TO THE UI AND OTHER TRUST FUNDS (1)	357,000	356,000	356,000	356,000	356,000	-1,000	---	---	M

(1) Two year availability.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
PROGRAM ADMINISTRATION									
Adult Employment and Training	29,353	30,673	28,103	30,673	29,986	+633	+1,883	-687	D
Trust Funds	2,395	2,475	2,395	2,475	2,420	+25	+25	-55	TF
Youth Employment and Training	32,971	34,867	31,721	34,867	34,086	+1,115	+2,365	-781	D
Employment Security	5,961	5,065	4,718	5,065	4,952	-1,009	+234	-113	D
Trust Funds	39,956	33,958	39,956	42,248	41,302	+1,346	+1,346	-946	TF
Apprenticeship Services	17,635	19,580	17,435	19,580	19,141	+1,506	+1,706	-439	D
Executive Direction (1)	8,907	6,445	6,073	6,445	6,348	-2,559	+275	-97	D
Trust Funds	1,365	1,409	1,365	1,409	1,334	-31	-31	-75	TF
Welfare to Work	6,160	6,578	6,360	6,578	6,431	+271	+71	-147	D
Total, Program Administration	144,703	141,050	138,126	149,340	146,000	+1,297	+7,874	-3,340	
Federal funds	100,987	103,208	94,410	103,208	100,944	-43	+6,534	-2,264	
Trust funds	43,716	37,842	43,716	46,132	45,056	+1,340	+1,340	-1,076	
Total, Employment & Training Administration	9,709,152	10,233,221	8,962,524	10,191,323	10,076,708	+367,556	+1,114,184	-114,615	
Federal funds	6,564,903	6,921,058	5,900,520	6,984,070	6,941,364	+376,461	+1,040,844	-42,706	
Current Year	(6,564,903)	(6,921,058)	(3,293,220)	(4,263,755)	(4,478,364)	(-2,086,539)	(+1,185,144)	(+214,609)	
Advance Year, FY01	---	---	(2,607,300)	(2,720,315)	(2,463,000)	(+2,463,000)	(-144,300)	(-257,315)	
Trust funds	3,144,249	3,312,163	3,062,004	3,207,253	3,135,344	-8,905	+73,340	-71,909	

(1) Includes $2.734 million in emergency funding for Year 2000 computer conversion.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
PENSION AND WELFARE BENEFITS ADMINISTRATION									
SALARIES AND EXPENSES									
Enforcement and Compliance	71,106	79,355	71,106	77,355	76,349	+5,243	+5,243	-1,006	D
Policy, Regulation and Public Service	15,216	18,636	15,216	18,636	15,803	+587	+587	-2,833	D
Program Oversight (1)	4,248	3,840	3,678	3,840	3,848	-400	+170	+8	D
Total, PWBA	90,570	101,831	90,000	99,831	96,000	+5,430	+6,000	-3,831	
PENSION BENEFIT GUARANTY CORPORATION									
Program Administration subject to limitation (TF)	10,958	11,352	10,958	11,352	11,155	+197	+197	-197	TF
Termination services not subj to limitation (NA) (2)	(148,974)	(153,599)	(153,599)	(153,599)	(153,599)	(+4,625)	---	---	NA
Total, PBGC new BA	10,958	11,352	10,958	11,352	11,155	+197	+197	-197	
Total, PBGC (Program level)	(159,932)	(164,951)	(164,557)	(164,951)	(164,754)	(+4,822)	(+197)	(-197)	

(1) Includes $570,000 in emergency funding for Year 2000 computer conversion.

(2) Includes $1.25 million in emergency funding for Year 2000 computer conversion.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
EMPLOYMENT STANDARDS ADMINISTRATION									
SALARIES AND EXPENSES									
Enforcement of Wage and Hour Standards	129,581	176,042	129,581	142,342	141,003	+11,422	+11,422	-1,339	D
Office of Labor-Management Standards	28,148	29,308	28,148	29,308	29,308	+1,160	+1,160	---	D
Federal Contractor EEO Standards Enforcement	65,461	76,417	65,461	76,417	70,307	+4,846	+4,846	-6,110	D
Federal Programs for Workers' Compensation	76,759	80,369	76,759	80,369	80,031	+3,272	+3,272	-338	D
Trust Funds	1,924	1,740	1,924	1,740	1,740	-184	-184	---	TF
Program Direction and Support (1)	13,231	12,611	12,127	12,611	12,611	-620	+484	---	D
Total, ESA salaries and expenses	315,104	376,487	314,000	342,787	335,000	+19,896	+21,000	-7,787	
Federal funds	313,180	374,747	312,076	341,047	333,260	+20,080	+21,184	-7,787	
Trust funds	1,924	1,740	1,924	1,740	1,740	-184	-184	---	
SPECIAL BENEFITS									
Federal employees compensation benefits	175,000	75,000	75,000	75,000	75,000	-100,000	---	---	M
Longshore and harbor workers' benefits	4,000	4,000	4,000	4,000	4,000	---	---	---	M
Total, Special Benefits	179,000	79,000	79,000	79,000	79,000	-100,000	---	---	

(1) Includes $1.104 million in emergency funding for Year 2000 computer conversion.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
BLACK LUNG DISABILITY TRUST FUND (1)									
Benefit payments and interest on advances	969,725	963,506	963,506	963,506	963,506	-6,219	---	---	M
Employment Standards Adm. S&E	30,191	28,676	28,676	28,676	28,676	-1,515	---	---	M
Departmental Management S&E	20,422	21,144	20,422	21,144	20,783	+361	+361	-361	M
Departmental Management, Inspector General	306	318	306	318	312	+6	+6	-6	M
Subtotal, Black Lung Disablty. Trust Fund, apprn	1,020,644	1,013,644	1,012,910	1,013,644	1,013,277	-7,367	+367	-367	
Treasury Administrative Costs	356	356	356	356	356	---	---	---	M
Total, Black Lung Disability Trust Fund	1,021,000	1,014,000	1,013,266	1,014,000	1,013,633	-7,367	+367	-367	
Total, Employment Standards Administration	1,515,104	1,469,487	1,406,266	1,435,787	1,427,633	-87,471	+21,367	-8,154	
Federal funds	1,513,180	1,467,747	1,404,342	1,434,047	1,425,893	-87,287	+21,551	-8,154	
Trust funds	1,924	1,740	1,924	1,740	1,740	-184	-184	---	

(1) The request proposes an indefinite appropriation for this account.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION									
SALARIES AND EXPENSES									
Safety and Health Standards	12,323	13,126	11,707	13,126	12,700	+377	+993	-426	D
Federal Enforcement	133,896	142,232	122,871	142,232	138,000	+4,104	+15,129	-4,232	D
State Programs	80,084	83,501	76,080	83,501	81,000	+916	+4,920	-2,501	D
Technical Support	18,203	17,806	17,293	17,806	17,500	-703	+207	-306	D
Compliance Assistance:									
Federal Assistance	45,670	57,812	45,670	57,812	47,300	+1,630	+1,630	-10,512	D
State Consultation Grants	40,943	40,943	43,000	40,943	43,000	+2,057	---	+2,057	D
Subtotal	86,613	98,755	88,670	98,755	90,300	+3,687	+1,630	-8,455	
Safety and Health Statistics	15,172	23,677	14,413	23,677	23,000	+7,828	+8,587	-677	D
Executive Direction and Administration (1)	8,084	9,045	6,374	9,045	7,500	-584	+1,126	-1,545	D
Total, OSHA	354,375	388,142	337,408	388,142	370,000	+15,625	+32,592	-18,142	

(1) Includes $1.375 million in emergency funding for Year 2000 computer conversion.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
MINE SAFETY AND HEALTH ADMINISTRATION									
SALARIES AND EXPENSES									
Coal Enforcement	104,638	111,008	105,489	111,008	110,570	+5,932	+5,081	-438	D
Metal/Non-Metal Enforcement	44,737	50,293	43,886	50,293	49,693	+4,956	+5,807	-600	D
Standards Development	1,509	1,671	1,509	1,671	1,509	---	---	-162	D
Assessments	3,896	4,128	3,896	4,128	3,896	---	---	-232	D
Educational Policy and Development	20,864	24,684	20,864	27,184	27,184	+6,320	+6,320	---	D
Technical Support	25,312	25,840	25,312	25,840	25,312	---	---	-528	D
Program Administration (1)	14,957	10,749	10,209	10,749	10,209	-4,748	---	-540	D
Total, Mine Safety and Health Administration	215,913	228,373	211,165	230,873	228,373	+12,460	+17,208	-2,500	
BUREAU OF LABOR STATISTICS									
SALARIES AND EXPENSES									
Employment and Unemployment Statistics	115,828	118,084	115,828	117,084	117,084	+1,256	+1,256	---	D
Labor Market Information (Trust Funds)	54,146	55,663	54,146	55,663	55,663	+1,517	+1,517	---	TF
Prices and Cost of Living	120,179	131,032	120,179	126,032	126,032	+5,853	+5,853	---	D
Compensation and Working Conditions	61,029	69,383	61,029	65,383	65,383	+4,354	+4,354	---	D
Productivity and Technology	7,526	8,988	7,526	8,288	8,288	+762	+762	---	D
Economic Growth and Employment Projections	4,905	5,058	4,905	5,058	5,058	+153	+153	---	D
Executive Direction and Staff Services	24,098	25,725	24,098	24,950	24,950	+852	+852	---	D
Consumer Price Index Revision (2)	11,159	6,986	6,986	6,986	6,986	-4,173	---	---	D
Total, Bureau of Labor Statistics	398,870	420,919	394,697	409,444	409,444	+10,574	+14,747	---	
Federal Funds	344,724	365,256	340,551	353,781	353,781	+9,057	+13,230	---	
Trust Funds	54,146	55,663	54,146	55,663	55,663	+1,517	+1,517	---	

(1) Includes $4.748 million in emergency funding for Year 2000 computer conversion.

(2) Two year availability.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
DEPARTMENTAL MANAGEMENT									
SALARIES AND EXPENSES									
Executive Direction	20,193	34,575	20,193	26,575	24,000	+3,807	+3,807	-2,575	D
Legal Services	66,519	70,041	66,219	70,041	68,000	+1,481	+1,781	-2,041	D
Trust Funds	299	310	299	310	310	+11	+11	---	TF
International Labor Affairs	40,385	76,165	40,385	76,165	50,000	+9,615	+9,615	-26,165	D
Administration and Management	20,774	23,287	15,774	22,029	18,000	-2,774	+2,226	-4,029	D
Adjudication	21,842	23,689	21,842	23,689	22,766	+924	+924	-923	D
Promoting Employment of People with Disabilities	6,750	7,250	6,750	7,250	7,250	+500	+500	---	D
Women's Bureau	7,802	8,369	7,802	8,369	8,086	+284	+284	-283	D
Civil Rights Activities	4,929	5,684	4,929	5,684	5,307	+378	+378	-377	D
Chief Financial Officer	5,538	5,799	5,538	5,799	5,669	+131	+131	-130	D
Task Force/Employment people w/disabilities	1,400	2,485	1,400	1,400	1,400	---	---	---	D
Year 2000 Computer Conversion (Emergency Funding)	4,667	---	---	---	---	-4,667	---	---	D
Total, Salaries and expenses	201,098	257,654	191,131	247,311	210,788	+9,690	+19,657	-36,523	
Federal funds	200,799	257,344	190,832	247,001	210,478	+9,679	+19,646	-36,523	
Trust funds	299	310	299	310	310	+11	+11	---	
VETERANS EMPLOYMENT AND TRAINING									
State Administration:									
Disabled Veterans Outreach Program	80,040	80,215	80,040	80,215	80,215	+175	+175	---	TF
Local Veterans Employment Program	77,078	77,253	77,078	77,253	77,253	+175	+175	---	TF
Subtotal, State Administration	157,118	157,468	157,118	157,468	157,468	+350	+350	---	
Federal Administration	25,601	28,145	25,601	28,145	26,873	+1,272	+1,272	-1,272	TF
Total, Veterans Employment and Training	182,719	185,613	182,719	185,613	184,341	+1,622	+1,622	-1,272	

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
OFFICE OF THE INSPECTOR GENERAL									
Program Activities (1)	39,377	43,927	38,377	42,346	42,346	+2,969	+3,969	---	D
Trust Funds	3,648	5,010	3,648	3,830	3,830	+182	+182	---	TF
Executive Direction and Management	5,475	6,241	5,475	5,749	5,749	+274	+274	---	D
Total, Office of the Inspector General	48,500	55,178	47,500	51,925	51,925	+3,425	+4,425	---	
Federal funds	44,852	50,168	43,852	48,095	48,095	+3,243	+4,243	---	
Trust funds	3,648	5,010	3,648	3,830	3,830	+182	+182	---	
Total, Departmental Management	432,317	498,445	421,350	484,849	447,054	+14,737	+25,704	-37,795	
Federal funds	245,651	307,512	234,684	295,096	258,573	+12,922	+23,889	-36,523	
Trust funds	186,666	190,933	186,666	189,753	188,481	+1,815	+1,815	-1,272	
Total, Labor Department	12,727,259	13,351,770	11,834,368	13,251,601	13,066,367	+339,108	+1,231,999	-185,234	
Federal funds	9,329,316	9,779,919	8,518,670	9,785,840	9,673,984	+344,668	+1,155,314	-111,856	
Current Year	(9,329,316)	(9,779,919)	(5,911,370)	(7,065,525)	(7,210,984)	(-2,118,332)	(+1,299,614)	(+145,459)	
Advance Year, FY01	---	---	(2,607,300)	(2,720,315)	(2,463,000)	(+2,463,000)	(-144,300)	(-257,315)	
Trust funds	3,397,943	3,571,851	3,315,698	3,465,761	3,392,383	-5,560	+76,685	-73,378	

(1) Includes $1 million in emergency funding for Year 2000 computer conversion.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES									
HEALTH RESOURCES AND SERVICES ADMINISTRATION									
HEALTH RESOURCES AND SERVICES									
Community health centers	924,706	945,000	985,000	1,024,000	1,024,000	+99,294	+39,000	---	D
National Health Service Corps:									
Field placements	37,232	36,997	38,244	36,997	38,244	+1,012	---	+1,247	D
Recruitment	78,141	78,166	78,166	78,166	78,666	+525	+500	+500	D
Subtotal, National Health Service Corps	115,373	115,163	116,410	115,163	116,910	+1,537	+500	+1,747	
Health Professions									
Training for Diversity:									
Centers of excellence	25,634	33,142	25,642	---	25,642	+8	---	+25,642	D
Health careers opportunity program	27,790	35,299	27,799	---	27,799	+9	---	+27,799	D
Faculty loan repayment	1,100	1,100	1,100	---	1,100	---	---	+1,100	D
Scholarships for disadvantaged students	38,087	38,966	38,099	---	38,099	+12	---	+38,099	D
Subtotal	92,611	108,507	92,640	---	92,640	+29	---	+92,640	
Training in Primary Care Medicine and Denistry:									
Family medicine training/departments	50,509	---	51,102	---	---	-50,509	-51,102	---	D
General internal medicine and pediatrics	18,125	---	18,290	---	---	-18,125	-18,290	---	D
Physician assistants	6,800	---	6,623	---	---	-6,800	-6,623	---	D
General and pediatric dentistry residencies	4,500	---	3,919	---	---	-4,500	-3,919	---	D
Consolidated training in primary care	---	---	---	---	79,934	+79,934	+79,934	+79,934	D
Subtotal	79,934	---	79,934	---	79,934	---	---	+79,934	

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
Interdisciplinary Community-Based Linkages:									
Area health education centers	28,578	28,587	29,561	---	28,587	+9	-974	+28,587	D
Health education and training centers	3,764	3,765	3,889	---	3,765	+1	-124	+3,765	D
Allied health and other disciplines	7,093	---	6,722	---	7,553	+460	+831	+7,553	D
Geriatric programs	9,697	---	9,206	---	10,911	+1,214	+1,705	+10,911	D
Quentin N. Burdick pgm for rural training	4,544	4,545	4,314	---	5,167	+623	+853	+5,167	D
Subtotal	53,676	36,897	53,692	---	55,983	+2,307	+2,291	+55,983	
Health Professions Workforce Info & analysis:									
Health Professions data systems	246	---	246	---	---	-246	-246	---	D
Research on Health Professions Issues	468	---	468	---	---	-468	-468	---	D
Consolidated HP Workforce Info & Analysis	---	714	---	---	714	+714	+714	+714	D
Subtotal	714	714	714	---	714	---	---	+714	
Public Health Workforce Development:									
Public health, preventive med & dental programs	8,291	---	8,294	---	8,294	+3	---	+8,294	D
Health administration programs	1,135	---	1,136	---	1,136	+1	---	+1,136	D
Subtotal	9,426	---	9,430	---	9,430	+4	---	+9,430	
Children's Hospitals Graduate Medical Educ	---	40,000	---	---	20,000	+20,000	+20,000	+20,000	D
Advanced Education Nursing:									
Advanced Nurse Education	12,926	---	12,943	---	---	-12,926	-12,943	---	D
Nurse practitioners/nurse midwives	18,259	---	18,259	---	---	-18,259	-18,259	---	D
Professional nurse traineeships	16,528	---	16,528	---	---	-16,528	-16,528	---	D
Nurse anesthetists	2,868	---	2,868	---	---	-2,868	-2,868	---	D
Consolidated Advanced Education Nursing	---	50,598	---	---	50,598	+50,598	+50,598	+50,598	D
Subtotal	50,581	50,598	50,598	---	50,598	+17	---	+50,598	

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
Basic nurse education and practice	10,965	10,968	10,968	---	10,968	+3	---	+10,968	D
Nursing workforce diversity	4,009	4,010	4,010	---	4,010	+1	---	+4,010	D
Consolidated Health Professions	---	---	---	226,916	---	---	---	-226,916	D
Subtotal, Health professions	301,916	251,694	301,986	226,916	324,277	+22,361	+22,291	+97,361	
Other HRSA Programs:									
Hansen's Disease Services	21,663	17,282	18,670	17,282	20,282	-1,381	+1,612	+3,000	D
Maternal & Child Health Block Grant	694,777	695,000	800,000	695,000	710,000	+15,223	-90,000	+15,000	D
Healthy Start	104,967	105,000	---	110,000	90,000	-14,967	+90,000	-20,000	D
Universal Newborn Hearing	---	4,000	2,500	4,000	3,500	+3,500	+1,000	-500	D
Organ Transplantation	9,997	10,000	10,000	10,000	10,000	+3	---	---	D
Health Teaching Facilities Interest Subsidies	150	150	150	150	150	---	---	---	D
Bone Marrow Program	17,994	18,000	18,000	18,000	18,000	+6	---	---	D
Rural outreach grants	31,384	31,396	38,892	31,396	32,067	+683	-6,825	+671	D
Rural Health Research	6,081	6,085	11,713	6,085	30,548	+24,467	+18,835	+24,463	D
Office for the Advancement of Telehealth	13,124	13,124	---	20,000	---	-13,124	---	-20,000	D
Critical care programs:									
Emergency medical services for children	14,995	15,000	17,000	17,000	17,000	+2,005	---	---	D
Traumatic brain injury program	5,000	5,000	---	5,000	---	-5,000	---	-5,000	D
Trauma care	---	1,000	---	1,000	---	---	---	-1,000	D
Poison control	---	1,500	---	3,000	3,000	+3,000	+3,000	---	D
Subtotal	19,995	22,500	17,000	26,000	20,000	+5	+3,000	-6,000	
Black lung clinics	4,998	5,000	5,000	6,000	6,000	+1,002	+1,000	---	D
Nursing loan repayment for shortage area service	2,278	2,279	2,279	2,279	2,279	+1	---	---	D
Payment to Hawaii, treatment of Hansen's	2,044	2,045	2,045	2,045	2,045	+1	---	---	D
Subtotal, Other HRSA programs	929,452	931,861	926,249	948,237	944,871	+15,419	+18,622	-3,366	

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
Ryan White AIDS Programs:									
Emergency Assistance	505,039	521,200	525,000	541,200	525,000	+19,961	---	-16,200	D
Comprehensive Care Programs	737,765	783,000	785,000	843,000	814,000	+76,235	+29,000	-29,000	D
AIDS Drug Assistance Program (ADAP) (NA)	(461,000)	(496,000)	(500,000)	(536,000)	(518,000)	(+57,000)	(+18,000)	(-18,000)	NA
Early Intervention Program	94,270	130,300	132,000	140,300	132,000	+37,730	---	-8,300	D
Pediatric Demonstrations	45,985	48,000	49,000	53,000	51,000	+5,015	+2,000	-2,000	D
AIDS Dental Services	7,798	8,000	8,000	9,000	8,000	+202	---	-1,000	D
Education and Training Centers	19,994	20,000	20,000	24,000	20,000	+6	---	-4,000	D
Subtotal, Ryan White AIDS programs	1,410,851	1,510,500	1,519,000	1,610,500	1,550,000	+139,149	+31,000	-60,500	
Family Planning	214,932	239,952	215,000	222,432	214,932	---	-68	-7,500	D
Ricky Ray Hemophilia program	---	---	---	50,000	---	---	---	-50,000	D
Health Care and Other Facilities	65,324	---	---	10,000	104,052	+38,728	+104,052	+94,052	D
Buildings and Facilities	250	250	250	250	250	---	---	---	D
Rural Hospital Flexibility Grants	24,992	25,000	25,000	25,000	25,000	+8	---	---	D
National Practitioner Data Bank	12,000	16,000	16,000	16,000	16,000	+4,000	---	---	D
User Fees	-12,000	-16,000	-16,000	-16,000	-16,000	-4,000	---	---	D
Program Management (1)	128,962	121,663	115,500	133,000	125,000	-3,962	+9,500	-8,000	D
Total, Health resources and services	4,116,758	4,141,083	4,204,395	4,365,498	4,429,292	+312,534	+224,897	+63,794	

