The Senate met at 11 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:

Almighty God, the only source of lasting authentic courage, we thank You that You use ordinary people to do extraordinary things. This morning, we turn to the psalmist and to Jesus for the bracing truth about courage to see things through, not just to the end of the Senate session but to the accomplishment of Your ends. David reminds us: “Be of good courage, and He shall strengthen your heart, all you who hope in the Lord”—Psalm 31:24. And Jesus challenges us to take courage (John 16:33). We know that we can take courage to press on because You have taken hold of us and called us to serve You because You have chosen to get Your work done through us. So bless the Senators as they confront the issues of the budget, consider creative compromises, and seek to bring this Senate session to a conclusion. In this quiet moment, may they take courage and press on. Through our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JAMES INHOFE, a Senator from the State of Oklahoma, led the Pledge of Allegiance as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. INHOFE) The Senator from Ohio.

SCHEDULE

Mr. VOINOVICH. Mr. President, today the Senate will be in a period of morning business until 12 noon, with Senator VOINOVICH in control of the first 30 minutes and Senator DURBIN in control of the second 30 minutes.

For the information of all Senators, the final appropriations items were filed last night and are expected to be considered in the House throughout the day. Therefore, following morning business, it is expected that the Senate will begin consideration of the final appropriations items as they are received. Members will be notified as the schedule for consideration becomes clearer.

The Senate may also consider any legislative or executive items cleared for action during today’s session.

I thank my colleagues for their attention.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The assistant minority leader.

BANKRUPTCY REFORM

Mr. REID. Mr. President, I appreciate the Senator outlining for us what