(1) Includes $10 million in emergency funding for Year 2000 computer conversion.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
MEDICAL FACILITIES GUARANTEE AND LOAN FUND:									
Interest subsidy program	1,000	1,000	1,000	1,000	1,000	---	---	---	M
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):									
Liquidating account	(37,000)	(31,500)	(31,500)	(31,500)	(31,500)	(-5,500)	---	---	NA
Program management	3,687	3,688	3,688	3,688	3,688	+1	---	---	D
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:									
Post-FY88 claims	60,000	60,000	60,000	60,000	60,000	---	---	---	M
HRSA administration (1)	3,000	3,000	3,000	3,000	3,000	---	---	---	D
Subtotal, Vaccine injury compensation trust fund	63,000	63,000	63,000	63,000	63,000	---	---	---	
VACCINE INJURY COMPENSATION:									
Pre-FY89 claims (appropriation)	100,000	---	---	---	---	-100,000	---	---	M
Total, Vaccine inquiry	163,000	63,000	63,000	63,000	63,000	-100,000	---	---	
Total, Health Resources & Services Admin	4,284,445	4,208,771	4,272,083	4,433,186	4,496,980	+212,535	+224,897	+63,794	

(1) Reclassified as discretionary funding.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
CENTERS FOR DISEASE CONTROL AND PREVENTION									
DISEASE CONTROL, RESEARCH AND TRAINING									
Preventive Health Services Block Grant									
Program	147,753	115,914	150,000	115,914	131,824	-15,929	-18,176	+15,910	D
Salaries and Expenses	2,247	4,086	2,247	2,247	3,380	+1,133	+1,133	+1,133	D
Subtotal, Preventive Health Services Block Grant	150,000	120,000	152,247	118,161	135,204	-14,796	-17,043	+17,043	
Prevention Centers									
Program	13,000	13,000	17,000	15,000	16,855	+3,855	-145	+1,855	D
Salaries and Expenses	500	500	500	500	645	+145	+145	+145	D
Subtotal, Prevention Centers	13,500	13,500	17,500	15,500	17,500	+4,000	---	+2,000	
CDC/HCFA vaccine program:									
Childhood immunization									
Program	400,568	463,364	372,568	463,364	404,966	+4,398	+32,398	-58,398	D
Salaries and Expenses	48,909	62,803	48,909	48,909	56,909	+8,000	+8,000	+8,000	D
Subtotal, Childhood immunization (1)	449,477	526,167	421,477	512,273	461,875	+12,398	+40,398	-50,398	
HCFA vaccine purchase (NA)	(566,278)	(545,043)	(545,043)	(545,043)	(545,043)	(-21,235)	---	---	NA
Subtotal, CDC/HCFA vaccine program level	(1,015,755)	(1,071,210)	(966,520)	(1,057,316)	(1,006,918)	(-8,837)	(+40,398)	(-50,398)	
Communicable Diseases									
AIDS									
Program	534,964	575,240	535,000	540,240	540,240	+5,276	+5,240	---	D
Salaries and Expenses	122,036	126,156	122,036	122,036	122,036	---	---	---	D
Subtotal, HIV/AIDS	657,000	701,396	657,036	662,276	662,276	+5,276	+5,240	---	
Tuberculosis									
Program	114,777	112,147	116,777	120,000	116,074	+1,297	-703	-3,926	D
Salaries and Expenses	5,185	7,815	5,185	5,185	7,500	+2,315	+2,315	+2,315	D
Subtotal, Tuberculosis	119,962	119,962	121,962	125,185	123,574	+3,612	+1,612	-1,611	

(1) Includes $28 million for global polio/measles eradication emergency funding in FY99.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
Sexually Transmitted Diseases Program	110,656	115,711	116,000	115,711	115,097	+4,441	-903	-614	D
Salaries and Expenses	13,097	14,938	13,097	13,097	14,000	+903	+903	+903	D
Subtotal, Sexually Transmitted Diseases	123,753	130,649	129,097	128,808	129,097	+5,344	---	+289	
Chronic Diseases									
Chronic and Environmental Disease Prevention Program	241,378	250,364	257,500	260,364	281,705	+40,327	+24,205	+21,341	D
Salaries and Expenses	58,011	75,579	58,011	58,011	80,000	+21,989	+21,989	+21,989	D
Subtotal, Chronic & Environmental (1)	299,389	325,943	315,511	318,375	361,705	+62,316	+46,194	+43,330	
FY01	---	---	---	8,706	---	---	---	-8,706	D
Subtotal, Chronic & Environ program level	299,389	325,943	315,511	327,081	361,705	+62,316	+46,194	+34,624	
Breast and Cervical Cancer Screening Program	149,091	147,071	151,091	157,071	156,527	+7,436	+5,436	-544	D
Salaries and Expenses	9,980	12,000	9,980	9,980	10,524	+544	+544	+544	D
Subtotal, Breast & Cervical Cancer Screening	159,071	159,071	161,071	167,051	167,051	+7,980	+5,980	---	
Infectious Diseases Program	70,300	98,274	78,274	98,274	65,610	-4,690	-12,664	-32,664	D
Salaries and Expenses	67,336	83,652	67,336	67,336	80,000	+12,664	+12,664	+12,664	D
Subtotal, Infectious diseases	137,636	181,926	145,610	165,610	145,610	+7,974	---	-20,000	
Lead Poisoning Prevention Program	31,457	30,457	31,500	30,457	31,000	-457	-500	+543	D
Salaries and Expenses	6,748	7,748	6,748	6,748	7,248	+500	+500	+500	D
Subtotal, Lead Poisoning Prevention	38,205	38,205	38,248	37,205	38,248	+43	---	+1,043	

(1) Includes $5 million for Environmental Health Lab emergency funding in FY99.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
Injury Control									
Program	38,756	49,494	38,756	63,994	62,358	+23,602	+23,602	-1,636	D
Salaries and Expenses	18,825	21,004	18,825	18,825	23,840	+5,015	+5,015	+5,015	D
Subtotal, Injury Control	57,581	70,498	57,581	82,819	86,198	+28,617	+28,617	+3,379	
Occupational Safety and Health (NIOSH) (1)									
Program	78,744	87,415	78,744	93,744	86,573	+7,829	+7,829	-7,171	D
Salaries and Expenses	121,256	124,434	121,256	121,256	128,427	+7,171	+7,171	+7,171	D
Subtotal, Occupational Safety and Health	200,000	211,849	200,000	215,000	215,000	+15,000	+15,000	---	
Epidemic Services									
Program	30,432	25,865	30,432	25,865	30,432	---	---	+4,567	D
Salaries and Expenses	55,484	59,183	55,484	55,484	55,484	---	---	---	D
Subtotal, Epidemic Services	85,916	85,048	85,916	81,349	85,916	---	---	+4,567	
Office of the Director									
Budget Authority	30,440	30,322	30,440	32,322	36,322	+5,882	+5,882	+4,000	D
1% Set Aside	(696)	---	(696)	---	---	(-696)	(-696)	---	NA
Office of the Director, program level	(31,136)	(30,322)	(31,136)	(32,322)	(36,322)	(+5,186)	(+5,186)	(+4,000)	
National Center for Health Statistics									
Program Operations									
Budget Authority	9,522	---	9,523	---	10,069	+547	+546	+10,069	D
Salaries and expenses									
Budget Authority	17,249	---	13,257	---	18,241	+992	+4,984	+18,241	D
1% evaluation funds (NA)	(67,793)	(109,573)	(71,793)	(109,573)	(71,690)	(+3,897)	(-103)	(-37,883)	NA
Subtotal, Health Statistics program level	(94,564)	(109,573)	(94,573)	(109,573)	(100,000)	(+5,436)	(+5,427)	(-9,573)	

(1) Includes Mine Safety and Health.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
Buildings and Facilities	17,800	39,800	40,000	39,800	60,000	+42,200	+20,000	+20,200	D
Prevention research									
Program	11,995	12,000	12,000	12,000	12,000	+5	---	---	D
Salaries and Expenses	3,000	3,000	3,000	3,000	3,000	---	---	---	D
Subtotal, Prevention research	14,995	15,000	15,000	15,000	15,000	+5	---	---	
Health disparities demonstration									
Program	9,397	31,697	9,400	31,697	30,000	+20,603	+20,600	-1,697	D
Salaries and Expenses	600	3,303	600	3,303	---	-600	-600	-3,303	D
Subtotal, Health disparities demonstration	9,997	35,000	10,000	35,000	30,000	+20,003	+20,000	-5,000	
Bioterrorism Emergency	123,600	---	---	---	---	-123,600	---	---	D
Reimbursement to Calvin County, MI (hep A outbreak)	322	---	---	---	---	-322	---	---	D
Year 2000 Computer Conversion (Emergency Funding)	4,900	---	---	---	---	-4,900	---	---	D
Undistributed	---	104	---	104	---	---	---	-104	D
Subtotal, Centers for Disease Control	2,720,315	2,804,440	2,621,476	2,760,544	2,798,886	+78,571	+177,410	+38,342	
Crime Bill Activities:									
Crime Trust Fund									
Rape Prevention and Education	44,986	45,000	45,000	45,000	45,000	+14	---	---	D
Domestic Violence Community Demonstrations	5,998	6,000	6,000	6,000	6,000	+2	---	---	D
Subtotal, Crime bill activities	50,984	51,000	51,000	51,000	51,000	+16	---	---	
Total, Disease Control	2,771,299	2,855,440	2,672,476	2,811,544	2,849,886	+78,587	+177,410	+38,342	
Current Year	(2,771,299)	(2,855,440)	(2,672,476)	(2,802,838)	(2,849,886)	(+78,587)	(+177,410)	(+47,048)	
Advance Year, FY01	---	---	---	(8,706)	---	---	---	(-8,706)	

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
NATIONAL INSTITUTES OF HEALTH									
National Cancer Institute	2,902,375	2,732,795	3,163,417	3,286,859	3,332,317	+429,942	+168,900	+45,458	D
AIDS (NA)	---	(240,124)	---	---	---	---	---	---	NA
Subtotal, NCI	(2,902,375)	(2,972,919)	(3,163,417)	(3,286,859)	(3,332,317)	(+429,942)	(+168,900)	(+45,458)	
National Heart, Lung, and Blood Institute	1,782,577	1,759,806	1,937,404	2,001,185	2,040,291	+257,714	+102,887	+39,106	D
AIDS (NA)	---	(66,043)	---	---	---	---	---	---	NA
Subtotal, NHLBI	(1,782,577)	(1,825,849)	(1,937,404)	(2,001,185)	(2,040,291)	(+257,714)	(+102,887)	(+39,106)	
National Institute of Dental & Craniofacial Research	238,318	225,709	256,022	267,543	270,253	+31,935	+14,231	+2,710	D
AIDS (NA)	---	(18,397)	---	---	---	---	---	---	NA
Subtotal, NIDR	(238,318)	(244,106)	(256,022)	(267,543)	(270,253)	(+31,935)	(+14,231)	(+2,710)	
National Institute of Diabetes and Digestive and Kidney Diseases	996,848	1,002,747	1,087,455	1,130,056	1,147,588	+150,740	+60,133	+17,532	D
AIDS (NA)	---	(18,322)	---	---	---	---	---	---	NA
Subtotal, NIDDK	(996,848)	(1,021,069)	(1,087,455)	(1,130,056)	(1,147,588)	(+150,740)	(+60,133)	(+17,532)	
National Institute of Neurological Disorders & Stroke	899,119	890,816	979,281	1,019,271	1,034,886	+135,767	+55,605	+15,615	D
AIDS (NA)	---	(30,154)	---	---	---	---	---	---	NA
Subtotal, NINDS	(899,119)	(920,970)	(979,281)	(1,019,271)	(1,034,886)	(+135,767)	(+55,605)	(+15,615)	
National Institute of Allergy and Infectious Diseases	1,576,104	789,156	1,694,019	1,786,718	1,803,063	+226,959	+109,044	+16,345	D
AIDS (NA)	---	(825,294)	---	---	---	---	---	---	NA
Subtotal, NIAID	(1,576,104)	(1,614,450)	(1,694,019)	(1,786,718)	(1,803,063)	(+226,959)	(+109,044)	(+16,345)	

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
National Institute of General Medical Sciences	1,197,597	1,194,068	1,298,551	1,352,843	1,361,668	+164,071	+63,117	+8,825	D
AIDS (NA)	---	(32,630)	---	---	---	---	---	---	NA
Subtotal, NIGMS	(1,197,597)	(1,226,698)	(1,298,551)	(1,352,843)	(1,361,668)	(+164,071)	(+63,117)	(+8,825)	
National Institute of Child Health & Human Development	753,406	694,114	815,970	848,044	862,884	+109,478	+46,914	+14,840	D
AIDS (NA)	---	(77,599)	---	---	---	---	---	---	NA
Subtotal, NICHD	(753,406)	(771,713)	(815,970)	(848,044)	(862,884)	(+109,478)	(+46,914)	(+14,840)	
National Eye Institute	396,896	395,935	428,594	445,172	452,706	+55,810	+24,112	+7,534	D
AIDS (NA)	---	(10,604)	---	---	---	---	---	---	NA
Subtotal, NEI	(396,896)	(406,539)	(428,594)	(445,172)	(452,706)	(+55,810)	(+24,112)	(+7,534)	
National Institute of Environmental Health Sciences	388,477	390,718	419,009	436,113	444,817	+56,340	+25,808	+8,704	D
AIDS (NA)	---	(7,194)	---	---	---	---	---	---	NA
Subtotal, NIEHS	(388,477)	(397,912)	(419,009)	(436,113)	(444,817)	(+56,340)	(+25,808)	(+8,704)	
National Institute on Aging	600,136	612,599	651,665	680,332	690,156	+90,020	+38,491	+9,824	D
AIDS (NA)	---	(2,118)	---	---	---	---	---	---	NA
Subtotal, NIA	(600,136)	(614,717)	(651,665)	(680,332)	(690,156)	(+90,020)	(+38,491)	(+9,824)	
National Institute of Arthritis and Musculoskeletal and Skin Diseases	307,284	309,953	333,378	350,429	351,840	+44,556	+18,462	+1,411	D
AIDS (NA)	---	(4,797)	---	---	---	---	---	---	NA
Subtotal, NIAMS	(307,284)	(314,750)	(333,378)	(350,429)	(351,840)	(+44,556)	(+18,462)	(+1,411)	

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
National Institute on Deafness and Other Communication Disorders	231,547	235,297	251,218	261,962	265,185	+33,638	+13,967	+3,223	D
AIDS (NA)	---	(1,874)	---	---	---	---	---	---	NA
Subtotal, NIDCD	(231,547)	(237,171)	(251,218)	(261,962)	(265,185)	(+33,638)	(+13,967)	(+3,223)	
National Institute of Nursing Research	70,031	65,335	76,204	90,000	90,000	+19,969	+13,796	---	D
AIDS (NA)	---	(6,395)	---	---	---	---	---	---	NA
Subtotal, NINR	(70,031)	(71,730)	(76,204)	(90,000)	(90,000)	(+19,969)	(+13,796)	---	
National Institute on Alcohol Abuse and Alcoholism	259,202	248,916	279,901	291,247	293,935	+34,733	+14,034	+2,688	D
AIDS (NA)	---	(16,581)	---	---	---	---	---	---	NA
Subtotal, NIAAA	(259,202)	(265,497)	(279,901)	(291,247)	(293,935)	(+34,733)	(+14,034)	(+2,688)	
National Institute on Drug Abuse	607,979	429,246	656,551	682,536	689,448	+81,469	+32,897	+6,912	D
AIDS (NA)	---	(193,505)	---	---	---	---	---	---	NA
Subtotal, NIDA	(607,979)	(622,751)	(656,551)	(682,536)	(689,448)	(+81,469)	(+32,897)	(+6,912)	
National Institute of Mental Health	855,210	758,892	930,436	969,494	978,360	+123,150	+47,924	+8,866	D
AIDS (NA)	---	(117,101)	---	---	---	---	---	---	NA
Subtotal, NIMH	(855,210)	(875,993)	(930,436)	(969,494)	(978,360)	(+123,150)	(+47,924)	(+8,866)	
National Human Genome Research Institute	269,086	271,536	308,012	337,322	337,322	+68,236	+29,310	---	D
AIDS (NA)	---	(4,086)	---	---	---	---	---	---	NA
Subtotal, NHGRI	(269,086)	(275,622)	(308,012)	(337,322)	(337,322)	(+68,236)	(+29,310)	---	

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
National Center for Research Resources	554,643	469,684	639,251	625,988	680,176	+125,533	+40,925	+54,188	D
FY01	---	---	---	30,000	---	---	---	-30,000	D
Subtotal	554,643	469,684	639,251	655,988	680,176	+125,533	+40,925	+24,188	
AIDS (NA)	---	(98,435)	---	---	---	---	---	---	NA
Subtotal, NCRR	(554,643)	(568,119)	(639,251)	(655,988)	(680,176)	(+125,533)	(+40,925)	(+24,188)	
National Center for Complementary and Alternative Medicine	50,000	50,168	68,000	56,214	68,753	+18,753	+753	+12,539	D
John E. Fogarty International Center	35,415	23,498	40,190	43,723	43,723	+8,308	+3,533	---	D
AIDS (NA)	---	(12,776)	---	---	---	---	---	---	NA
Subtotal, FIC	(35,415)	(36,274)	(40,190)	(43,723)	(43,723)	(+8,308)	(+3,533)	---	
National Library of Medicine	181,309	181,443	202,027	210,183	215,214	+33,905	+13,187	+5,031	D
AIDS (NA)	---	(4,211)	---	---	---	---	---	---	NA
Subtotal, NLM	(181,309)	(185,654)	(202,027)	(210,183)	(215,214)	(+33,905)	(+13,187)	(+5,031)	
Office of the Director	256,462	218,153	270,383	299,504	283,509	+27,047	+13,126	-15,995	D
AIDS (NA)	---	(44,556)	---	---	---	---	---	---	NA
Subtotal, OD	(256,462)	(262,709)	(270,383)	(299,504)	(283,509)	(+27,047)	(+13,126)	(-15,995)	

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
Buildings and facilities:									
Current year	197,456	108,376	108,376	100,732	135,376	-62,080	+27,000	+34,644	D
Advance for subsequent year	40,000	---	---	---	---	-40,000	---	---	D
Advance from prior year	---	(40,000)	(40,000)	(40,000)	(40,000)	(+40,000)	---	---	NA
Office of AIDS Research	---	1,833,826	---	---	---	---	---	---	D
Year 2000 Computer Conversion (Emergency Funding)	5,993	---	---	---	---	-5,993	---	---	D
Total, National Institutes of Health:									
Current Year, FY00	15,613,470	15,892,786	16,895,314	17,573,470	17,873,470	+2,260,000	+978,156	+300,000	
Advance from prior year	---	40,000	40,000	40,000	40,000	+40,000	---	---	
Total N.I.H. program level	15,613,470	15,932,786	16,935,314	17,613,470	17,913,470	+2,300,000	+978,156	+300,000	
Advance for subsequent year, FY01	40,000	---	---	30,000	---	-40,000	---	-30,000	

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION									
Mental Health:									
Knowledge development and application	96,639	97,964	85,851	137,932	137,932	+41,293	+52,081	---	D
Mental Health Performance Partnership	288,723	358,816	300,000	310,000	300,000	+11,277	---	-10,000	D
FY01	---	---	---	48,816	---	---	---	-48,816	D
Children's Mental Health	77,974	78,000	83,000	78,000	83,000	+5,026	---	+5,000	D
Grants to States for the Homeless (PATH)	25,991	31,000	28,000	31,000	31,000	+5,009	+3,000	---	D
Protection and Advocacy	22,949	22,957	22,957	25,000	25,000	+2,051	+2,043	---	D
Subtotal, mental health	512,276	588,737	519,808	630,748	576,932	+64,656	+57,124	-53,816	
Substance Abuse Treatment:									
Knowledge Development and Application	170,771	226,868	136,613	226,868	181,741	+10,970	+45,128	-45,127	D
Substance Abuse Performance Partnership	1,584,492	1,615,000	1,585,000	1,615,000	1,585,000	+508	---	-30,000	D
FY01	---	100,000	---	100,000	---	---	---	-100,000	D
Subtotal, Sub Abuse Treatment, current year	1,755,263	1,841,868	1,721,613	1,841,868	1,766,741	+11,478	+45,128	-75,127	
Subtotal, Sub Abuse Treatment, program level	1,755,263	1,941,868	1,721,613	1,941,868	1,766,741	+11,478	+45,128	-175,127	
Substance Abuse Prevention:									
Knowledge Development and Application	156,159	131,000	118,910	161,000	139,955	-16,204	+21,045	-21,045	D
High Risk Youth Grants	6,997	7,000	---	7,000	7,000	+3	+7,000	---	D
Subtotal, Substance abuse prevention	163,156	138,000	118,910	168,000	146,955	-16,201	+28,045	-21,045	
Program Management and Buildings and Facilities (1)	56,618	57,900	53,400	58,900	59,100	+2,482	+5,700	+200	D
Total, Substance Abuse and Mental Health	2,487,313	2,726,505	2,413,731	2,799,516	2,549,728	+62,415	+135,997	-249,788	
Current Year	(2,487,313)	(2,626,505)	(2,413,731)	(2,650,700)	(2,549,728)	(+62,415)	(+135,997)	(-100,972)	
Advance Year, FY01	---	(100,000)	---	(148,816)	---	---	---	(-148,816)	

(1) Includes $100,000 in emergency funding for Year 2000 computer conversion.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
AGENCY FOR HEALTH CARE POLICY AND RESEARCH									
Research on Health Care Systems Cost and Access:									
Federal Funds	98,035	24,326	102,062	17,163	108,924	+10,889	+6,862	+91,761	D
1% evaluation funding (NA)	(42,847)	(143,588)	(42,847)	(155,751)	(47,576)	(+4,729)	(+4,729)	(-108,175)	NA
Subtotal	(140,882)	(167,914)	(144,909)	(172,914)	(156,500)	(+15,618)	(+11,591)	(-16,414)	
Health insurance and expenditure surveys 1% evaluation funding (NA)	(27,800)	(36,000)	(27,800)	(36,000)	(36,000)	(+8,200)	(+8,200)	---	NA
Program Support (1)	4,136	2,341	2,341	2,341	2,500	-1,636	+159	+159	D
Total, AHCPR	(172,818)	(206,255)	(175,050)	(211,255)	(195,000)	(+22,182)	(+19,950)	(-16,255)	
Federal Funds	102,171	26,667	104,403	19,504	111,424	+9,253	+7,021	+91,920	
1% evaluation funding (non-add)	(70,647)	(179,588)	(70,647)	(191,751)	(83,576)	(+12,929)	(+12,929)	(-108,175)	
Total, Public Health Service	25,298,698	25,710,169	26,358,007	27,667,220	27,881,488	+2,582,790	+1,523,481	+214,268	
Current Year	(25,258,698)	(25,610,169)	(26,358,007)	(27,479,698)	(27,881,488)	(+2,622,790)	(+1,523,481)	(+401,790)	
Advance Year, FY01	(40,000)	(100,000)	---	(187,522)	---	(-40,000)	---	(-187,522)	

(1) Includes $1.795 million in emergency funding for Year 2000 computer conversion.

Note: Retirement Pay and Medical Benefits for Commissioned Officers is part of Office of the Secretary.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
HEALTH CARE FINANCING ADMINISTRATION									
GRANTS TO STATES FOR MEDICAID									
Medicaid current law benefits	102,265,000	108,257,500	108,257,500	108,257,500	108,257,500	+5,992,500	---	---	M
State and local administration	5,740,376	6,018,455	6,018,455	6,018,455	6,018,455	+278,079	---	---	M
Vaccines for Children	528,240	545,043	545,043	545,043	545,043	+16,803	---	---	M
Subtotal, Medicaid program level, current year	108,533,616	114,820,998	114,820,998	114,820,998	114,820,998	+6,287,382	---	---	
Carryover balance	-6,012,383	---	---	---	---	+6,012,383	---	---	M
Less funds advanced in prior year	-27,800,689	-28,733,605	-28,733,605	-28,733,605	-28,733,605	-932,916	---	---	M
Total, request, current year	74,720,544	86,087,393	86,087,393	86,087,393	86,087,393	+11,366,849	---	---	
New advance 1st quarter, FY01	28,733,605	30,589,003	30,589,003	30,589,003	30,589,003	+1,855,398	---	---	M
PAYMENTS TO HEALTH CARE TRUST FUNDS									
Supplemental medical insurance	61,879,000	68,690,000	68,690,000	68,690,000	68,690,000	+6,811,000	---	---	M
Hospital insurance for the uninsured	555,000	349,000	349,000	349,000	349,000	-206,000	---	---	M
Federal uninsured payment	97,000	121,000	121,000	121,000	121,000	+24,000	---	---	M
Program management	292,000	129,100	129,100	129,100	129,100	-162,900	---	---	M
Total, Payments to Trust Funds, current law	62,823,000	69,289,100	69,289,100	69,289,100	69,289,100	+6,466,100	---	---	

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
PROGRAM MANAGEMENT									
Research, demonstration, and evaluation: Regular Program	50,000	55,000	50,000	65,000	60,000	+10,000	+10,000	-5,000	TF
Medicare Contractors (1)	1,265,081	1,274,303	1,176,950	1,244,000	1,244,000	-21,081	+67,050	---	TF
User fee legislative proposal	---	(-92,750)	---	---	---	---	---	---	NA
H.R. 3103 funding (NA)	(560,000)	(630,000)	(560,000)	(630,000)	(630,000)	(+70,000)	(+70,000)	---	NA
Subtotal, Medicare Contractors limit'n on new BA	1,265,081	1,274,303	1,176,950	1,244,000	1,244,000	-21,081	+67,050	---	
Subtotal, Contractors program level	(1,825,081)	(1,904,303)	(1,736,950)	(1,874,000)	(1,874,000)	(+48,919)	(+137,050)	---	
State Survey and Certification (1)	175,000	204,347	106,000	204,347	189,674	+14,674	+83,674	-14,673	TF
User fee legislative proposal	---	(-65,000)	---	---	---	---	---	---	NA
Federal Administration Year 2000 Computer Conversion (Emergency Funding)	196,954	---	---	---	---	-196,954	---	---	TF
Federal Administration (1)	457,784	484,502	421,126	480,000	480,000	+22,216	+58,874	---	TF
User Fees	-1,984	-2,026	-2,026	-2,026	-2,026	-42	---	---	TF
User fee legislative proposal	---	(-36,700)	---	---	---	---	---	---	NA
Subtotal, Federal Administration	652,754	482,476	419,100	477,974	477,974	-174,780	+58,874	---	
Total, Program management	2,142,835	2,016,126	1,752,050	1,991,321	1,971,648	-171,187	+219,598	-19,673	
Total, Program Management program level	(2,702,835)	(2,646,126)	(2,312,050)	(2,621,321)	(2,601,648)	(-101,187)	(+289,598)	(-19,673)	

(1) Request assumes enactment of user fees.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
Medicare Trust Fund Activity:									
Hospital Insurance TF (1)	(-6,800,000)	(-6,800,000)	(-6,800,000)	(-6,800,000)	(-6,800,000)	---	---	---	NA
Supplemental Medical Ins. TF (2)	(-300,000)	(-300,000)	(-300,000)	(-300,000)	(-300,000)	---	---	---	NA
Total, Health Care Financing Administration	168,419,984	187,981,622	187,717,546	187,956,817	187,937,144	+19,517,160	+219,598	-19,673	
Federal funds	166,277,149	185,965,496	185,965,496	185,965,496	185,965,496	+19,688,347	---	---	
Current year	(137,543,544)	(155,376,493)	(155,376,493)	(155,376,493)	(155,376,493)	(+17,832,949)	---	---	
New advance, 1st quarter, FY01	(28,733,605)	(30,589,003)	(30,589,003)	(30,589,003)	(30,589,003)	(+1,855,398)	---	---	
Trust funds	2,142,835	2,016,126	1,752,050	1,991,321	1,971,648	-171,187	+219,598	-19,673	

(1) Intermediate estimates: Page 40 of the 1998 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund.

(2) Intermediate estimates: Page 39 of the 1998 Annual Report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
ADMINISTRATION FOR CHILDREN AND FAMILIES									
FAMILY SUPPORT PAYMENTS TO STATES									
Aid to Families with Dependent Children (AFDC).....	35,000	---	---	---	---	-35,000	---	---	M
Quality control liabilities.....	-25,000	---	---	---	---	+25,000	---	---	M
Payments to territories.....	38,000	38,000	38,000	38,000	38,000	---	---	---	M
Emergency assistance.....	65,000	---	---	---	---	-65,000	---	---	M
Repatriation.....	1,000	1,000	1,000	1,000	1,000	---	---	---	M
Subtotal, Welfare payments.....	114,000	39,000	39,000	39,000	39,000	-75,000	---	---	
Child Support Enforcement:									
State and local administration.....	2,572,800	---	---	2,823,000	2,823,000	+250,200	+2,823,000	---	M
Federal incentive payments.....	385,000	---	---	354,000	354,000	-31,000	+354,000	---	M
Hold Harmless payments.....	41,000	---	---	65,000	65,000	+24,000	+65,000	---	M
Access and visitation.....	10,000	---	---	10,000	10,000	---	+10,000	---	M
Repeal of hold harmless payments (1).....	---	---	---	---	---	---	---	---	M
Change match rate for paternity testing (1).....	---	---	---	---	---	---	---	---	M
Carry-over from prior year.....	---	750,000	750,000	---	---	---	-750,000	---	M
Subtotal, Welfare payments.....	3,008,800	750,000	750,000	3,252,000	3,252,000	+243,200	+2,502,000	---	
Total, Payments, current year program level.....	3,122,800	789,000	789,000	3,291,000	3,291,000	+168,200	+2,502,000	---	
Less funds advanced in previous years.....	-660,000	-750,000	-750,000	-750,000	-750,000	-90,000	---	---	M
Total, payments, current request.....	2,462,800	39,000	39,000	2,541,000	2,541,000	+78,200	+2,502,000	---	
New advance, 1st quarter, FY01.....	750,000	650,000	650,000	650,000	650,000	-100,000	---	---	M

(1) Requires new legislation.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc	
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM										
Advance from prior year (NA) (1)	(1,100,000)	(1,100,000)	(1,100,000)	(1,100,000)	(1,100,000)	---	---	---	NA	EMG
Emergency Allocation	300,000	300,000	300,000	300,000	300,000	---	---	---	D	EMG
Advance funding FY 2001	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	---	---	---	D	
REFUGEE AND ENTRANT ASSISTANCE										
Transitional and Medical Services	220,628	220,698	221,000	220,698	220,698	+70	-302	---	D	EMG
Social Services	139,946	147,990	140,000	147,990	143,995	+4,049	+3,995	-3,995	D	EMG
Preventive Health	4,833	4,835	5,000	4,835	4,835	+2	-165	---	D	EMG
Targeted Assistance	49,461	49,477	50,000	49,477	49,477	+16	-523	---	D	EMG
Victims of Torture	---	7,500	7,500	7,500	7,500	+7,500	---	---	D	EMG
Contingent emergency appropriation	100,000	---	---	---	---	-100,000	---	---	D	EMG
Total, Refugee and entrant assistance	514,868	430,500	423,500	430,500	426,505	-88,363	+3,005	-3,995		
CHILD CARE AND DEVELOPMENT BLOCK GRANT:										
Advance funding from prior year (NA)	(1,000,000)	(1,182,672)	(1,182,672)	(1,182,672)	(1,182,672)	(+182,672)	---	---	NA	
Advance funding FY 2001	1,182,672	1,182,672	---	2,000,000	1,182,672	---	+1,182,672	-817,328	D	
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	1,909,000	2,380,000	1,909,000	1,050,000	1,700,000	-209,000	-209,000	+650,000	M	
FY01	---	---	---	1,330,000	---	---	---	-1,330,000	D	

(1) Scored as emergency funding in FY00.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
CHILDREN AND FAMILIES SERVICES PROGRAMS									
Programs for Children, Youth, and Families:									
Head Start, current funded	4,658,517	5,267,000	3,360,000	3,367,000	3,867,000	-791,517	+507,000	+500,000	D
FY01	---	---	1,400,000	1,900,000	1,400,000	+1,400,000	---	-500,000	D
Subtotal, Head Start program level	4,658,517	5,267,000	4,760,000	5,267,000	5,267,000	+608,483	+507,000	---	
Runaway and Homeless Youth	43,639	43,653	43,653	43,653	43,653	+14	---	---	D
Runaway Youth -- Transitional Living	14,944	19,949	14,949	19,949	16,949	+2,005	+2,000	-3,000	D
Subtotal, runaway	58,583	63,602	58,602	63,602	60,602	+2,019	+2,000	-3,000	
Child Abuse State Grants	21,019	21,026	21,020	21,026	21,026	+7	+6	---	D
Child Abuse Discretionary Activities	14,149	14,154	14,150	22,154	18,000	+3,851	+3,850	-4,154	D
Abandoned Infants Assistance	12,247	12,251	12,255	12,251	12,251	+4	-4	---	D
Child Welfare Services	291,896	291,989	291,900	291,989	291,989	+93	+89	---	D
Child Welfare Training	6,998	7,000	7,000	7,000	7,000	+2	---	---	D
Adoption Opportunities	24,992	27,363	27,500	26,000	27,500	+2,508	---	+1,500	D
Adoption Incentive	19,994	20,000	20,000	20,000	20,000	+6	---	---	D
Adoption Incentive (no cap adjustment)	---	---	---	---	23,000	+23,000	+23,000	+23,000	D
Battered women's shelters	---	---	---	13,500	17,500	+17,500	+17,500	+4,000	D
Social Services and Income Maintenance Research	26,991	6,000	27,000	36,991	36,991	+10,000	+9,991	---	D
Community Based Resource Centers	32,825	32,835	32,835	32,835	32,835	+10	---	---	D
Developmental disabilities program:									
State Councils	64,782	64,803	64,800	66,803	65,802	+1,020	+1,002	-1,001	D
Protection and Advocacy	26,710	26,718	27,710	28,718	28,214	+1,504	+504	-504	D
Developmental Disabilities Special Projects	10,247	10,250	5,042	11,250	10,247	---	+5,205	-1,003	D
Developmental Disabilities University Affiliated	17,455	17,461	17,460	18,961	18,211	+756	+751	-750	D
Subtotal, Developmental disabilities	119,194	119,232	115,012	125,732	122,474	+3,280	+7,462	-3,258	

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
Native American Programs	34,922	34,933	34,933	36,922	35,500	+578	+567	-1,422	D
Community services:									
Grants to States for Community Services	499,841	500,000	510,000	500,000	510,000	+10,159	---	+10,000	D
Community initiative program:									
Economic Development	30,055	---	30,055	30,065	30,065	+10	+10	---	D
Individual Development Account Initiative	9,997	20,000	10,000	---	---	-9,997	-10,000	---	D
Rural Community Facilities	3,499	---	3,500	5,500	5,500	+2,001	+2,000	---	D
Subtotal, discretionary funds	43,551	20,000	43,555	35,565	35,565	-7,986	-7,990	---	
National Youth Sports	14,995	---	15,000	15,000	15,000	+5	---	---	D
Community Food and Nutrition	4,999	---	---	6,500	6,500	+1,501	+6,500	---	D
Subtotal, Community services	563,386	520,000	568,555	557,065	567,065	+3,679	-1,490	+10,000	
Program Direction	144,454	150,568	144,454	150,568	148,000	+3,546	+3,546	-2,568	D
Year 2000 Computer Conversion (Emergency Funding)	24,071	---	---	---	---	-24,071	---	---	D
Total, Children and Families Services Programs	6,054,238	6,587,953	6,135,216	6,684,635	6,708,733	+654,495	+573,517	+24,098	
Current Year	(6,054,238)	(6,587,953)	(4,735,216)	(4,784,635)	(5,308,733)	(-745,505)	(+573,517)	(+524,098)	
Advance Year, FY01	---	---	(1,400,000)	(1,900,000)	(1,400,000)	(+1,400,000)	---	(-500,000)	

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
VIOLENT CRIME REDUCTION PROGRAMS:									
Crime Trust Funds									
Runaway Youth Prevention	14,995	15,000	15,000	15,000	15,000	+5	---	---	D
Domestic Violence Hotline	1,200	1,200	1,200	1,200	1,200	---	---	---	D
Battered Women's Shelters	88,772	102,300	88,800	88,800	84,800	-3,972	-4,000	-4,000	D
Total, Violent crime reduction programs	104,967	118,500	105,000	105,000	101,000	-3,967	-4,000	-4,000	
Rescission of permanent appropriations	-21,000	---	-21,000	---	-21,000	---	---	-21,000	D
PROMOTING SAFE AND STABLE FAMILIES	275,000	295,000	295,000	295,000	295,000	+20,000	---	---	M
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE									
Foster Care	3,982,700	4,537,200	4,537,200	4,537,200	4,537,200	+554,500	---	---	M
Adoption Assistance	868,800	1,020,100	1,020,100	1,020,100	1,020,100	+151,300	---	---	M
Independent living	70,000	105,000	105,000	105,000	105,000	+35,000	---	---	M
Independent living expansion	---	5,000	---	5,000	---	---	---	-5,000	M
Total, Program level: Payments to States	4,921,500	5,667,300	5,662,300	5,667,300	5,662,300	+740,800	---	-5,000	
Less Advances from Prior Year	-1,157,500	-1,355,000	-1,355,000	-1,355,000	-1,355,000	-197,500	---	---	M
Total, request, current year	3,764,000	4,312,300	4,307,300	4,312,300	4,307,300	+543,300	---	-5,000	
New Advance, 1st quarter, FY01	1,355,000	1,538,000	1,538,000	1,538,000	1,538,000	+183,000	---	---	M
Total, Administration for Children and Families	19,751,545	18,933,925	16,781,016	22,336,435	20,829,210	+1,077,665	+4,048,194	-1,507,225	
Current year	(15,363,873)	(14,463,253)	(12,093,016)	(13,818,435)	(14,958,538)	(-405,335)	(+2,865,522)	(+1,140,103)	
Advance Year, FY01	(4,387,672)	(4,470,672)	(4,688,000)	(8,518,000)	(5,870,672)	(+1,483,000)	(+1,182,672)	(-2,647,328)	

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
ADMINISTRATION ON AGING									
Grants to States:									
Supportive Services and Centers	300,192	310,082	310,192	310,082	310,082	+9,890	-110	---	D
Preventive Health	16,123	16,123	16,123	16,123	16,123	---	---	---	D
Title VII	12,181	12,181	12,181	13,181	13,181	+1,000	+1,000	---	D
Nutrition:									
Congregate Meals	374,258	374,412	374,258	374,412	374,412	+154	+154	---	D
Home Delivered Meals	112,000	147,000	112,000	161,300	147,000	+35,000	+35,000	-14,300	D
Frail Elderly In-Home Services	9,763	---	---	---	---	-9,763	---	---	D
Grants to Indians	18,457	18,457	18,457	18,457	18,457	---	---	---	D
Aging Research, Training and Special Projects	18,000	18,000	18,000	26,000	28,500	+10,500	+10,500	+2,500	D
Alzheimer's Initiative	5,970	5,970	5,970	5,970	5,970	---	---	---	D
Program Administration (1)	15,395	16,830	14,795	16,830	16,500	+1,105	+1,705	-330	D
National Family Caregiver Support (2)	---	125,000	---	---	---	---	---	---	D
Health Disparities Interventions	---	4,000	---	---	---	---	---	---	D
Total, Administration on Aging	882,339	1,048,055	881,976	942,355	930,225	+47,886	+48,249	-12,130	

(1) Includes $600,000 in emergency funding for Year 2000 computer conversion.

(2) Requires new authorizing legislation.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
OFFICE OF THE SECRETARY									
GENERAL DEPARTMENTAL MANAGEMENT:									
Federal Funds	108,291	120,074	108,291	104,943	108,291	---	---	+3,348	D
NAS study	---	---	450	---	450	+450	---	+450	D
Trust Funds	5,851	6,851	5,851	6,517	5,851	---	---	-666	TF
1% Evaluation funds (ASPE) (NA)	(20,552)	(20,552)	(20,552)	(20,552)	(20,552)	---	---	---	NA
Subtotal	(134,694)	(147,477)	(135,144)	(132,012)	(135,144)	(+450)	---	(+3,132)	
Year 2000 Computer Conversion (Emergency Funding)	2,419	---	---	---	---	-2,419	---	---	D
Adolescent Family Life (Title XX)	17,700	9,200	17,700	19,700	19,700	+2,000	+2,000	---	D
FY01	---	---	50,000	---	20,000	+20,000	-30,000	+20,000	D
Physical Fitness and Sports	1,005	1,097	---	1,097	1,097	+92	+1,097	---	D
Minority health	36,000	28,000	30,000	28,000	30,000	-6,000	---	+2,000	D
Office of women's health	15,495	17,522	15,495	15,495	15,495	---	---	---	D
U.S. Surgeon General violence initiative	---	---	---	4,000	2,000	+2,000	+2,000	-2,000	D
Bioterrorism (1)	25,000	9,668	---	9,668	9,668	-15,332	+9,668	---	D
Other Health Activities	---	---	---	---	3,000	+3,000	+3,000	+3,000	D
Health Care Access for the Uninsured	---	25,000	---	---	---	---	---	---	D
Total, General Departmental Management (2)	261,761	217,412	227,787	189,420	215,552	-46,209	-12,235	+26,132	
Federal funds	255,910	210,561	171,936	182,903	189,701	-66,209	+17,765	+6,798	
Trust funds	5,851	6,851	5,851	6,517	5,851	---	---	-666	
Federal funds, FY01	---	---	50,000	---	20,000	+20,000	-30,000	+20,000	

(1) Includes $10 million in emergency funding in FY99.

(2) Also includes $50 million in minority AIDS emergency funding in FY 99.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
OFFICE OF THE INSPECTOR GENERAL:									
Federal Funds (1)	34,391	31,500	29,000	35,000	31,500	-2,891	+2,500	-3,500	D
HIPAA funding (NA)	(100,000)	(120,000)	(100,000)	(120,000)	(120,000)	(+20,000)	(+20,000)	---	NA
Total, Inspector General program level	(134,391)	(151,500)	(129,000)	(155,000)	(151,500)	(+17,109)	(+22,500)	(-3,500)	
OFFICE FOR CIVIL RIGHTS:									
Federal Funds	17,338	18,845	17,338	18,845	18,338	+1,000	+1,000	-507	D
Trust Funds	3,314	3,314	3,314	3,314	3,314	---	---	---	TF
Total, Office for Civil Rights	20,652	22,159	20,652	22,159	21,652	+1,000	+1,000	-507	
POLICY RESEARCH	13,996	14,000	14,000	15,000	17,000	+3,004	+3,000	+2,000	D
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS:									
Retirement payments	159,251	172,045	172,045	172,045	172,045	+12,794	---	---	M
Survivors benefits	11,531	11,906	11,906	11,906	11,906	+375	---	---	M
Dependents' medical care	28,541	29,626	29,626	29,626	29,626	+1,085	---	---	M
Military services credits	2,312	1,328	1,328	1,328	1,328	-984	---	---	M
Total, Retirement pay and medical benefits	201,635	214,905	214,905	214,905	214,905	+13,270	---	---	

(1) Includes $5.4 million in emergency funding for Year 2000 computer conversion.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
PUBLIC HEALTH AND SOCIAL SERVICE EMERGENCY FUND (1)..	223,422	386,022	391,833	475,000	510,600	+287,178	+118,767	+35,600	D EMG
Total, Office of the Secretary.....	755,857	885,998	898,177	951,484	1,011,209	+255,352	+113,032	+59,725	
Federal funds.....	746,692	875,833	839,012	941,653	982,044	+235,352	+143,032	+40,391	
Trust funds.....	9,165	10,165	9,165	9,831	9,165	---	---	-666	
Federal funds, FY01.....	---	---	50,000	---	20,000	+20,000	-30,000	+20,000	
Total, Department of Health and Human Services..	215,108,423	234,559,769	232,636,722	239,854,311	238,589,276	+23,480,853	+5,952,554	-1,265,035	
Federal Funds.....	212,956,423	232,533,478	230,875,507	237,853,159	236,608,463	+23,652,040	+5,732,956	-1,244,696	
Current year.....	(179,795,146)	(197,373,803)	(195,548,504)	(198,558,634)	(200,128,788)	(+20,333,642)	(+4,580,284)	(+1,570,154)	
Advance Year, FY01.....	(33,161,277)	(35,159,675)	(35,327,003)	(39,294,525)	(36,479,675)	(+3,318,398)	(+1,152,672)	(-2,814,850)	
Trust funds.....	2,152,000	2,026,291	1,761,215	2,001,152	1,980,813	-171,187	+219,598	-20,339	

(1) Request and Senate did not designate funds as "emergency".

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc	
TITLE III - DEPARTMENT OF EDUCATION										
EDUCATION REFORM										
Goals 2000: Educate America Act:										
State Grants forward funded	459,500	459,500	---	114,875	456,500	-3,000	+456,500	+341,625	D	FF
FY01	---	---	---	344,625	---	---	---	-344,625	D	
State Grants current funded	1,500	1,500	---	1,500	1,500	---	+1,500	---	D	
Parental Assistance	30,000	30,000	---	33,000	33,000	+3,000	+33,000	---	D	
Subtotal, Goals 2000	491,000	491,000	---	494,000	491,000	---	+491,000	-3,000		
School-to-Work Opportunities	125,000	55,000	---	55,000	55,000	-70,000	+55,000	---	D	FF
Educational Technology:										
Technology Literacy Challenge Fund	425,000	450,000	375,000	425,000	425,000	---	+50,000	---	D	
Technology Innovation Challenge Fund	115,100	110,000	115,100	115,100	143,310	+28,210	+28,210	+28,210	D	
Regional Technology in Education Consortia	10,000	10,000	---	10,000	10,000	---	+10,000	---	D	
Subtotal	550,100	570,000	490,100	550,100	578,310	+28,210	+88,210	+28,210		
National Activities										
Technology Leadership Activities	2,000	2,000	---	2,000	2,000	---	+2,000	---	D	
Teacher Training in Technology	75,000	75,000	---	75,000	75,000	---	+75,000	---	D	
Community-Based Technology Centers	10,000	65,000	10,000	10,000	10,000	---	---	---	D	
Middle School Teacher Training	---	30,000	---	---	---	---	---	---	D	
Software Development Initiative	---	5,000	---	---	---	---	---	---	D	
Subtotal	87,000	177,000	10,000	87,000	87,000	---	+77,000	---		

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
Star Schools	45,000	45,000	---	45,000	50,750	+5,750	+50,750	+5,750	D
Ready to Learn Television	11,000	7,000	---	16,000	16,000	+5,000	+16,000	---	D
Telcom Demo Project for Mathematics	5,000	2,000	---	8,500	8,500	+3,500	+8,500	---	D
Subtotal, Educational technology	698,100	801,000	500,100	706,600	740,560	+42,460	+240,460	+33,960	
21st Century Community Learning Centers (1)	200,000	600,000	300,000	400,000	300,000	+100,000	---	-100,000	D
Total, Education Reform	1,514,100	1,947,000	800,100	1,655,600	1,586,560	+72,460	+786,460	-69,040	
Current Year	(1,514,100)	(1,947,000)	(800,100)	(1,310,975)	(1,586,560)	(+72,460)	(+786,460)	(+275,585)	
Advance Year, FY01	---	---	---	(344,625)	---	---	---	(-344,625)	
Subtotal, Forward funded	(584,500)	(514,500)	---	(169,875)	(511,500)	(-73,000)	(+511,500)	(+341,625)	

(1) The Administration proposes transferring this from the Education, Research, Statistics & Improvement Account.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
EDUCATION FOR THE DISADVANTAGED									
Grants to Local Education Agencies (LEAs):									
Basic Grants									
Advance from prior year	(1,448,386)	(5,046,366)	(5,046,366)	(5,046,366)	(5,046,366)	(+3,597,980)	---	---	NA
Forward funded	1,524,134	1,844,134	1,524,134	1,844,134	1,599,134	+75,000	+75,000	-245,000	D FF
Current funded	3,500	3,500	3,500	3,500	3,500	---	---	---	D
Subtotal, Basic grants current year funding	1,527,634	1,847,634	1,527,634	1,847,634	1,602,634	+75,000	+75,000	-245,000	
Subtotal, Basic grants total funds available	(2,976,020)	(6,894,000)	(6,574,000)	(6,894,000)	(6,649,000)	(+3,672,980)	(+75,000)	(-245,000)	
Basic Grant FY01 Advance	5,046,366	4,292,366	5,046,366	5,046,366	5,046,366	---	---	---	D
Subtotal, Basic grants, program level	(6,574,000)	(6,140,000)	(6,574,000)	(6,894,000)	(6,649,000)	(+75,000)	(+75,000)	(-245,000)	
Concentration Grants - Advance from prior year	---	(1,158,397)	(1,158,397)	(1,158,397)	(1,158,397)	(+1,158,397)	---	---	NA
Concentration Grants FY01 Advance	1,158,397	1,100,000	1,158,397	1,158,397	1,158,397	---	---	---	D
Targeted Grants FY01 Advance	---	755,020	---	---	---	---	---	---	D
Subtotal, Grants to LEAs	7,732,397	7,996,020	7,732,397	8,052,397	7,807,397	+75,000	+75,000	-245,000	
Capital Expenses for Private School Children	24,000	---	---	15,000	12,000	-12,000	+12,000	-3,000	D FF
Even Start	135,000	145,000	150,000	145,000	150,000	+15,000	---	+5,000	D FF
State agency programs:									
Migrant	354,689	380,000	354,689	354,689	354,689	---	---	---	D FF
Neglected and Delinquent/High Risk Youth	40,311	42,000	40,311	42,000	42,000	+1,689	+1,689	---	D FF
Evaluation	7,500	8,900	7,500	8,900	8,900	+1,400	+1,400	---	D
Comprehensive School Reform Demonstration	120,000	150,000	120,000	120,000	160,000	+40,000	+40,000	+40,000	D FF
Total, ESEA	8,413,897	8,721,920	8,404,897	8,737,986	8,534,986	+121,089	+130,089	-203,000	

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
Migrant education:									
High School Equivalency Program	9,000	15,000	9,000	9,000	9,000	---	---	---	D
College Assistance Migrant Program	4,000	7,000	4,000	4,000	4,000	---	---	---	D
Subtotal, migrant education	13,000	22,000	13,000	13,000	13,000	---	---	---	
Total, Education for the disadvantaged	8,426,897	8,743,920	8,417,897	8,750,986	8,547,986	+121,089	+130,089	-203,000	
Current Year	(2,222,134)	(2,595,534)	(2,213,134)	(2,546,223)	(2,343,223)	(+121,089)	(+130,089)	(-203,000)	
Advance Year, FY01	(6,204,763)	(6,148,386)	(6,204,763)	(6,204,763)	(6,204,763)	---	---	---	
Subtotal, forward funded	(2,198,134)	(2,561,134)	(2,189,134)	(2,520,823)	(2,317,823)	(+119,689)	(+128,689)	(-203,000)	
IMPACT AID									
Basic Support Payments	704,000	684,000	737,200	725,000	737,200	+33,200	---	+12,200	D
Payments for Children with Disabilities	50,000	40,000	50,000	50,000	50,000	---	---	---	D
Payments for Heavily Impacted Districts (Sec. f)	70,000	---	76,000	75,000	76,000	+6,000	---	+1,000	D
Subtotal	824,000	724,000	863,200	850,000	863,200	+39,200	---	+13,200	
Facilities Maintenance (Sec. 8008)	5,000	5,000	5,000	5,000	5,000	---	---	---	D
Construction (Sec. 8007)	7,000	7,000	7,000	7,000	10,300	+3,300	+3,300	+3,300	D
Payments for Federal Property (Sec. 8002)	28,000	---	32,000	30,000	32,000	+4,000	---	+2,000	D
Total, Impact aid	864,000	736,000	907,200	892,000	910,500	+46,500	+3,300	+18,500	

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc	
SCHOOL IMPROVEMENT PROGRAMS										
Eisenhower Professional Development	335,000	335,000	---	335,000	335,000	---	+335,000	---	D	FF
Innovative Education (Education Block Grant)	375,000	---	97,000	375,000	95,000	-280,000	-2,000	-280,000	D	FF
FY01	---	---	288,000	---	285,000	+285,000	-3,000	+285,000	D	
Education Block Grant, program level	375,000	---	385,000	375,000	380,000	+5,000	-5,000	+5,000		
Class Size / Teacher Assistance initiative	1,200,000	1,400,000	---	300,000	300,000	-900,000	+300,000	---	D	FF
FY01	---	---	---	900,000	900,000	+900,000	+900,000	---	D	
Class Size / Teacher Assist, program level	1,200,000	1,400,000	---	1,200,000	1,200,000	---	+1,200,000	---		
Teacher Empowerment Act (1)	---	---	450,000	---	---	---	-450,000	---	D	FF
FY01	---	---	1,350,000	---	---	---	-1,350,000	---	D	
Teacher Empowerment Act, program level	---	---	1,800,000	---	---	---	-1,800,000	---		
Safe and drug free schools:										
State Grants	441,000	439,000	441,000	136,250	115,000	-326,000	-326,000	-21,250	D	FF
FY01	---	---	---	339,750	345,000	+345,000	+345,000	+5,250	D	
State Grants, program level	441,000	439,000	441,000	476,000	460,000	+19,000	+19,000	-16,000		
National Programs	90,000	90,000	90,000	100,000	95,000	+5,000	+5,000	-5,000	D	
Coordinator Initiative	35,000	50,000	35,000	60,000	50,000	+15,000	+15,000	-10,000	D	
Project SERV	---	12,000	---	---	---	---	---	---	D	
Subtotal, Safe and drug free schools	566,000	591,000	566,000	636,000	605,000	+39,000	+39,000	-31,000		
Inexpensive Book Distribution (RIF)	18,000	18,000	18,000	21,500	20,000	+2,000	+2,000	-1,500	D	
Arts in Education	10,500	10,500	10,500	12,500	11,500	+1,000	+1,000	-1,000	D	

(1) Subject to authorization.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc	
Other school improvement programs:										
Magnet Schools Assistance	104,000	114,000	104,000	112,000	110,000	+6,000	+6,000	-2,000	D	
Education for Homeless Children & Youth	28,800	31,700	28,800	28,800	28,800	---	---	---	D	FF
Women's Educational Equity	3,000	3,000	3,000	3,000	3,000	---	---	---	D	
Training and Advisory Services (Civil Rights)	7,334	7,334	7,334	7,334	7,334	---	---	---	D	
Ellender Fellowships/Close Up	1,500	---	1,500	1,500	1,500	---	---	---	D	FF
Education for Native Hawaiians	20,000	20,000	20,000	23,000	23,000	+3,000	+3,000	---	D	
Alaska Native Education Equity	10,000	10,000	10,000	13,000	13,000	+3,000	+3,000	---	D	
Charter Schools	100,000	130,000	130,000	150,000	145,000	+45,000	+15,000	-5,000	D	
Subtotal, other school improvement programs	274,634	316,034	304,634	338,634	331,634	+57,000	+27,000	-7,000		
Comprehensive Regional Assistance Centers	28,000	32,000	27,054	28,000	28,000	---	+946	---	D	
Advanced Placement Fees	4,000	20,000	4,000	15,000	15,000	+11,000	+11,000	---	D	
Total, School improvement programs	2,811,134	2,722,534	3,115,188	2,961,634	2,926,134	+115,000	-189,054	-35,500		
Current Year	(2,811,134)	(2,722,534)	(1,477,188)	(1,721,884)	(1,396,134)	(-1,415,000)	(-81,054)	(-325,750)		
Advance Year, FY01	---	---	(1,638,000)	(1,239,750)	(1,530,000)	(+1,530,000)	(-108,000)	(+290,250)		
Subtotal, forward funded	(2,381,300)	(2,205,700)	(1,018,300)	(1,176,550)	(875,300)	(-1,506,000)	(-143,000)	(-301,250)		
READING EXCELLENCE										
Reading Excellence Act	260,000	286,000	200,000	90,000	65,000	-195,000	-135,000	-25,000	D	FF
FY01	---	---	---	195,000	195,000	+195,000	+195,000	---	D	
Reading Excellence, program level	260,000	286,000	200,000	285,000	260,000	---	+60,000	-25,000		

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
INDIAN EDUCATION									
Grants to Local Educational Agencies	62,000	62,000	62,000	62,000	62,000	---	---	---	D
Special Programs for Indian Children	3,265	13,265	3,265	13,265	13,265	+10,000	+10,000	---	D
National Activities	735	1,735	735	1,735	1,735	+1,000	+1,000	---	D
Total, Indian Education	66,000	77,000	66,000	77,000	77,000	+11,000	+11,000	---	
BILINGUAL AND IMMIGRANT EDUCATION									
Bilingual education:									
Instructional Services	160,000	170,000	160,000	165,000	162,500	+2,500	+2,500	-2,500	D
Support Services	14,000	14,000	14,000	14,000	14,000	---	---	---	D
Professional Development	50,000	75,000	50,000	55,000	52,500	+2,500	+2,500	-2,500	D
Immigrant Education	150,000	150,000	150,000	150,000	150,000	---	---	---	D
Foreign Language Assistance	6,000	6,000	6,000	10,000	8,000	+2,000	+2,000	-2,000	D
Total, Bilingual and Immigrant Education	380,000	415,000	380,000	394,000	387,000	+7,000	+7,000	-7,000	

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
SPECIAL EDUCATION									
State grants:									
Grants to States Part B advance funded	---	1,925,000	3,608,000	2,201,059	3,742,000	+3,742,000	+134,000	+1,540,941	D
Part B advance from prior year	(210,000)	---	---	---	---	(-210,000)	---	---	NA
Grants to States Part B current year	4,100,700	2,389,000	1,202,700	2,788,626	1,247,685	-2,853,015	+44,985	-1,540,941	D FF
Grants to States program level	(4,310,700)	(4,314,000)	(4,810,700)	(4,989,685)	(4,989,685)	(+678,985)	(+178,985)	---	
Preschool Grants	373,985	402,435	373,985	390,000	390,000	+16,015	+16,015	---	D FF
Grants for Infants and Families	370,000	390,000	370,000	375,000	375,000	+5,000	+5,000	---	D FF
Subtotal, State grants program level	(5,054,685)	(5,106,435)	(5,554,685)	(5,754,685)	(5,754,685)	(+700,000)	(+200,000)	---	
IDEA National Programs (P.L. 105-17):									
State Program Improvement Grants	35,200	45,200	35,200	35,200	35,200	---	---	---	D FF
Research and Innovation	64,508	64,508	64,508	64,508	64,508	---	---	---	D
Technical Assistance and Dissemination	44,556	44,556	44,556	44,556	45,556	+1,000	+1,000	+1,000	D
Personnel Preparation	82,139	82,139	82,139	82,139	82,139	---	---	---	D
Parent Information Centers	18,535	22,535	18,535	18,535	18,535	---	---	---	D
Technology and Media Services	33,023	34,523	33,523	34,523	34,523	+1,500	+1,000	---	D
Public Telecom Info/Training Dissemination	1,500	---	---	1,500	1,500	---	+1,500	---	D
Primary Education Intervention	---	50,000	---	---	---	---	---	---	D
Subtotal, IDEA special programs	279,461	343,461	278,461	280,961	281,961	+2,500	+3,500	+1,000	
Total, Special education	5,124,146	5,449,896	5,833,146	6,035,646	6,036,646	+912,500	+203,500	+1,000	
Current Year	(5,124,146)	(3,524,896)	(2,225,146)	(3,834,587)	(2,294,646)	(-2,829,500)	(+69,500)	(-1,539,941)	
Advance Year, FY01	---	(1,925,000)	(3,608,000)	(2,201,059)	(3,742,000)	(+3,742,000)	(+134,000)	(+1,540,941)	
Subtotal, Forward funded	(4,879,885)	(3,226,635)	(1,981,885)	(3,588,826)	(2,047,885)	(-2,832,000)	(+66,000)	(-1,540,941)	

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
REHABILITATION SERVICES AND DISABILITY RESEARCH (1)									
Vocational Rehabilitation State Grants	2,304,411	2,338,977	2,338,977	2,338,977	2,338,977	+34,566	---	---	M
Client Assistance State grants	10,928	10,928	10,928	10,928	10,928	---	---	---	D
Training	39,629	41,629	39,629	39,629	39,629	---	---	---	D
Demonstration and training programs	14,942	16,942	13,942	18,942	21,842	+6,900	+7,900	+2,900	D
Migrant and seasonal farmworkers	2,350	2,350	2,350	2,350	2,350	---	---	---	D
Recreational programs	2,596	2,596	2,596	2,596	3,596	+1,000	+1,000	+1,000	D
Protection and advocacy of individual rights (PAIR)	10,894	10,894	11,894	10,894	11,894	+1,000	---	+1,000	D
Projects with industry	22,071	22,071	22,071	22,071	22,071	---	---	---	D
Supported employment State grants	38,152	38,152	38,152	38,152	38,152	---	---	---	D
Independent living:									
State grants	22,296	22,296	22,296	22,296	22,296	---	---	---	D
Centers	46,109	50,886	46,109	48,000	48,000	+1,891	+1,891	---	D
Services for older blind individuals	11,169	11,392	11,169	15,000	15,000	+3,831	+3,831	---	D
Subtotal, Independent living	79,574	84,574	79,574	85,296	85,296	+5,722	+5,722	---	
Program Improvement	1,900	1,900	1,900	1,900	1,900	---	---	---	D
Evaluation	1,587	1,587	1,587	1,587	1,587	---	---	---	D
Helen Keller National Center for Deaf-Blind Youths & Adults	8,550	8,550	8,550	8,550	8,550	---	---	---	D
National Institute for Disability and Rehabilitation Research (NIDRR)	81,000	90,964	81,000	81,000	81,000	---	---	---	D
Assistive Technology	34,000	45,000	34,000	30,000	34,000	---	---	+4,000	D
Subtotal, discretionary programs	348,173	378,137	348,173	353,895	362,795	+14,622	+14,622	+8,900	
Total, Rehabilitation services	2,652,584	2,717,114	2,687,150	2,692,872	2,701,772	+49,188	+14,622	+8,900	

(1) P.L. 105-220 reclassified all Voc Rehab programs except State Grants as discretionary funding.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES									
AMERICAN PRINTING HOUSE FOR THE BLIND	8,661	8,973	9,000	10,100	10,100	+1,439	+1,100	---	D
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF	45,500	---	---	---	---	-45,500	---	---	D
Operations	---	45,274	45,500	45,500	45,500	+45,500	---	---	D
Construction	---	2,651	2,651	2,651	2,651	+2,651	---	---	D
Total	45,500	47,925	48,151	48,151	48,151	+2,651	---	---	
GALLAUDET UNIVERSITY	83,480	---	---	---	---	-83,480	---	---	D
Operations	---	82,620	83,480	83,000	83,480	+83,480	---	+480	D
Construction	---	2,500	2,500	2,500	2,500	+2,500	---	---	D
Total	83,480	85,120	85,980	85,500	85,980	+2,500	---	+480	
Total, Special Inst for Persons with Disabilities	137,641	142,018	143,131	143,751	144,231	+6,590	+1,100	+480	

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
VOCATIONAL AND ADULT EDUCATION									
Vocational education:									
Basic State Grants, current funded	1,030,650	1,030,650	308,650	1,030,650	264,650	-766,000	-44,000	-766,000	D FF
FY01	---	---	772,000	---	791,000	+791,000	+19,000	+791,000	D
Basic State Grants, program level	1,030,650	1,030,650	1,080,650	1,030,650	1,055,650	+25,000	-25,000	+25,000	
Tech-Prep Education	106,000	111,000	106,000	106,000	106,000	---	---	---	D FF
Tribally Controlled Postsecondary Vocational Institutions	4,100	4,100	4,100	4,600	4,600	+500	+500	---	D
National Programs	13,497	17,500	13,497	19,500	17,500	+4,003	+4,003	-2,000	D FF
NOICC (1)	---	---	---	9,000	9,000	+9,000	+9,000	---	D
Subtotal, Vocational education	1,154,247	1,163,250	1,204,247	1,169,750	1,192,750	+38,503	-11,497	+23,000	
Adult education:									
State Grants, current funded	365,000	468,000	92,000	468,000	425,000	+60,000	+333,000	-43,000	D FF
FY01	---	---	273,000	---	---	---	-273,000	---	D
State grants, program level	365,000	468,000	365,000	468,000	425,000	+60,000	+60,000	-43,000	
National programs:									
National Leadership Activities	14,000	101,000	7,000	14,000	14,000	---	+7,000	---	D FF
National Institute for Literacy	6,000	6,000	6,000	6,000	6,000	---	---	---	D FF
Subtotal, National programs	20,000	107,000	13,000	20,000	20,000	---	+7,000	---	
Subtotal, adult education	385,000	575,000	378,000	488,000	445,000	+60,000	+67,000	-43,000	

(1) $9,000,000 for NOICC activities was provided under Training and Employment Services, Department of Labor in FY99.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
State Grants for Incarcerated Youth Offenders.....	16,723	12,000	---	19,000	19,000	+2,277	+19,000	---	D
Total, Vocational and adult education.....	1,555,970	1,750,250	1,582,247	1,676,750	1,656,750	+100,780	+74,503	-20,000	
Current Year.....	(1,555,970)	(1,750,250)	(537,247)	(1,676,750)	(865,750)	(-690,220)	(+328,503)	(-811,000)	
Advance Year, FY01.....	---	---	(1,045,000)	---	(791,000)	(+791,000)	(-254,000)	(+791,000)	
Subtotal, forward funded.....	(1,535,147)	(1,734,150)	(533,147)	(1,644,150)	(833,150)	(-701,997)	(+300,003)	(-811,000)	

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
STUDENT FINANCIAL ASSISTANCE									
Pell Grants -- maximum grant (NA)	(3,125)	(3,250)	(3,275)	(3,325)	(3,300)	(+175)	(+25)	(-25)	NA
Pell Grants -- Regular Program	7,704,000	7,463,000	5,334,000	6,601,600	7,700,000	-4,000	+2,366,000	+1,098,400	D
FY01	---	---	2,286,000	1,176,400	---	---	-2,286,000	-1,176,400	D
Total funding available for Pell Grants	7,704,000	7,463,000	7,620,000	7,778,000	7,700,000	-4,000	+80,000	-78,000	
Federal Supplemental Educational Opportunity Grants	619,000	631,000	619,000	631,000	621,000	+2,000	+2,000	-10,000	D
Emergency SEOG--Hurricane Floyd	---	---	10,000	---	10,000	+10,000	---	+10,000	D EMG
Federal Work Study	870,000	934,000	880,000	934,000	934,000	+64,000	+54,000	---	D
Federal Perkins loans:									
Capital Contributions	100,000	100,000	100,000	100,000	100,000	---	---	---	D
Loan Cancellations	30,000	30,000	30,000	30,000	30,000	---	---	---	D
Subtotal, Federal Perkins loans	130,000	130,000	130,000	130,000	130,000	---	---	---	
LEAP program	25,000	25,000	---	25,000	40,000	+15,000	+40,000	+15,000	D
FY01	---	---	---	50,000	---	---	---	-50,000	D
Subtotal, LEAP program level	25,000	25,000	---	75,000	40,000	+15,000	+40,000	-35,000	
Total, Student financial assistance	9,348,000	9,183,000	9,259,000	9,548,000	9,435,000	+87,000	+176,000	-113,000	
Current Year	(9,348,000)	(9,183,000)	(6,973,000)	(8,321,600)	(9,435,000)	(+87,000)	(+2,462,000)	(+1,113,400)	
Advance Year, FY01	---	---	(2,286,000)	(1,226,400)	---	---	(-2,286,000)	(-1,226,400)	

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
FEDERAL FAMILY EDUCATION LOAN PROGRAM									
Federal Administration (1)	47,276	48,000	46,482	48,000	48,000	+724	+1,518	---	D
Direct Loan Program Year 2000 Comp Conv (Emergency)	531	---	---	---	---	-531	---	---	D
HIGHER EDUCATION									
Aid for institutional development:									
Strengthening Institutions	60,250	61,575	60,250	60,250	60,250	---	---	---	D
Hispanic Serving Institutions	28,000	42,250	28,000	42,250	42,250	+14,250	+14,250	---	D
Strengthening Historically Black Colleges (HBCUs)	136,000	148,750	136,000	141,500	141,500	+5,500	+5,500	---	D
Strengthening historically black graduate insts	30,000	32,000	30,000	31,000	31,000	+1,000	+1,000	---	D
Strengthening Alaska / Native Hawaiian Instit	3,000	3,000	3,000	5,000	5,000	+2,000	+2,000	---	D
Strengthening Tribal Colleges	3,000	6,000	3,000	6,000	6,000	+3,000	+3,000	---	D
Subtotal, Institutional development	260,250	293,575	260,250	286,000	286,000	+25,750	+25,750	---	
Program development:									
Fund for the Improvement of Postsec. Ed. (FIPSE)	50,000	27,500	22,500	27,500	62,075	+12,075	+39,575	+34,575	D
Minority Science and Engineering Improvement	7,500	8,500	7,500	7,500	7,500	---	---	---	D
International educ & foreign language studies:									
Domestic Programs	60,000	61,320	62,000	61,320	62,000	+2,000	---	+680	D
Overseas Programs	6,536	6,680	6,536	6,680	6,680	+144	+144	---	D
Institute for International Public Policy	1,000	1,022	1,000	1,022	1,022	+22	+22	---	D
Subtotal, International education	67,536	69,022	69,536	69,022	69,702	+2,166	+166	+680	
Urban Community Service	4,637	---	---	---	---	-4,637	---	---	D
Subtotal, Program development	129,673	105,022	99,536	104,022	139,277	+9,604	+39,741	+35,255	

(1) Includes $794,000 in emergency funding for Year 2000 computer conversion.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
Interest Subsidy Grants	13,000	12,000	12,000	12,000	12,000	-1,000	---	---	D
Federal TRIO Programs	600,000	630,000	660,000	630,000	645,000	+45,000	-15,000	+15,000	D
GEAR UP	120,000	240,000	---	180,000	180,000	+60,000	+180,000	---	D
Byrd Honors Scholarships	39,288	39,859	---	39,859	39,859	+571	+39,859	---	D
Graduate Assistance in Areas of National Need	31,000	41,000	31,000	51,000	51,000	+20,000	+20,000	---	D
Learning Anytime Anywhere Partnerships	10,000	20,000	---	10,000	17,940	+7,940	+17,940	+7,940	D
Teacher Quality Enhancement Grants	77,212	115,000	75,000	80,000	80,000	+2,788	+5,000	---	D
Child Care Access Means Parents in School	5,000	5,000	5,000	5,000	5,000	---	---	---	D
Demonstration in Disabilities / Higher Education	5,000	5,000	5,000	5,000	5,000	---	---	---	D
Web Based Education Commission	450	---	---	---	---	-450	---	---	D
Underground Railroad Program	1,750	1,750	---	1,750	1,750	---	+1,750	---	D
Community Scholarship Mobilization	---	---	---	2,000	1,000	+1,000	+1,000	-1,000	D
Preparing for College	---	15,000	---	---	---	---	---	---	D
College Completion Challenge Grants	---	35,000	---	---	---	---	---	---	D
D.C. Resident Tuition Support (1)	---	17,000	---	---	---	---	---	---	D
GPRA data/HEA program evaluation	---	4,000	4,000	---	3,000	+3,000	-1,000	+3,000	D
Total, Higher education	1,292,623	1,579,206	1,151,786	1,406,631	1,466,826	+174,203	+315,040	+60,195	

(1) Program transferred to D.C. Appropriations Bill.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
HOWARD UNIVERSITY									
Academic Program	181,470	185,540	185,540	185,540	185,540	+4,070	---	---	D
Endowment Program	3,530	3,530	3,530	3,530	3,530	---	---	---	D
Howard University Hospital	29,489	30,374	30,374	30,374	30,374	+885	---	---	D
Total, Howard University	214,489	219,444	219,444	219,444	219,444	+4,955	---	---	
COLLEGE HOUSING & ACADEMIC FACILITIES LOANS PROGRAM: Federal Administration	698	737	698	737	737	+39	+39	---	D
HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT									
Federal Administration	96	207	96	207	207	+111	+111	---	D

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT									
Research and statistics:									
Research	82,567	133,282	83,567	82,567	93,567	+11,000	+10,000	+11,000	D
Regional Educational Laboratories	61,000	65,000	61,000	65,000	65,000	+4,000	+4,000	---	D
Statistics	68,000	77,500	68,000	70,000	68,000	---	---	-2,000	D
Assessment:									
National Assessment	36,000	40,000	36,000	36,000	36,000	---	---	---	D
National Assessment Governing Board	4,000	4,500	4,000	4,500	4,000	---	---	-500	D
Subtotal, Assessment	40,000	44,500	40,000	40,500	40,000	---	---	-500	
Subtotal, Research and statistics	251,567	320,282	252,567	258,067	266,567	+15,000	+14,000	+8,500	
Fund for the Improvement of Education	139,000	139,500	76,000	39,500	155,812	+16,812	+79,812	+116,312	D
International Education Exchange	7,000	7,000	7,000	7,000	7,000	---	---	---	D
Civic Education	7,500	9,500	5,500	9,500	9,500	+2,000	+4,000	---	D
Eisenhower Professional Dvp. Federal Activities	23,300	30,000	23,300	23,300	23,300	---	---	---	D
Eisenhower Regional Math & Science Ed. Consortia	15,000	17,500	15,000	15,000	15,000	---	---	---	D
Javits Gifted and Talented Education	6,500	6,500	6,500	6,500	6,500	---	---	---	D
National Writing Project	7,000	10,000	5,000	10,000	9,000	+2,000	+4,000	-1,000	D
Total, ERSI	456,867	540,282	390,867	368,867	492,679	+35,812	+101,812	+123,812	

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
DEPARTMENTAL MANAGEMENT									
PROGRAM ADMINISTRATION (1)	364,521	386,000	362,000	370,184	370,184	+5,663	+8,184	---	D
OFFICE FOR CIVIL RIGHTS	66,000	73,262	66,000	71,200	71,200	+5,200	+5,200	---	D
OFFICE OF THE INSPECTOR GENERAL	31,242	34,000	31,242	34,000	34,000	+2,758	+2,758	---	D
Total, Departmental management	461,763	493,262	459,242	475,384	475,384	+13,621	+16,142	---	
STUDENT LOANS									
New Annual Loan Volume (including consolidation):									
Federal Family Education Loans (FFEL)	(23,577,000)	(25,006,000)	(25,006,000)	(25,006,000)	(25,006,000)	(+1,429,000)	---	---	NA
Federal Direct Student Loans (FDSL)	(16,232,000)	(16,155,000)	(16,155,000)	(16,155,000)	(16,155,000)	(-77,000)	---	---	NA
Total Outstanding Loan Volume:									
Federal Family Education Loans (FFEL)	(261,528,000)	(283,771,000)	(283,771,000)	(283,771,000)	(283,771,000)	(+22,243,000)	---	---	NA
Federal Direct Student Loans (FDSL)	(45,356,000)	(57,434,000)	(57,434,000)	(57,434,000)	(57,434,000)	(+12,078,000)	---	---	NA
Total, Department of Education	35,614,815	37,050,870	35,659,674	37,632,509	37,372,856	+1,758,041	+1,713,182	-259,653	
Current year	(29,410,052)	(28,977,484)	(20,877,911)	(26,220,912)	(24,910,093)	(-4,499,959)	(+4,032,182)	(-1,310,819)	
Advance Year, FY01	(6,204,763)	(8,073,386)	(14,781,763)	(11,411,597)	(12,462,763)	(+6,258,000)	(-2,319,000)	(+1,051,166)	

(1) Includes $2.521 million in emergency funding for Year 2000 computer conversion.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
TITLE IV - RELATED AGENCIES									
ARMED FORCES RETIREMENT HOME									
Operations and Maintenance	55,028	55,599	55,599	---	55,599	+571	---	+55,599	D
Capital Program	15,717	12,696	12,696	---	12,696	-3,021	---	+12,696	D
Total, AFRH	70,745	68,295	68,295	---	68,295	-2,450	---	+68,295	
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE (1)									
Domestic Volunteer Service Programs:									
Volunteers in Service to America (VISTA)	73,000	81,000	73,000	81,000	81,000	+8,000	+8,000	---	D
National Senior Volunteer Corps:									
Foster Grandparents Program	93,256	95,000	93,256	95,000	95,782	+2,526	+2,526	+782	D
Senior Companion Program	36,573	39,031	36,573	39,031	39,669	+3,096	+3,096	+638	D
Retired Senior Volunteer Program	43,001	46,001	43,001	46,001	46,565	+3,564	+3,564	+564	D
Senior Demonstration Program	1,080	5,000	---	3,100	1,500	+420	+1,500	-1,600	D
Subtotal, Senior Volunteers	173,910	185,032	172,830	183,132	183,516	+9,606	+10,686	+384	
Program Administration (2)	29,929	33,500	29,129	29,129	31,129	+1,200	+2,000	+2,000	D
Total, Domestic Volunteer Service Programs	276,839	299,532	274,959	293,261	295,645	+18,806	+20,686	+2,384	

(1) Appropriations for Americorps are provided in the VA-HUD bill (P.L. 106-74).

(2) Includes $800,000 in emergency funding for Year 2000 computer conversion.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
CORPORATION FOR PUBLIC BROADCASTING:									
FY02 (current request) with FY01 comparable.....	340,000	350,000	340,000	350,000	350,000	+10,000	+10,000	---	
FY01 advance with FY00 comparable (NA).....	(300,000)	(340,000)	(340,000)	(340,000)	(340,000)	(+40,000)	---	---	NA
FY00 advance with FY99 comparable (NA).....	(250,000)	(300,000)	(300,000)	(300,000)	(300,000)	(+50,000)	---	---	NA
Digitalization program (1).....	15,000	20,000	10,000	---	10,000	-5,000	---	+10,000	D
Satellite replacement supplemental--FY99.....	30,700	---	---	---	---	-30,700	---	---	D
Satellite replacement supplemental--FY00.....	17,300	---	---	---	---	-17,300	---	---	D
Advance from prior year.....	---	(17,300)	(17,300)	(17,300)	(17,300)	(+17,300)	---	---	NA
Subtotal, FY00 appropriation.....	(295,700)	(337,300)	(327,300)	(317,300)	(327,300)	(+31,600)	---	(+10,000)	
FEDERAL MEDIATION AND CONCILIATION SERVICE.....	34,620	36,834	34,620	36,834	36,834	+2,214	+2,214	---	D
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.....	6,060	6,159	6,060	6,159	6,159	+99	+99	---	D
INSTITUTE OF MUSEUM AND LIBRARY SERVICES.....	166,175	154,500	149,500	154,500	163,250	-2,925	+13,750	+8,750	D
MEDICARE PAYMENT ADVISORY COMMISSION (TF).....	7,015	7,015	7,015	7,015	7,015	---	---	---	TF
NATIONAL COMMISSION ON LIBRARIES AND INFO SCIENCE.....	1,000	1,300	1,000	1,300	1,300	+300	+300	---	D
NATIONAL COUNCIL ON DISABILITY.....	2,344	2,400	2,344	2,400	2,400	+56	+56	---	D
NATIONAL EDUCATION GOALS PANEL.....	2,100	2,250	2,100	2,250	2,250	+150	+150	---	D
NATIONAL LABOR RELATIONS BOARD.....	184,451	210,193	174,661	210,193	199,500	+15,049	+24,839	-10,693	D
NATIONAL MEDIATION BOARD.....	8,400	9,100	8,400	9,100	9,100	+700	+700	---	D
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.....	8,100	8,500	8,100	8,500	8,500	+400	+400	---	D

(1) Unauthorized. Funding is subject to enactment of authorization by September 30, 1999 and 2000.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
RAILROAD RETIREMENT BOARD									
Dual Benefits Payments Account	189,000	175,000	175,000	175,000	174,000	-15,000	-1,000	-1,000	D
Less Income Tax Receipts on Dual Benefits	-11,000	-10,000	-10,000	-10,000	-10,000	+1,000	---	---	D
Subtotal, Dual Benefits	178,000	165,000	165,000	165,000	164,000	-14,000	-1,000	-1,000	
Federal Payment to the RR Retirement Account	150	150	150	150	150	---	---	---	M
Limitation on administration: Consolidated Account (1)	90,398	86,500	90,000	90,000	91,000	+602	+1,000	+1,000	TF
Inspector General	5,600	5,400	5,400	5,400	5,400	-200	---	---	TF
SOCIAL SECURITY ADMINISTRATION									
Payments to Social Security Trust Funds	19,689	20,764	20,764	20,764	20,764	+1,075	---	---	M
SPECIAL BENEFITS FOR DISABLED COAL MINERS									
Benefit payments	542,183	520,000	520,000	520,000	520,000	-22,183	---	---	M
Administration	4,620	4,638	4,638	4,638	4,638	+18	---	---	M
Subtotal, Black Lung, current year program level	546,803	524,638	524,638	524,638	524,638	-22,165	---	---	
Less funds advanced in prior year	-160,000	-141,000	-141,000	-141,000	-141,000	+19,000	---	---	M
Total, Black Lung, current request	386,803	383,638	383,638	383,638	383,638	-3,165	---	---	
New advances, 1st quarter FY01	141,000	124,000	124,000	124,000	124,000	-17,000	---	---	M

(1) Includes $398,000 in emergency funding for Year 2000 computer conversion.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
SUPPLEMENTAL SECURITY INCOME									
Federal benefit payments	28,263,000	28,822,000	28,822,000	28,822,000	28,822,000	+559,000	---	---	M
Beneficiary services	61,000	64,000	64,000	64,000	64,000	+3,000	---	---	M
Research and demonstration	37,000	24,000	24,000	25,085	25,085	-11,915	+1,085	---	M
Administration	2,114,000	2,203,000	2,114,000	2,192,000	2,142,000	+28,000	+28,000	-50,000	D
Subtotal, SSI current year program level	30,475,000	31,113,000	31,024,000	31,103,085	31,053,085	+578,085	+29,085	-50,000	
Less funds advanced in prior year	-8,680,000	-9,550,000	-9,550,000	-9,550,000	-9,550,000	-870,000	---	---	M
Subtotal, regular SSI current year (1999/2000)	21,795,000	21,563,000	21,474,000	21,553,085	21,503,085	-291,915	+29,085	-50,000	
Additional CDR funding (1)	177,000	200,000	200,000	200,000	200,000	+23,000	---	---	D
User Fee Activities	75,000	80,000	80,000	80,000	80,000	+5,000	---	---	D
Total, SSI, current request	22,047,000	21,843,000	21,754,000	21,833,085	21,783,085	-263,915	+29,085	-50,000	
New advance, 1st quarter, FY01	9,550,000	9,890,000	9,890,000	9,890,000	9,890,000	+340,000	---	---	M

(1) Two year availability.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
LIMITATION ON ADMINISTRATIVE EXPENSES									
OASDI Trust Funds	2,928,400	2,910,200	2,928,200	2,928,400	2,928,400	---	+200	---	TF
HI/SMI Trust Funds	952,000	1,087,000	952,000	1,066,671	1,021,671	+69,671	+69,671	-45,000	TF
Social Security Advisory Board	1,600	1,800	1,800	1,800	1,800	+200	---	---	TF
SSI	2,114,000	2,203,000	2,114,000	2,192,000	2,142,000	+28,000	+28,000	-50,000	TF
Subtotal, regular LAE	5,996,000	6,202,000	5,996,000	6,188,871	6,093,871	+97,871	+97,871	-95,000	
User Fee Activities (SSI)	75,000	80,000	80,000	80,000	80,000	+5,000	---	---	TF
Claimant representative payments	---	19,000	---	---	---	---	---	---	TF
TOTAL, REGULAR LAE	6,071,000	6,301,000	6,076,000	6,268,871	6,173,871	+102,871	+97,871	-95,000	
Additional CDR funding (1)									
OASDI	178,000	205,000	205,000	205,000	205,000	+27,000	---	---	TF
SSI	177,000	200,000	200,000	200,000	200,000	+23,000	---	---	TF
Subtotal, CDR funding	355,000	405,000	405,000	405,000	405,000	+50,000	---	---	
TOTAL, LAE	6,426,000	6,706,000	6,481,000	6,673,871	6,578,871	+152,871	+97,871	-95,000	

(1) Two year availability.

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
OFFICE OF INSPECTOR GENERAL									
Federal Funds	12,000	15,000	12,000	15,000	15,000	+3,000	+3,000	---	D
Trust Funds	44,000	51,000	44,000	51,000	51,000	+7,000	+7,000	---	TF
Total, Office of the Inspector General	56,000	66,000	56,000	66,000	66,000	+10,000	+10,000	---	
Adjustment: Trust fund transfers from general revenues	-2,366,000	-2,483,000	-2,394,000	-2,472,000	-2,422,000	-56,000	-28,000	+50,000	TF
Total, Social Security Administration	36,260,492	36,550,402	36,315,402	36,519,358	36,424,358	+163,866	+108,956	-95,000	
Federal funds	32,156,492	32,276,402	32,184,402	32,266,487	32,216,487	+59,995	+32,085	-50,000	
Current year	(22,465,492)	(22,262,402)	(22,170,402)	(22,252,487)	(22,202,487)	(-263,005)	(+32,085)	(-50,000)	
New advances, 1st quarter FY00	(9,691,000)	(10,014,000)	(10,014,000)	(10,014,000)	(10,014,000)	(+323,000)	---	---	
Trust funds	4,104,000	4,274,000	4,131,000	4,252,871	4,207,871	+103,871	+76,871	-45,000	
UNITED STATES INSTITUTE OF PEACE	12,160	13,000	12,160	13,000	13,000	+840	+840	---	D
Total, Title IV, Related Agencies	37,717,649	37,996,530	37,675,166	37,874,420	37,858,156	+140,507	+182,990	-16,264	
Federal funds	33,510,636	33,623,615	33,441,751	33,519,134	33,546,870	+36,234	+105,119	+27,736	
Current year	(23,462,336)	(23,259,615)	(23,087,751)	(23,155,134)	(23,182,870)	(-279,466)	(+95,119)	(+27,736)	
Advance Year, FY01	(9,708,300)	(10,014,000)	(10,014,000)	(10,014,000)	(10,014,000)	(+305,700)	---	---	
Advance Year, FY02	(340,000)	(350,000)	(340,000)	(350,000)	(350,000)	(+10,000)	(+10,000)	---	
Trust funds	4,207,013	4,372,915	4,233,415	4,355,286	4,311,286	+104,273	+77,871	-44,000	
GENERAL PROVISIONS									
Undistributed salaries and expenses reduction	---	---	---	---	-121,000	-121,000	-121,000	-121,000	D
TITLE X									
Agriculture Disaster Emergency	---	---	508,000	---	---	---	-508,000	---	D EMG

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
SUMMARY									
Grand bill total	301,168,146	322,958,939	318,313,930	328,612,841	326,765,655	+25,597,509	+8,451,725	-1,847,186	
Federal Funds	291,411,190	312,987,882	309,003,602	318,790,642	317,081,173	+25,669,983	+8,077,571	-1,709,469	
Current year	(241,996,850)	(259,390,821)	(245,933,536)	(255,000,205)	(255,311,735)	(+13,314,885)	(+9,378,199)	(+311,530)	
Advance Year, FY01	(49,074,340)	(53,247,061)	(62,730,066)	(63,440,437)	(61,419,438)	(+12,345,098)	(-1,310,628)	(-2,020,999)	
Advance Year, FY02	(340,000)	(350,000)	(340,000)	(350,000)	(350,000)	(+10,000)	(+10,000)	---	
Trust Funds	9,756,956	9,971,057	9,310,328	9,822,199	9,684,482	-72,474	+374,154	-137,717	
BUDGET ENFORCEMENT ACT RECAP									
Mandatory, total in bill	211,156,337	229,336,630	228,859,896	230,610,465	231,255,098	+20,098,761	+2,395,202	+644,633	
Less advances for subsequent years	-40,529,605	-42,791,003	-42,791,003	-42,791,003	-42,791,003	-2,261,398	---	---	
Plus advances provided in prior years	38,458,189	40,529,605	40,529,605	40,529,605	40,529,605	+2,071,416	---	---	
Unauthorized NAFTA activities	-44,000	---	---	---	---	+44,000	---	---	
Subtotal, mandatory	209,040,921	227,075,232	226,598,498	228,349,067	228,993,700	+19,952,779	+2,395,202	+644,633	
Reclassified to discretionary	321,173	---	---	---	---	-321,173	---	---	
Total, mandatory, current year	209,362,094	227,075,232	226,598,498	228,349,067	228,993,700	+19,631,606	+2,395,202	+644,633	

	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
Discretionary, total in bill	90,011,809	93,622,309	89,454,034	98,002,376	95,510,557	+5,498,748	+6,056,523	-2,491,819	
Less advances for subsequent years	-8,884,735	-10,806,058	-20,279,063	-20,999,434	-18,978,435	-10,093,700	+1,300,628	+2,020,999	
Plus advances provided in prior years	4,008,386	8,844,735	8,844,735	8,844,735	8,844,735	+4,836,349	---	---	
Scorekeeping adjustments:									
Plus TF advances provided in prior years	40,000	---	---	---	---	-40,000	---	---	
Adjustment to balance with 1999 bill	2,824	---	---	---	---	-2,824	---	---	
Adjustment for leg cap on Title XX SSBGs	-471,000	---	-471,000	-1,330,000	-680,000	-209,000	-209,000	+650,000	
SSA User Fee Collection	-75,000	-80,000	-80,000	-80,000	-80,000	-5,000	---	---	
Puerto Rico CHIP payments	32,000	---	---	---	---	-32,000	---	---	
MN/WY Disproportionate Share Hospitals	21,000	---	---	---	---	-21,000	---	---	
Women's health and cancer rights	1,000	---	---	---	---	-1,000	---	---	
Refugee and entrant assistance reappropriation	---	12,000	12,000	12,000	12,000	+12,000	---	---	
Emergency-designated funding	-1,122,413	---	---	---	---	+1,122,413	---	---	
Freeze direct student loan admin costs	---	---	-118,000	---	---	---	+118,000	---	
Freeze HCFA payment integrety admin costs	---	---	-70,000	---	---	---	+70,000	---	
Unauthorized NAFTA activities	44,000	---	---	---	---	-44,000	---	---	
Offsets	---	---	-258,000	---	---	---	+258,000	---	
Medicaid Title XX offset	---	---	---	25,000	1,000	+1,000	+1,000	-24,000	
Subtotal, discretionary	83,607,871	91,592,986	77,034,706	84,474,677	84,629,857	+1,021,986	+7,595,151	+155,180	
Reclassified from mandatory	-321,173	---	---	---	---	+321,173	---	---	
Total, discretionary, current year	83,286,698	91,592,986	77,034,706	84,474,677	84,629,857	+1,343,159	+7,595,151	+155,180	
Crime trust fund	155,951	169,500	156,000	156,000	152,000	-3,951	-4,000	-4,000	
General purposes	83,130,747	91,423,486	76,878,706	84,318,677	84,477,857	+1,347,110	+7,599,151	+159,180	
Grand total, current year	292,648,792	318,668,218	303,633,204	312,823,744	313,623,557	+20,974,765	+9,990,353	+799,813	

DIVISION C

RESCISSIONS AND OFFSETS

Sec. 1001. The conference agreement includes a government-wide across-the-board reduction of 0.97 percent to all discretionary accounts. The managers expect that Federal agencies will, to the maximum extent possible, meet the reduced funding levels by eliminating waste, fraud, abuse, and excessive overhead expenses in Federal programs.

NATIONAL DIRECTORY OF NEW HIRES

Sec. 1002. The conference agreement includes a provision that amends the Social Security Act and the Child Support Performance and Incentive Act of 1998 to allow the Department of Education to access data from the National Directory of New Hires, maintained by the Department of Health and Human Services, to enhance student loan default collection efforts. This provision was not contained in either the House or the Senate bills.

ERNEST J. ISTOOK, Jr.,
RANDY ''DUKE'' CUNNINGHAM,
TODD TIAHRT,
ROBERT B. ADERHOLT,
JO ANN EMERSON,
JOHN E. SUNUNU,
BILL YOUNG,
Managers on the Part of the House.

KAY BAILEY HUTCHISON,
TED STEVENS,
PETE DOMENICI,
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 8 o'clock and 38 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2158

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LINDER) at 9 o'clock and 58 minutes p.m.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3064, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–420) on the resolution (H. Res. 345) waiving certain points of order against the conference report on the bill (H.R. 3064) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MAKING AN ORDER AT ANYTIME CONSIDERATION OF H.J. RES. 73, FURTHER CONTINUING APPROPRIATIONS, FOR FISCAL YEAR 2000

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time to consider in the House the joint resolution, H.J. Res. 73, making further continuing appropriations for fiscal year 2000, and for other purposes;

That the joint resolution be considered as read for amendment;

That the joint resolution be debatable for 1 hour, equally divided and controlled by the chairman and ranking member of the Committee on Appropriations; and

That the previous question be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit.

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

There was no objection.

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. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. CAPUANO, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

(The following Members (at the request of Mr. SUNUNU) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mrs. CHENOWETH-HAGE, for 5 minutes, November 2 and November 3.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1235. An act to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training; to the Committee on the Judiciary.

S. 1485. An act to amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain foreign-born children adopted by citizens of the United States; to the Committee on the Judiciary.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1175. To locate and secure the return of Zachary Baumel, a United States citizen, and other Israeli soldiers missing in action.

H.J. Res. 62. To grant the consent of Congress to the boundary change between Georgia and South Carolina.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On October 26, 1999:

H.R. 2367. To reauthorize a comprehensive program of support for victims of torture.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, October 28, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4961. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Animal Welfare; Perimeter Fence Requirements [Docket No. 95–029–2] received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4962. A letter from the Secretary of Education, transmitting Final Regulations—Federal Perkins Loan Program and Federal Family Education Loan Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4963. A letter from the Secretary of Education, transmitting Final Regulations—Student Assistance General Provisions, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4964. A letter from the Assistant General Counsel for Regulations, Office of Educational Research and Improvement, Department of Education, transmitting the Department's final rule—National Awards Program for Model Professional Development—received October 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4965. A letter from the Assistant General Counsel for Regulations, Office of Student Financial Assistance, Department of Education, transmitting the Department's final

rule—Student Assistance General Provisions; General Provisions for the Federal Perkins Loan Program, Federal Work-Study Program, and Federal Supplemental Educational Opportunity Grant Program; Federal Perkins Loan Program; Federal Work-Study Programs; Federal Supplemental Educational Opportunity Grant Program; and Federal Pell Grant Program (RIN: 1845–AA01) received October 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4966. A letter from the Assistant General Counsel for Regulations, Office of Student Financial Assistance, Department of Education, transmitting the Department's final rule—Federal Family Education Loan Program and William D. Ford Federal Direct Loan Program (RIN: 1845–AA00) received October 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4967. A letter from the Assistant Inspector General for Audit, Environmental Protection Agency, transmitting the annual audit on the use of the Environmental Protection Agency's (EPA) Superfund program for Fiscal Year 1998, pursuant to 31 U.S.C. 7501 nt.; to the Committee on Commerce.

4968. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Revisions to the Alabama Department of Environmental Management (ADEM) Administrative Code for the Air Pollution Control Program [AL–050–9953(a); FRL–6461–8] received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4969. A letter from the Deputy Secretary, Office of Mergers and Acquisitions, Division of Corporation Finance, Securities and Exchange Commission, transmitting the Commission's final rule—Cross-Border Tender and Exchange Offers, Business Combination and Rights Offerings (RIN: 3235–AD97) received October 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4970. A letter from the Deputy Secretary, Office of Mergers & Acquisitions, Division of Corporation Finance, Securities and Exchange Commission, transmitting the Commission's final rule—Regulation of Takeovers and Security Holder Communications (RIN: 3235–AG84) received October 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4971. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Navy's proposed lease of defense articles to Malaysia (Transmittal No. 02–00), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

4972. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Air Force's proposed lease of defense articles to the Republic of Korea (Transmittal No. 01–00), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

4973. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Thailand for defense articles and services (Transmittal No. 00–14), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4974. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Korea for defense articles and services (Transmittal No. 00–13), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4975. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Greece for defense articles and services (Transmittal No. 00–02), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4976. A letter from the Acting Deputy Under Secretary, Department of Defense, transmitting a copy of Transmittal No. 13–99 which constitutes a Request for Final Approval for Amendment Number 2 to the Memorandum of Understanding between the U.S. and the United Kingdom concerning the development testing, qualification testing, and unconstrained enclosure development for the Intercooled Recuperated Gas Turbine Engine, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4977. A letter from the Acting Deputy Under Secretary, Department of Defense, transmitting a copy of Transmittal No. 12–99 which constitutes a Request for Final Approval for the Memorandum of Understanding between the U.S. and Seasparrow Consortium concerning the cooperative in-service support of the Evolved Seasparrow missile, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4978. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 126–99], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4979. A letter from the Director, Information Security Oversight Office, transmitting a copy of the ''Report to the President'' for 1998; to the Committee on Government Reform.

4980. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Very Small Business Concerns [FAC 97–14; FAR Case 98–013; Item I] (RIN: 9000–AI29) received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4981. A letter from the Administrator, U.S. General Services Administration, transmitting the Clean Air Incentives Act Report for Fiscal Years 1998 and 1999; to the Committee on Government Reform.

4982. A letter from the Executive Director, American Chemical Society, transmitting the Society's annual report for the calendar year 1998 and the comprehensive report to the Board of Directors of the American Chemical Society on the examination of their books and records for the year ending December 31, 1998, pursuant to 36 U.S.C. 1101(2) and 1103; to the Committee on the Judiciary.

4983. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727–100 and –100C Series Airplanes [Docket No. 98–NM–367–AD; Amendment 39–11353; AD 99–21–10] (RIN: 2120–AA64) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4984. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9, DC–9–80, and C–9 (Military) Series Airplanes, and Model MD–88 Airplanes [Docket No. 98–NM–268–AD; Amendment 39–11350; AD 99–21–07] (RIN: 2120–AA64) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4985. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon (Beech) Model 400A Airplanes [Docket No. 98–NM–280–AD; Amendment 39–11351; AD 99–21–08] (RIN: 2120–AA64) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4986. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–81, –82, –83, and –87 Series Airplanes (MD–81, –82, –83, and –87) and Model MD–88 Airplanes [Docket No. 98–NM–267–AD; Amendment 39–11349; AD 99–21–06] (RIN: 2120–AA64) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4987. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives: McDonnel Douglas Model DC–10–10, –15, and –30 Airplanes, and KC–10A(Military) Airplanes [Docket No. 99–NM–14–AD; Amendment 39–11354; AD 95–04–07 R2] (RIN: 2120–AA64) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4988. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Determining the Extent of Corrosion on Gas Pipelines [Docket No. PS–107; Amdt. 192–87] (RIN: 2137–AB50) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4989. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 98–NM–244–AD; Amendment 39–11377; AD 99–21–31] (RIN: 2120–AA64) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4990. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes Powered by Pratt & Whitney JT9D–7R4 Series Turbofan Engines or General Electric CF6–80A Series Turbofan Engines [Docket No. 98–NM–363–AD; Amendment 39–11363; AD 99–21–18] (RIN: 2120–AA64) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4991. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No. 99–NM–94–AD; Amendment 39–11375; AD 99–21–29] (RIN: 2120–AA64) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4992. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319,

A320, A321, A330, and A340 Series Airplanes Equipped With AlliedSignal RIA–35B Instrument Landing System Receivers [Docket No. 99–NM–25–AD; Amendment 39–11374; AD 99–21–28] (RIN: 2120–AA64) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4993. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–8–311 and –315 Series Airplanes [Docket No. 98–NM–324–AD; Amendment 39–11373; AD 99–21–27] (RIN: 2120–AA64) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4994. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon (Beech) Model 400, 400A, 400T, and MU–300–10 Airplanes [Docket No. 96–NM–209–AD; Amendment 39–11372; AD 99–21–26] (RIN: 2120–AA64) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4995. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9D Series Turbofan Engines [Docket No. 98–ANE–31–AD; Amendment 39–11221; AD 99–15–02] (RIN: 2120–AA64) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4996. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SE.3160, SA.315B, SA.316B, SA.316C, and SA.319B Helicopters [Docket No. 99–SW–29–AD; Amendment 39–11370; AD 99–21–25] (RIN: 2120–AA64) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4997. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA–365C, C1, C2, N, and N1; AS–365N2; and SA–366G1 Helicopters [Docket No. 98–SW–75–AD; Amendment 39–11369; AD 99–21–24] (RIN: 2120–AA64) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4998. A letter from the Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Short Brothers Model SD3–30, SD3–60, SD3 SHERPA, and SD3–60 SHERPA Series Airplanes [Docket No. 98–NM–137–AD; Amendment 39–11367; AD 99–21–22] (RIN: 2120–AA64) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. 348. A bill to authorize the construction of a monument to honor those who have served the Nation's civil defense and emergency management programs (Rept. 106–416). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2889. A bill to amend the Central Utah Project Completion Act to provide for acquisition of water and water rights for Central Utah Project purposes, completion of Central Utah project facilities, and implementation of water conservation measures (Rept. 106–417). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 278. An act to direct the Secretary of the Interior to convey certain lands to the county of Rio Arriba, New Mexico (Rept. 106–418). Referred to the Committee of the Whole House on the State of the Union.

Mr. ISTOOK: Committee of Conference. Conference report on H.R. 3064. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–419). Ordered to be printed.

Mr. LINDER: Committee on Rules. House Resolution 345. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3064) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–420). 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. GOSS:

H.R. 3152. A bill to provide for the identification, collection, and review for declassification of records and materials that are of extraordinary public interest to the people of the United States, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Intelligence (Permanent Select), 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. ANDREWS:

H.R. 3153. A bill to amend title 49 of the United States Code to require automobile manufacturers to provide automatic door locks on new passenger cars manufactured after 2003; to the Committee on Commerce.

By Mr. GEJDENSON (for himself, Ms. SLAUGHTER, Mr. LANTOS, Mr. BERMAN, Mr. ACKERMAN, Mr. FALEOMAVAEGA, Mr. MARTINEZ, Mr. PAYNE, Mr. MENENDEZ, Mr. BROWN of Ohio, Ms. MCKINNEY, Mr. HASTINGS of Florida, Ms. DANNER, Mr. HILLIARD, Mr. SHERMAN, Mr. WEXLER, Mr. ROTHMAN, Mr. DAVIS of Florida, Mr. POMEROY, Mr. DELAHUNT, Mr. MEEKS of New York, Ms. LEE, Mr. CROWLEY, Mr. HOEFFEL, Mr. KING, Mr. HOUGHTON, Mr. MEEHAN, Ms. WATERS, Mr. COOKSEY, Ms. PELOSI, Ms. DELAURO, Ms. NORTON, Mr. MORAN of Virginia, Ms. ROYBAL-ALLARD, Mr. GEORGE MILLER of California, and Ms. KAPTUR):

H.R. 3154. A bill to combat trafficking of persons in the United States and countries around the world through prevention, prosecution and enforcement against traffickers, and protection and assistance to victims of trafficking; to the Committee on International Relations, and in addition to the Committees on the Judiciary, and Banking and Financial 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. GEKAS:

H.R. 3155. A bill to direct the Secretary of Transportation to establish a grant program for providing assistance to emergency response organizations, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HOEFFEL (for himself and Mr. WELDON of Pennsylvania):

H.R. 3156. A bill to amend the Technology for Education Act of 1994 to clarify the authority for, and to encourage, the use of Federal funds for incentives for school personnel to participate in professional development relating to the use of technology in education, and in the development of technology applications; to the Committee on Education and the Workforce.

By Mr. LANTOS (for himself, Mr. FALEOMAVAEGA, Mr. MCGOVERN, Mrs. MORELLA, Mr. OBERSTAR, Mr. ROHRABACHER, Mr. ROTHMAN, Ms. BALDWIN, Mr. POMBO, Mr. ABERCROMBIE, Mr. STUPAK, Mr. HINCHEY, Mr. NADLER, Ms. ESHOO, and Mr. BROWN of Ohio):

H.R. 3157. A bill to prohibit all United States assistance to Indonesia until the President certifies to the Congress that the Government of Indonesia has provided full compensation for the material damage in East Timor; to the Committee on Banking and Financial Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON (for herself, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mrs. JONES of Ohio, and Ms. WOOLSEY):

H.R. 3158. A bill to establish Federal safeguards for the prevention of sexual misconduct of women inmates at State correctional institutions; to the Committee on the Judiciary.

By Mr. POMEROY (for himself, Mr. MINGE, and Ms. BALDWIN):

H.R. 3159. A bill to impose a moratorium on large agribusiness mergers and to establish a commission to review large agriculture mergers, concentration, and market power; to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. POMBO, Mr. TAUZIN, Mr. HANSEN, Mr. CALVERT, Mr. THOMAS, Mr. DOOLITTLE, Mr. RADANOVICH, Mr. BAKER, Mr. SKEEN, Mrs. BONO, Mr. LEWIS of California, Mr. WALDEN of Oregon, Mrs. CUBIN, Mr. SCHAFFER, Mr. TAYLOR of North Carolina, Mr. HASTINGS of Washington, Mr. HUNTER, Mr. GARY MILLER of California, Mr. WATKINS, Mr. TANCREDO, Mr. BACHUS, Mr. SIMPSON, Mr. HERGER, Mr. CUNNINGHAM, Mr. PETERSON of Pennsylvania, Mr. DELAY, Mr. GIBBONS, Mr. LUCAS of Oklahoma, Mr. JOHN, Mr. BONILLA, and Mr. PACKARD):

H.R. 3160. A bill to reauthorize and amend the Endangered Species Act of 1973; to the Committee on Resources.

By Mr. YOUNG of Florida:

H.J. Res. 73. A joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes; to the Committee on Appropriations.

By Mr. ACKERMAN:

H. Con. Res. 210. Concurrent resolution expressing the strong support of the Congress for the recently concluded elections in the Republic of India and urging the President to travel to India; to the Committee on International Relations.

By Mr. ACKERMAN (for himself, Mr. GEJDENSON, and Mr. LANTOS):

H. Con. Res. 211. Concurrent resolution expressing the strong suppport of the Congress for the recently concluded elections in the Republic of India and urging the President to travel to India; to the Committee on International Relations.

By Mr. BUYER (for himself, Mr. SPENCE, Mr. YOUNG of Florida, Mr. HYDE, Mr. STUMP, Mr. HUNTER, Mr. BATEMAN, Mr. WELDON of Pennsylvania, Mr. HEFLEY, Mr. SAM JOHNSON of Texas, Mrs. FOWLER, Mr. MCHUGH, and Mr. CHAMBLISS):

H. Con. Res. 212. Concurrent resolution expressing the sense of the Congress concerning continued use of the United States Navy training range on the island of Vieques in the Commonwealth of Puerto Rico; to the Committee on Armed Services.

By Mr. TANCREDO (for himself, Mr. BARTLETT of Maryland, Mr. BILBRAY, Mrs. CHENOWETH-HAGE, Mr. COBLE, Mrs. CUBIN, Mrs. EMERSON, Mr. GILCHREST, Mr. GOODE, Mr. GREEN of Wisconsin, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HYDE, Mr. JONES of North Carolina, Mr. KINGSTON, Mr. LARGENT, Mr. OSE, Mr. PAUL, Mr. PETRI, Mr. ROHRABACHER, Mr. RYAN of Wisconsin, Mr. SCHAFFER, Mr. SHADEGG, Mr. SMITH of Texas, Mr. WAMP, Mr. WELDON of Florida, Mr. WU, Mrs. BIGGERT, Mr. CAMPBELL, Mr. CHABOT, Mr. COBURN, Mr. DEMINT, Mr. DOOLITTLE, Mr. FLETCHER, Mr. FOSSELLA, Mr. GREENWOOD, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HILLEARY, Mr. HOEKSTRA, Mr. KUYKENDALL, Mr. LAZIO, Mr. LINDER, Mr. MCCRERY, Mr. GARY MILLER of California, Mr. PITTS, Mr. ROGAN, Mr. ROYCE, Mr. SHAYS, Mr. SIMPSON, Mr. TERRY, and Mr. TRAFICANT):

H. Res. 343. A resolution amending rule XXI of the Rules of the House of Representatives to prohibit the consideration of legislation that provides for the designation or redesignation of any building, highway, or other structure in honor of an individual who is serving as a Member of Congress; to the Committee on Rules.

By Mr. BLUNT (for himself, Mr. MCCOLLUM, Mr. DELAY, Mr. BURTON of Indiana, Mr. TALENT, Mrs. EMERSON, Ms. DANNER, Mr. GEPHARDT, Ms. MCCARTHY of Missouri, Mr. SKELTON, Mr. OXLEY, Mr. HUTCHINSON, Mr. TANNER, Mr. RYAN of Kansas, Mr. WATTS of Oklahoma, and Mr. LARGENT):

H. Res. 344. A resolution recognizing and honoring Payne Stewart and expressing the condolences of the House of Representatives to his family on his death and to the families of those who died with him; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 125: Mr. CAPUANO.

H.R. 488: Ms. MILLENDER-MCDONALD.

H.R. 531: Mr. WICKER.

H.R. 797: Mr. PAUL and Mr. MORAN of Virginia.

H.R. 809: Mr. INSLEE.

H.R. 914: Mr. PALLONE.

H.R. 997: Mr. SCOTT and Ms. BERKLEY.

H.R. 1093: Mr. KUYKENDALL.

H.R. 1168: Mr. BERRY and Mr. WU.

H.R. 1271: Ms. KILPATRICK.

H.R. 1300: Mr. WELLER and Mr. GOODLATTE.

H.R. 1303: Mr. COLLINS.

H.R. 1322: Mr. DEAL of Georgia.

H.R. 1341: Mrs. LOWEY.

H.R. 1349: Mr. BARCIA.

H.R. 1356: Mr. BARCIA.

H.R. 1456: Mr. WHITFIELD.

H.R. 1525: Mr. WU and Mr. NADLER.

H.R. 1621: Mr. GEPHARDT and Mr. CLAY.

H.R. 1622: Mr. BARCIA.

H.R. 1657: Mr. LARSON.

H.R. 1687: Mr. CAMPBELL.

H.R. 1775: Mr. JEFFERSON, Mrs. NAPOLITANO, and Mr. VITTER.

H.R. 1871: Mr. LEWIS of Georgia and Mr. GUTIERREZ.

H.R. 1885: Mr. CAMPBELL and Mr. MCHUGH.

H.R. 1899: Mrs. LOWEY, Mr. BARRETT of Nebraska, and Mr. LAFALCE.

H.R. 2059: Mr. ACKERMAN, Mr. ABERCROMBIE, and Mr. CUNNINGHAM.

H.R. 2200: Mr. TRAFICANT.

H.R. 2282: Mr. CALVERT.

H.R. 2356: Mr. MCGOVERN.

H.R. 2366: Mr. DAVIS of Virginia and Mr. WHITFIELD.

H.R. 2451: Mr. MCINNIS and Mr. HUTCHINSON.

H.R. 2569: Mr. HINCHEY, Mrs. CAPPS, and Mr. FRANKS of New Jersey.

H.R. 2604: Ms. ROS-LEHTINEN.

H.R. 2640: Mr. LAHOOD, Mr. EVANS, Mr. LATOURETTE, and Mr. NETHERCUTT.

H.R. 2662: Mrs. TAUSCHER.

H.R. 2697: Mr. MCGOVERN.

H.R. 2706: Mr. ANDREWS.

H.R. 2727: Mr. LATOURETTE, Mr. HALL of Ohio, Mr. HILLIARD, Mr. BOEHLERT, MR. GILCHREST, and Mr. STARK.

H.R. 2733: Ms. CARSON, Mr. DAVIS of Virginia, Mr. DEMINT, and Mrs. MORELLA.

H.R. 2738: Mr. PAYNE.

H.R. 2802: Mr. LARSON.

H.R. 2837: Mr. VENTO.

H.R. 2865: Mr. PAYNE.

H.R. 2890: Mr. WEINER.

H.R. 2892: Mrs. MALONEY of New York, Mr. POMEROY, and Mr. WYNN.

H.R. 2900: Mr. MEEHAN and Mr. LARSON.

H.R. 2980: Mr. MEEHAN.

H.R. 2985: Mr. GOODLING, Mr. JONES of North Carolina, and Mr. THUNE.

H.R. 3044: Mrs. MINK of Hawaii.

H.R. 3075: Mr. EVERETT.

H.R. 3082: Mr. MATSUI.

H.R. 3100: Mr. GILCHREST, Mr. SALMON, Mr. FRANKS of New Jersey, Mr. LOBIONDO, Mr. PETRI, Mr. LATOURETTE, and Mrs. EMERSON.

H.R. 3105: Mr. PALLONE.

H.R. 3115: Mr. POMEROY.

H.R. 3136: Ms. DELAURO and Mrs. NAPOLITANO.

H.R. 3144: Mr. COSTELLO, Mr. HOLDEN, Mr. MCNULTY, Mrs. CAPPS, Mr. DOOLEY of California, Mr. LANTOS, Mrs. NAPOLITANO, Mr. SHERMAN, Mr. DEUTSCH, Mr. HASTINGS of Florida, Mr. LEWIS of Georgia, Mrs. MINK of Hawaii, Mr. JEFFERSON, Mr. MOAKLEY, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. TIERNEY, Mr. MENDENDEZ, Mr. PASCRELL, Mr. ENGEL, Mrs. MCCARTHY of New York, Ms. SLAUGHTER, Mr. BROWN of Ohio, Mrs. JONES of Ohio, Mr. COYNE, Mr. DOYLE, Mr. HOEFFEL, Mr. FROST, Mr. GREEN of Texas, Mr. INSLEE, Mr. MOLLOHAN, Ms. DEGETTE, and Mr. GEPHARDT.

H.J. Res. 46: Mr. STUMP.

H.J. Res. 53: Mr. CHAMBLISS.

H. Con. Res. 120: Mrs. MORELLA, Mr. BARTLETT of Maryland, and Mr. HOSTETTLER.

H. Con. Res. 200: Mr. GILMAN.

H. Con. Res. 206: Mr. HOYER.

H. Res. 238: Ms. CARSON, Mr. DEMINT, and Mrs. MORELLA.

H. Res. 298: Mr. PASCRELL, Mr. ROTHMAN, Mr. WEINER, Mr. OWENS, Mrs. CHRISTENSEN, Mr. UDALL of New Mexico, Mr. BARRETT of Wisconsin, Mr. SWEENEY, Mr. SHERMAN, and Ms. WOOLSEY.

H. Res. 325: Mr. HOEKSTRA, Mr. SPENCE, Mr. SWEENEY, Mr. MATSUI, Mr. ANDREWS, Mr. LIPINSKI, Mr. POMEROY, Mr. FROST, Mr. SMITH of Texas, Mr. JONES of North Carolina, Mr. ETHERIDGE, Ms. JACKSON-LEE of Texas, Mr. HOEFFEL, Mr. WYNN, Mr. UNDERWOOD, Mr. CASTLE, Mr. HASTINGS of Washington, Mrs. LOWEY, and Mr. BILIRAKIS.

EXTENSIONS OF REMARKS

THE BUDGET

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1999

Mr. SANDLIN. Mr. Speaker, a battle over the budget has engulfed Congress. I am saddened by the extent to which the Republican leadership has allowed partisan politics to pollute this distinguished body and shift the budget debate from substance to sound-bites.

With only seven of thirteen spending bills signed into law, the budget for fiscal year 2000 is far from complete. Moreover, Congress has been forced to fund the government through temporary stop-gap spending measures in order to avoid a shutdown of national parks, monuments, agencies, and the federal government. Yet rather than sit down and negotiate with the administration and the Democrats in the House and Senate, Republicans have chosen to take the path of confrontation rather than compromise.

The cause is misplaced priorities, and the effect is a bad budget. Republicans made a choice to fund their own priorities, while completely ignoring the priorities of the American people, Democratic members, and the administration. In the process of drafting spending bills for fiscal year 2000, they shut out the minority and proceeded to go their own way. Now they point fingers when their irresponsible bills are vetoed because they fail to sufficiently fund the priorities of the American people: Programs essential to education, defense, and senior citizens.

Left out of their spending proposals are key Democratic initiatives such as funding for 100,000 new teachers and smaller classes, funding for the COPS program which provides grants to local communities for hiring more police officers, and funding for a Medicare prescription drug benefit. These programs have been completely left out of the Republican budget. Yet when Democrats fight for funding for these key initiatives, we are falsely accused of proposing more spending. The truth is, we do not want more spending. Rather, we advocate different spending. Instead of giving priority to a member pay raise and member earmarked projects, let's fund the initiatives that count. Sadly, Republicans have ignored our pleas and instead chosen to resort to name-calling and groundless accusations.

One of our primary initiatives must be to protect Social Security. I propose taking it completely off-budget. Social Security funds must be used only for Social Security. However, the Congressional Budget Office, the Republican-appointed budget score-keepers, confirm that the Republicans are already on their way to spending at least $25 billion of the Social Security trust fund.

Adding insult to injury, Republicans have tried to cover up their irresponsible spending and penchant for dipping into Social Security through numerous gimmicks and accounting tricks designed to fool the American people into believing their false claims of good fiscal policy. These gimmicks range from declaring the 2000 census, something which happens every ten years as required by the Constitution, as emergency spending. This spending dips directly into Social Security. In addition to emergency designations, Republicans have also proposed adopting a thirteen-month fiscal year, tried to withhold payment of tax credits to the working poor and "forward-fund" certain programs, thereby attempting to count this year's spending in next year's budget. These gimmicks are dishonest and unacceptable to the American people.

When the administration sent its budget recommendation to Congress almost one year ago, Congress rejected it and promised the American people we would pass an even better budget that protected important programs without dipping into the Social Security trust fund. Rather than fulfill this promise to the people, Republicans have opted for a political showdown. The result is a completely unnecessary, wholly manufactured crisis over the budget.

Republicans have chosen rhetoric over responsibility and taken the partisan path towards a 1.4 percent across-the-board budget cut which will have costly ramifications on critical programs. Specifically, education for the disadvantaged would be cut by $109 million, literacy programs would be cut by $3.6 million, and Head Start would be unable to provide services to 6,700 children. Child immunization programs would be cut by approximately $6.7 million, and vitally needed assistance to farmers would be slashed by $124 million.

Agricultural income assistance would be cut by $90 million, and crop and livestock loss payments would be cut by $22 million. In addition, national security would suffer dearly as $3.9 billion would be cut from the defense budget. Military pay and readiness would suffer the most. The men and women in the military who risk their lives for our safety and security would suffer a 2.8 percent cut in personnel.

While this battle rages on over the politics of the budget, the American people suffer. As Republicans focus the energy of the Congress on their budget end game, the Patients Bill of Rights, relief for farmers and veterans' benefits face a dismal future. While Republicans devise more gimmicks to cover their tracks, Congress neglects a long overdue increase in the minimum wage, making schools safer for our children, and passing much-deserved tax relief for families, small businesses, and farmers.

In a tragic example of irresponsible governance, the majority party has chosen to fund its own priorities at the cost of Social Security and drastic budget cuts in education, law enforcement, agriculture, and national security. It's time for Republicans to sit down at the negotiating table and put an end to the budget bickering. It's time for responsible government. Let's choose principle over politics, and let's pass a budget that doesn't short-change the American people.

RECOGNITION OF REV. ALFRED WALKER, JR., AND NEW HOPE BAPTIST CHURCH

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in recognition of Rev. Alfred Walker, Jr., the 12th pastor of the historic New Hope Baptist Church in Dallas, TX.

Reverend Walker has served New Hope Baptist Church with unwavering faith. His fine tradition of spiritual guidance and community service is an inspiration to us all.

New Hope Baptist Church is blessed to have called Reverend Walker its pastor. Likewise, the Reverend was fortunate to serve a church with such a rich history.

New Hope has the distinction of being the first African-American church within the city limits of Dallas entirely organized and owned by African-American people. In the 1870's, Sisters Rainey, Robinson, Drake, Williams, Starke, Taylor, and Brother Jerry Taylor held regular prayer meetings. On July 27, 1873, these spiritual leaders organized their prayer band into a church. Many direct descendants of these pioneers continue to worship at New Hope.

In addition to its religious programs, the church has been a strong force in the community. New Hope sponsored one of the earliest African-American newspapers, and it has offered etiquette and public speaking classes to interested citizens. The church constructed the historic building at 919 Bogel Street, that became the center for cultural, political, and educational activities. Also, the first free public schools for African-Americans in Dallas were organized at New Hope Baptist Church.

Mr. Speaker, on behalf of the grateful congregation of New Hope Baptist Church, I commend Rev. Alfred Walker, Jr., for his dedication to the church and the community. I also commend Dallas' oldest African-American Christian Witness, New Hope Baptist Church, for 126 years of continuous community service.

HONORING EULAH LAUCKS

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1999

Mrs. CAPPS. Mr. Speaker, today I rise to bring to the attention of my colleagues an extraordinary woman, who was honored by family and friends on October 22nd as she celebrated her 90th birthday in Santa Barbara, California.

Eulah Laucks has become a good friend and mentor to me, and I want to mention just a few of her many accomplishments. Eulah was born on October 23, 1909 in Goldhill, Nevada. After completing high school, she worked for six years at a Tuberculosis Sanitorium to pay for her own college education. Her hard work paid off and in 1933 she began her studies in journalism at the University of Washington. Eulah had a very successful college career and in 1936, during her last year in school, she traveled to Italy to study. Eulah soon became fascinated with the people and the turbulent changes in government that were taking place in Europe.

In 1942, Eulah married Irving Laucks, whom she met while working in the public relations department of the chemical analysis lab he owned in Seattle. In 1964 the Laucks moved to Santa Barbara. Irving soon began work as a consultant for the Santa Barbara Center for the Study of Democratic Institutions. When Irving left the Center, Eulah continued this important work, where she served on the board in 1966 with my husband, Walter Capps. Eulah's passion for knowledge and commitment to learning did not end in college or with her work at UCSB. In 1979 at the age of 70, she earned a Ph.D. in Family Studies. Her research culminated in a book, ''The Meaning of Children in Contemporary America,'' which she published shortly after receiving her degree. In 1996, Eulah completed another book about her childhood memories in Nevada mining country.

Mr. Speaker, as impressive as any complete accounting of Eulah's life would be, it would not do justice to the long lasting and immeasurable contributions she has made in Santa Barbara. I find myself to be exceptionally fortunate to be a friend of Eulah Laucks. She is an incredibly progressive, strong willed, and independent person. Eulah was also very close to my husband, Walter Capps. I know that they often encouraged and supported one another in their faith and commitment to others. He valued her insight and wisdom immensely.

Eulah Laucks will continue to commit much of her energy to the values and ideals that she loves—the well-being of children, education for all, world peace, and protecting our environment. I am truly honored to represent Eulah Laucks in Washington and to incorporate her ideals in my work as a citizen representative.

TRIBUTE TO COMMUNITY SERVICE HONOREES OF THE JAPANESE AMERICAN CITIZENS LEAGUE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1999

Mr. MATSUI. Mr. Speaker, I rise in tribute to the Community Service Honorees of the Japanese American Citizens League. On Thursday, December 9th, the JACL will host a recognition dinner to honor these citizens' outstanding contributions to their community. I ask all of my colleagues to join with me in saluting this special occasion.

This year's first nominee for service to the Nikkei community is Midori Hiyama. A long time faculty member and head of the English Department at Sacramento City College, she is being recognized for many decades of service to the Sacramento Japanese American community in the academic field. Along with Henry Taketa and others, she built up the Sacramento JACL Scholarship Program to the largest such program at the chapter level.

Next, the JACL will honor Percy and Gladys Masaki. The late Percy Masaki and his wife Gladys have dedicated many years of service to the Sacramento JACL, especially during the early formation of the local chapter. Their contributions included providing many years of rent-free space and committing thousands of hours of volunteer time. Their volunteer efforts focused in the areas of coordination of community events and the publishing and distribution of the chapter newsletters.

Another esteemed honoree will be Shigeru Shimazu. Known simply as Shig, Mr. Shimazu is being honored for his forty years of invaluable service to the Sacramento Nikkei community. He has remained a consistently active and productive member of the Japanese American community. Although he is not always openly visible during his participation in community functions, his contributions during the past decades have been outstanding.

The Sacramento JACL would also like to recognize the contributions of the Union Bank of California. Union Bank will represent the corporate honoree at this year's Community Service Recognition Dinner. This financial institution has remained supportive of the JACL and many other Japanese American organizations in the entire state.

The contributions of the Union Bank of California have extended beyond the JACL to areas such as various churches, tanoshimi kais, the Asian Community Nursing Home, Sacramento Asian Pacific Chamber of Commerce, and public television's Channel 6. Their policy of service charge free accounts to all non-profit organizations has been appreciated.

In addition, Anne Rudin has been selected for recognition. The former mayor of Sacramento will be the only non-Nikkei honoree of 1999. She has been extremely active in the Japanese American community for the past three decades. Not only was she the first Honorary Chair of Matsuyama-Sacramento Sister City Corporation, but she has traveled to Japan several times as a delegate to the Japan-U.S. Mayors Conference and as a member of the Sacramento contingent to the Sister City conferences.

The last nominee of this year's banquet will be James Maddock and the Sacramento Bee. Mr. Maddock of the FBI and the Sacramento Bee (represented by Howard Weaver) are being nominated for their support during the recent arson attacks on three Jewish synagogues. Because of their intensive and active support during the aftermath of these terrible events, the citizens of the Sacramento area have rallied together in opposition to such hate crimes.

Mr. Speaker, as these exceptional people and organizations are honored by the Japanese American Citizens League, I am proud to give my heart-felt endorsement. These people and organizations have all contributed immensely to the betterment of the Japanese American community in Sacramento. I ask all of my colleagues to join with me in wishing the honorees and the JACL continued success in the future.

PAYING TRIBUTE ON THE 11TH ANNIVERSARY OF PATIENT RECOGNITION DAY

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1999

Mr. CROWLEY. Mr. Speaker, on October 7, 1999, for the 11th year in a row, the Board of Visitors of the Bronx Psychiatric Center held its ''Patient Recognition Day.''

This day recognizes those who have significantly progressed on the path toward eventual discharge back to the community, and have made a positive impact on the lives of their peers in their wards.

The dedication of the professional staff at Bronx Psychiatric Center has contributed to the recovery process of the patients by putting great care and pride in their work.

The family and friends of the patients who lend so much support and understanding are also recognized, but the greatest honor is reserved for the patients who, in having trusted and worked with the staff, have made great strides on their journey towards recovery.

Mr. Speaker, in honor of the 11th anniversary of Patient Recognition Day at the Bronx Psychiatric Center, I would like to recognize Samuel Lopez, the President of the Board of Visitors, as well as Sylvia Lask, Nellie Neazer, and Richard Somer who oversee the center, as well as the patients.

HONORING MICHAEL BERRY ON HIS RETIREMENT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1999

Mr. DINGELL. Mr. Speaker, today I rise to honor and congratulate a very close friend as he marks the close of a very significant chapter of his life: practice law.

Michael Berry has served as a model of community leadership throughout his career

as an attorney and public servant, and he is fully deserving of the tribute to be given this Friday in Dearborn, Michigan.

Earlier this year, Michael ended the 45-year existence of his law firm, Berry, Francis, Seifman, Salamey and Harris. During these years, Michael represented a wide variety of clients, while becoming involved in a myriad of business, civic, legal and political organizations. His participation in literally scores of activities demonstrates Michael's long-standing commitment to making his community a better place to live, work and raise a family.

Michael served as a Wayne County Public Administrator from 1956–78, and for 15 years as a Member and Chairman of the Board of the Wayne County Road Commission. Having helped build the infrastructure for one of the nation's largest counties, the county rightfully designated Detroit Metropolitan Airport's international terminal in Michael's name, a designation which was particularly fitting given Michael's family heritage as a Lebanese-American.

Throughout my service in Congress, Michael has been a leader among leaders in southeast Michigan's Arab-American community. As such he has devoted countless hours toward improving the lives of Arab-Americans across the nation, and building bridges of understanding between Americans of Arab descent and those of us with other ethnic roots. A Life Member of the NAACP, Michael serves today as an Executive Board Member of the American Task Force for Lebanon. He also has served as a Director of the Greater Round Table of the National Conference of Christians, Muslims and Jews. If one wonders whether Michael's participation and advocacy have had an impact, I need only point to the growing influence today of Arab-Americans in nearly every sphere of our lives, in government, education, business and trade, literature and the arts, and politics.

Mr. Speaker, as Michael's many friends prepare to gather to celebrate this many accomplishments on behalf of his community and country, I wanted to share with my colleagues just how much Michael's service and friendship have meant to me. As a past Chairman of the 16th District Democratic Party for four terms, Michael has been active in Michigan politics for more than 40 years. Throughout this period, Michael has been a true and loyal friend and someone I could trust to give me good advice about everything from transportation policy to the current politics of Lebanon and other parts of the Middle East. His knowlege and insight have been invaluable to me in representing Michigan's 16th Congressional District in the U.S. House of Representatives. I wish him and his fiancee, Cindy Hanes, every happiness as Michael prepares to turn yet another new page on a successful life.

INTRODUCTION OF THE PREVENTION OF SEXUAL MISCONDUCT BY CORRECTIONAL STAFF ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1999

Ms. NORTON. Mr. Speaker, today I introduce the Prevention of Sexual Misconduct by Correctional Staff Act, a bill to protect female inmates from sexual misconduct while incarcerated in our nation's prisons. This bill follows a GAO investigation that I requested of the three largest prison systems—the federal Bureau of Prisons, the Texas Department of Criminal Justice, and the California Department of Corrections and, in addition, the District of Columbia, (1995–1998). I asked GAO to investigate these jurisdictions because they house one-third of the nation's 80,000 female inmates, and, therefore, are likely to reflect the range of problems women in prison face.

The treatment of women incarcerated cries out for remedies. Let me summarize some of the most important findings in the GAO report:

1. The full range of civil and criminal sexual misconduct and abuse was found: rape, improper touching, inappropriate visual surveillance, verbal harassment, and consensual sex, which is a crime when correctional personnel are involved.

2. None of the four jurisdictions had readily available or comprehensive information that would allow them to effectively prevent and address sexual misconduct. Since jurisdictions do not collect and examine even basic information, such as the number, nature, and outcomes of sexual misconduct allegations, it is no wonder that they do little to prevent them. When attempts to track the abuse have been made, they often have been useless or dangerously incompetent. For example, the federal Bureau of Prison's (BOP) tracking system does not break down allegations of non-criminal sexual misconduct, such as indecent language from other allegations BOP classifies as ''unprofessional conduct.'' The District of Columbia had no information on allegations.

3. Only 41 states specifically punish criminal sexual misconduct by corrections personnel, and eight states treat sexual abuse by corrections officials as only a misdemeanor. Although the four jurisdictions studied have criminal laws against sexual misconduct by corrections personnel, only BOP reported prosecutions with convictions (14 prosecutions: rape, consensual sex with an inmate, and sex for money).

4. The GAO reports that, ''Many correctional experts believe that the full extent of staff-on-inmate misconduct is likely underreported nationally due to the fear of retaliation and the vulnerability felt by female inmates.'' Nevertheless, 506 reported allegations of sexual misconduct were made in the past three years in the four jurisdictions. Only 18% were sustained. Most of the sustained allegations resulted in resignations or terminations. What ordinary citizens go to jail for, corrections personnel often can walk away from if they are willing to leave the job.

5. Civil liability can be expected to mount if states do not substantially and immediately improve their efforts to illuminate sexual abuse. A $500,000 settlement paid by the BOP to three women in a suit alleging rape, being sold by guards for sex, and beatings are the tip of the iceberg.

6. States have primary responsibility for the conduct of their own correctional staff, but the federal government is deeply implicated or complicit in two ways: (a) sexual abuse by guards, who have complete authority over inmates and are charged with their incarceration, often rises to the level of constitutional violations; and (b) the federal government gives financial assistance to state prison systems and therefore must be seen to condone constitutional violations in the face of this report unless appropriate requirements are attached to federal assistance.

The Prevention of Sexual Misconduct by Correctional Staff Act I introduce today responds to the specific issues uncovered by the GAO report. It provides mandatory sexual harassment and abuse awareness training for prison officials and staff, establishes a system for women inmates to report abuses by correctional staff, creates a reporting system for submission to the states' attorneys general so that they can detect patterns of abuse, establishes a mechanism by which allegations of sexual misconduct can be investigated, and requires that each state have criminal penalties that explicitly prohibit custodial sexual misconduct by correctional staff. This bill provides that each state submit reports on the compliance of the state to the U.S. Attorney General.

Women inmates should not be made to feel that sexual abuse and harassment is part of their sentence. I ask for your support to put an end to this violence against women.

GIRLS TOWN RECREATIONAL CENTER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1999

Mr. SKELTON. Mr. Speaker, let me take this opportunity to recognize Mr. and Mrs. Joe Scallorns, of California, MO. Over the years, Fran and Joe have worked for the betterment of their community and of the State of Missouri. They have contributed countless hours to improve the lives of many Missourians and they have dedicated themselves to public service.

Recently, Fran and Joe donated the money for the construction of a new recreational center at Missouri Girls Town. It was named in honor of the Scallorns and their selfless contribution to the institution and the young ladies who reside therein. On October 2, 1999, the Scallorns Recreational Center was dedicated and Joe addressed those in attendance. His speech is set forth as follows:

We are here today for a dedication of this wonderful structure. Fran and I are a little embarrassed about the fact that it bears our name. Most people don't see their name cast in bronze or in stained glass. In most cases when a building is named it is for someone deceased. On those occasions, friends gather and say some nice things about the ''dearly

departed''. On those other occasions in which the persons are still living, they are invited to make a few remarks. I can't tell you how happy I am to be here before you today.

We are here as a result of our lead gift for this recreation center. That was possible because we are living the American dream. From a very modest beginning of our marriage, we have worked hard, been lucky, and have enjoyed the encouragement and support of family and friends, many of whom are here today. We were fortunate enough to own our own business, sell it, and retire early. We do live in the greatest nation on Earth that is truly good and provides many opportunities.

Fran and I are so pleased to be a part of this great effort. We have been inspired and encouraged by the leadership of the Marshes, Ann K., the McClains, Isabelle Bram, and others in sharing their time and resources with the needs of the girls here. We are pleased and proud to be able to do this and hope that this might influence and encourage others to support Girlstown as much as they can.

We are particularly pleased that our gift was for the recreation center. Sports play such an important part in all our lives, but especially in the development of young people. Not only is this the largest structure on the campus, beautifully designed, and well built although it is all those things; but it is perhaps an apt symbol of what we try to teach all our children—those at home and those here.

Sports teach us that we get along better in life if we learn to play by the rules. Wherever we are in our society, we learn that there are certain expectations of behavior. There are rules in the workplace, rules of the road and rules of personal demeanor and behavior. The sooner we learn to take responsibility for our actions by respecting and abiding by those rules, the better we are able to get along.

Sports, whether recreational or competitive, teach us to do our best. Coaches in any sport certainly know the fundamentals of the game they are playing, but what makes a great coach is having the ability to motivate others to do their very best. If these young ladies can learn to motivate themselves to improve at whatever they are doing—to strive to do their best at every endeavour, that may be the best tool for the building of character. Those that spend their lives looking for happiness seldom find it. If they spend their lives pursuing excellence, they can lead productive and rewarding lives.

The other great lesson that sports will teach us is teamwork. Once we learn to depend on others and let them depend on us, then achievements multiply. There are very few efforts that don't improve geometrically as we approach them as a team. The results of teamwork are always greater than the sum of the individual efforts of those involved. It is through working and giving together, to the best of our abilities, that we are able to build this campus, continue to improve it, and continue to add to it.

A group of girls once gathered for their annual hike in the woods. Taking off at sunrise, the group commenced a fifteen mile trek through some of the most scenic grounds in the country. About midmorning, the girls came across an abandoned section of railroad track. Each in turn, tried to walk the narrow rails, but after only a few unsteady steps each lost her balance and fell off.

Two of the girls, after watching one after the other fall off the iron rail, offered a bet to the rest of the group. The two bet that they could both walk the entire length of the railroad track without falling off even once.

The others laughed and said ''no way'', Challenged to make good on their boast, the two girls jumped up on the opposite rails, simply reached out and held hands to balance each other and steadily walked the entire section of the track with no difficulty.

How easy it was, simply by working together as a team. When people help each other, freely and voluntarily, there is a spirit of teamwork that can conquer a multitude of problems. When we don't cooperate, the whole system can fall apart.

So remember: play by the rules, do your best, reach out—and never quit holding hands.

COMMON SENSE PROTECTIONS FOR ENDANGERED SPECIES ACT OF 2000

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1999

Mr. YOUNG of Alaska. Mr. Speaker, today we introduce the Common Sense Protection for Endangered Species Act of 2000. My efforts to improve and update the Endangered Species Act date back over my entire 26 years of service in the House of Representatives. The Endangered Species Act or the ESA, was originally adopted in 1973, with the goal of protecting those species of fish, wildlife and plants that were in danger of extinction. However, over the last 26 years the ESA has gotten off course. It is now in danger of foundering in a sea of bureaucratic abuse and misuse.

The Committee on Resources has held over 25 hearings on the impacts of the Endangered Species Act since I became the Chairman. We have heard hundreds of witnesses testify regarding the misuse of this law for purposes that have nothing to do with protecting wildlife. We know that there are 1,197 U.S. species listed as endangered or threatened, yet no species has recovered due to actions taken under the Endangered Species Act. The ESA is a failure, when it is judged solely on the basis of the number of species recovered and it is a failure when you realize that it punishes those private property owners who do the most to protect wildlife on their property. We need to turn this failure into a success story and we can do that through the application of some basic common sense principles.

First, we need to return more authority and responsibility for wildlife protection back to the states. The states have primary responsibility for wildlife and plants within their borders. The states have done the best job of managing their own wildlife. State programs to restore depleted species of game through good scientific management have been a resounding success. Species such as wild turkey, deer, elk, mountain lions, bear, and countless others managed by the states are becoming so plentiful that their numbers are now considered too plentiful in some areas.

Almost every state has its own endangered and threatened species program. Most of the states are doing a better job than the federal government at protecting endangered species and they are doing it in a common sense fashion, unlike some of our federal agencies. However, we seem to be imposing the greatest number of federal resources in those states that have had the best endangered species programs. The State of California, under the leadership of former governor Pete Wilson, developed an endangered species program that is as stringent as the federal program and is the best funded state ESA program in the country, yet we have spent more federal ESA funds in California than in any other state. We need to insure that our scarce federal resources are used in those areas that need federal help—not in those states that are doing a good job. Let's stop duplicating the state's good work and let them do what they do best—manage their own wildlife.

Second, it is absolutely imperative that when a new species is added to the list of endangered and threatened species, that the science used to justify that listing is accurate and adequate. We need to improve the quality of the scientific data used to list species. We can only do that by requiring the agency to use good science, not just whatever science happens to be available at the time a petition is received to list a species. When a species is listed that is not really endangered or threatened with extinction, there are severe economic consequences for local communities and for affected private property owners. This should be avoided through the use of well-founded science.

Thirdly, we need to be fair to landowners who are affected by the listing of endangered species. Most endangered species are found on private lands. Private landowners need to be given incentives and rewards for protecting endangered and threatened species. Unfortunately, the ESA has been used against landowners to deprive them of the right to use their own property and to demand both land and money from affected landowners. The federal agencies that administer the ESA have been given extraordinary powers which they are using to force landowners to set aside ''in perpetuity'', huge amounts of privately owned lands that can only be used for one purpose—the protection of the public's wildlife and plant species. This type of treatment only discourages other landowners from providing habitat for wildlife.

We need to guarantee the public's right to know what the federal government is going to require for the protection of endangered species. The public and affected landowners should be included at every step in the process and should have a right to be heard and to have their questions answered about what kinds of new regulations the government may be proposing.

Fourth, we need to insure that when federal agencies' activities affect endangered species that the species are protected, but also those agencies need to fulfill their primary missions. We have seen examples of our military unable to prepare for the national defense because of the presence of endangered species on military lands. Flood control projects are delayed over many years resulting in ever increasing damage from floods. Much needed roads, bridges, and other transportation projects are stopped or delayed. Entire forests are closed

to harvesting while timber workers are left unemployed. The list goes on and on.

We must insure that the government keeps its promises to private property owners. The Fish and Wildlife Service has issued over 250 permits to various landowners for the use of their property. We need to insure that the federal government does not ignore those permits and demand even greater amounts of land and money in the future during the term of those agreements.

Fifth, we must recover the populations of species and then be sure they are taken off the lists of endangered species. Under the current ESA, the federal agencies list species and then never remove them from the lists even when their populations increase dramatically. This is unacceptable. The federal government must work with the local community and affected landowners to develop workable recovery plans for species. The federal government must then keep its word to delist species when the communities make concessions to recover species.

Our bill, the Common Sense Protections for Endangered Species Act of 2000 would bring back basic common sense solutions to help achieve all these goals. It would:

1. Improve the listing process by involving and relying upon the expertise of States.
2. Improve petitions and listing investigations and insure greater public participation in the listing process.
3. It would require the use of peer reviewed science to support the listing of species.
4. It would reduce conflicts and economic dislocation caused by federal agency shut downs and provide deadlines for agency decision making. It would insure that agencies fulfill their missions and provide a faster and surer method of resolving conflicts between agencies. It would insure that public safety will be protected.
5. It would allow affected citizens a full opportunity to participate in consultations; discuss the impacts of a biological opinion and any proposed alternatives, receive information on the biological opinion; and receive a copy of the draft biological opinion prior to its issuance.
6. It would prevent abusive and excessive demands on private landowners for their land and money as a condition of getting an ESA permit from the federal government and require reasonable deadlines for making permit decisions. It would insure that conservation agreements are binding on all parties to the agreement.
7. It would make recovery planning an inclusive process and would allow the Secretary to delegate to the states the development and implementation of recovery plans. Designation of critical habitat would become part of the recovery process. It would insure that recovery results in the delisting of species.

While I would personally prefer to make even more improvements in the ESA, I feel that these changes will be a good first start toward bringing back a common sense and reasonable approach to our federal government's efforts to recover species. I fully support protecting the rights of private property owners and believe that you can't protect wildlife unless you protect property owners. I also recognize that in order to achieve any goal, you have to take a first step. This is our first step toward Common Sense Protections for Endangered Species.

COMPREHENSIVE ANTI-TRAFFICKING IN PERSONS ACT OF 1999

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1999

Mr. GEJDENSON. Mr. Speaker, I rise to introduce the Comprehensive Anti-Trafficking in Persons Act of 1999, legislation to combat trafficking in human beings, a form of modern day slavery. Thirty-four Members of Congress are original co-sponsors of this bill. I commend my colleagues for lending their bi-partisan support to this legislation, which seeks to combat in the United States and countries around the world one of the worst human rights violations of our time.

More than one million people, predominantly women and children, are trafficked around the world each year. U.S. Intelligence Agencies estimate that 45–50,000 women and children are trafficked annually into the United States, primarily from the Former Soviet Union and Southeast Asia.

Trafficking networks, dominated by organized criminal groups, lure or force victims into the industry using various schemes. Traffickers buy young girls from relatives, kidnap children from their homes, or allure women with false promises of earning money overseas as dancers, maids, factory workers, sales clerks or models. Traffickers then use tactics including rape, starvation, torture, extreme physical brutality and psychological abuse to force victims to work under slavery-like conditions as prostitutes, in sweatshops, or as domestic servants.

Trafficking in human beings is a multi-billion dollar industry that is growing at an alarming rate. Consequently, the United States must act now to combat all forms of trafficking and protect and assist trafficking victims. This legislation employs a domestic and international approach to this effort because we cannot stop trafficking into the United States if we do not address the root causes of this phenomenon in countries around the world.

The Comprehensive Anti-Trafficking in Persons Act of 1999 strengthens prosecution and enforcement tools against traffickers operating in the United States and expands existing services to meet the needs of domestic trafficking victims. This legislation also works through our international affairs agencies to help other countries prevent trafficking, protect victims, and enforce their own anti-trafficking laws. The bill creates an Inter-Agency Task Force to Monitor and Combat Trafficking, comprised of cabinet level members and chaired by the Secretary of State, and requires expanded coverage on trafficking in the annual Country Reports on Human Rights Practices. Finally, this legislation establishes a humanitarian, non-immigrant visa classification for trafficking victims in the United States and gives the President discretionary authority to impose sanctions against countries and individuals involved in trafficking.

Please join me and my colleagues in supporting the Comprehensive Anti-Trafficking in Persons Act of 1999.

THE SITUATION IN ARMENIA

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1999

Mr. MEEHAN. Mr. Speaker, I am shocked and deeply saddened by the brutal assassinations of top Armenian officials this morning, as well as the continuing hostage crisis currently taking place in the Armenian Parliament. My heart goes out to the families of the victims and to all Armenians. We must not permit these senseless acts to hinder the progress made by Prime Minister Sarkisian and his late colleagues in furthering democracy in Armenian. In the face of these unspeakable atrocities, the United States must reaffirm its commitment to supporting the Republic of Armenia in her pursuit of a lasting democracy and enduring peace.

INTRODUCTION OF THE AGRIBUSINESS MERGER MORATORIUM ACT

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1999

Mr. POMEROY. Mr. Speaker, I rise today to introduce the Agribusiness Merger Moratorium Act of 1999. I am honored to have Judiciary Committee Member TAMMY BALDWIN and my colleague on the Agriculture Committee, DAVID MINGE, join me as original cosponsors of this important legislation. Our legislation is very similar to the Senate legislation that was introduced recently by Senators WELLSTONE, DORGAN, HARKIN, and DASCHLE.

Unfortunately, the agriculture sector of our economy has experienced rapid consolidation, disrupting the competitive dynamic of the market place. Today, concentration is more prevalent than ever in agriculture as we have observed with the recent acquisitions of Continental Grain by Cargill and the Smithfield Foods merger with Murphy Family Farms. For example, if the proposed acquisition of Continental Grain by Cargill is allowed with the divestitures set forth in the proposed consent decree, Cargill will handle more than 25 percent of the all of the Nation's export markets.

To illustrate the degree of concentration in agriculture processing, in 1999, 80 percent of beef cattle are slaughtered by only four meat packers, 75 percent of sheep are processed by only four firms, and 60 percent of hogs are slaughtered by only four firms. At the same time concentration has been drastically increasing, a farmer's share of every food dollar spent decreased from 37 cents to 23 cents from 1980 to 1998.

The Agribusiness Merger Moratorium Act of 1999 is a short-term legislative response to the rapid consolidation that I have described. This legislation would establish an 18-month

moratorium on mergers and acquisitions by large agribusinesses. It would create a commission to determine whether concentration in the agriculture industry has reached a point where market competition can no longer be counted on to get family farmers and ranchers a fair price for the products they produce.

The moratorium would apply to any proposed merger and acquisition that involves at least one firm with annual net revenues or assets of more than $100 million and another firm with assets of at least $10 million. Agricultural cooperatives would be exempted from this legislation.

Clearly, this legislation is only a short-term response. The long-term solution is enforcement and strengthening of our antitrust laws. But, with the current dire economic conditions farmers and ranchers across the United States are facing, we, as Federal lawmakers, must provide immediate action.

Mr. Speaker, as we enter the new millennium, it is ironic that Congress faces the same challenges our colleagues faced 100 years ago. To paraphrase one of North Dakota's favorite adopted sons, our Nation's 26th President Teddy Roosevelt, ''We must carry a big stick to return fairness and freedom to the marketplace.'' The Agribusiness Merger Moratorium Act of 1999 is a step in that direction.

TRIBUTE TO JAMES PATRICK (PAT) GODWIN, SR.

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1999

Mr. ETHERIDGE. Mr. Speaker, I rise today to honor a great North Carolinian, Mr. James Patrick (Pat) Godwin, Sr. Mr. Godwin recently received the Distinguished Service Award of the Occoneechee Council of the Boy Scouts of America. Pat has been a leader and advocate of scouting in my home state of North Carolina, and I am proud to call him my friend. He has touched many lives in our community through the generous support he gives to our young people.

Mr. Godwin is the owner of Godwin Manufacturing Inc. in Dunn, NC. His truck body manufacturing business began in his backyard in 1966 and is one of the largest truck body builders in the United States. He has been featured in two national publications, yet he remains a humble man who continues to serve his community through his church and other charitable organizations.

I am honored to join The Occoneechee Council in saluting Mr. Godwin for Exemplary Public Service and Lifelong Fidelity to the Scouting Creed of Service to the Community. I congratulate him on his much deserved Distinguished Service Award.

IN CELEBRATION OF RED RIBBON WEEK

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1999

Mr. McCOLLUM. Mr. Speaker, on Thursday, February 7, 1985, Enrique ''Kiki'' Camarena stashed his DEA badge and his service revolver in his desk drawer and headed for a lunch date with his wife. Kiki, a Drug Enforcement Administration agent, had been in Mexico for 4½ years on the trail of Mexico's marijuana and cocaine barons. He was due to be reassigned in three weeks, having come dangerously close to unlocking a multibillion-dollar drug pipeline, which he suspected extended in the highest reaches of the Mexican army, police and government.

As Kiki was about to get into the cab of his truck, five men appeared and shoved him into a car, threw a jacket over Kiki's head and sped away. Kiki Camarena's body was found 1 month later in a shallow grave 70 miles from Michoachan, Mexico. He had been tortured, beaten and brutally murdered.

This week, Oct. 23–31, we celebrate Red Ribbon Week. Red Ribbon Week is a time to commemorate the death of Kiki Camarena and for communities to come together to reinforce a drug-free message. The red ribbon, which I am wearing, has become a symbol to eliminate the demand for drugs, and the National Family Partnership's Red Ribbon Campaign is designed to create community awareness concerning drugs, alcohol, and tobacco.

It is estimated that 80 million people participate annually in Red Ribbon Week. In order for the Red Ribbon Week message to be effective in communities, it must be recognized and reinforced across as many sectors of the community as possible—schools, businesses, parents, churches, law enforcement, doctors, government, social service organizations, etc. Red Ribbon Week provides an important opportunity for everyone in the community to use their unique skills and talents to deliver a drug-free message.

All of us want to make our communities healthier, safer and drug free for our children to grow up in. During this week may we join together and remember those officials like Kiki Camarena who have given their lives in order to fight the war on drugs. And may we mobilize our communities to prevent problem behaviors before they start, so that we help create a brighter, healthier and drug-free future for our children and for the 21st century.

IN HONOR OF HEAD START AWARENESS MONTH AND THE NATIONAL HEAD START ASSOCIATION

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1999

Mr. MARTINEZ. Mr. Speaker, since its establishment on May 18, 1965, Head Start has provided comprehensive health, education, nutritional and social services to over 17 million children and their families. Today, the program includes more than 835,000 children, 167,130 staff, and 2,051 Head Start grantees and delegate agencies nationwide.

October 1999 has been designated as Head Start Awareness Month. I rise today to join with everyone in the more than 48,000 Head Start classrooms who celebrate the success of Head Start everyday.

With next year's 35th anniversary of Head Start we will all have an opportunity to join together to promote the continued quality, comprehensiveness, and accountability of the program which has given it the staying power to improve the lives of low-income children and families.

The program also has an impact on child development and day care services; the expansion of state and local activities for children; the range and quality of services offered to young children and their families; and the design of training programs for those who staff such programs. Outreach and training activities also assist parents in increasing their parenting skills and knowledge of child development.

With the bipartisan reauthorization of the program in 1998, we embarked upon a new era for Head Start. Increased professional development, research into the long-term benefits of the program, outcome measures and program accountability, and an expansion of Early Head Start were but a few of the changes in the law. Progress is already being made.

In the days ahead, Congress will likely be considering legislation to provide a significant part of the resources needed to make good on the promise of last year's reauthorization.

Our partner in that reauthorization process and a critical element of delivering on the promise is the National Head Start Association. Representing the program's 835,000 children, 167,130 staff, and 2,051 Head Start grantees and delegate agencies nationwide, NHSA provides training tools and policy guidance in a manner which makes the program more effective and most responsive to the needs of America's low-income children and families, I am honored to join with the Association in celebrating Head Start Awareness Month—October 1999.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks

section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 28, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 29

10 a.m.
Foreign Relations
To hold hearings on the nomination of Joseph R. Crapa, of Virginia, to be an Assistant Administrator of the United States Agency for International Development; Willene A. Johnson, of New York, to be United States Director of the African Development Bank; and Alan Phillip Larson, of Iowa, to be Under Secretary of State (Economic, Business and Agricultural Affairs).
SD–419

NOVEMBER 2

9:30 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the recent announcement by President Clinton to review approximately 40 million acres of national forest lands for increased protection.
SD–366

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the World Trade Organization, its Seattle Ministerial, and the Millennium Round.
SD–538

Judiciary
To hold hearings to examine public interest's concerning government lawsuits.
SD–226

Foreign Relations
To hold hearings on pending nominations.
SD–419

2 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold joint oversight hearings with the House Committee on the Judiciary's Subcommittee on Commercial and Administrative Law on bankruptcy judgeship needs.
2141 Rayburn Building

Foreign Relations
To hold hearings on the nomination of Charles Taylor Manatt, of the District of Columbia, to be Ambassador to the Dominican Republic.
SD–419

3 p.m.
Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine extremist movements and their threat to the United States.
SD–419

NOVEMBER 3

9:30 a.m.
Armed Services
To hold hearings on lessons learned from the military operations conducted as part of Operation Allied Force, and associated relief operations, with respect to Kosovo.
SH–216

10 a.m.
Governmental Affairs
Business meeting to consider pending calendar business.
SD–628

Environment and Public Works
Fisheries, Wildlife, and Drinking Water Subcommittee
To hold hearings to examine solutions to the policy concerns with respect to Habitat Conservation Plans.
SD–406

10:30 a.m.
Foreign Relations
Business meeting to consider pending calendar business.
S–116, Capitol

2:30 p.m.
Foreign Relations
International Operations Subcommittee
To hold hearings to examine issues in promoting United States interests.
SD–419

NOVEMBER 4

9:30 a.m.
Indian Affairs
To hold joint hearings with the House Committee on Resources on S. 1586, to reduce the fractionated ownership of Indian Lands; and S. 1315, to permit the leasing of oil and gas rights on certain lands held in trust for the Navajo Nation or allotted to a member of the Navajo Nation, in any case in which there is consent from a specified percentage interest in the parcel of land under consideration for lease.
Room to be announced

Armed Services
To hold hearings on the nomination of Alphonso Maldon, Jr., of Virginia, to be an Assistant Secretary of Defense; and the nomination of John K. Veroneau, of Virginia, to be an Assistant Secretary of Defense.
SR–222

10 a.m.
Aging
To hold hearings on certain initiatives to improve nursing home quality of care.
SD–562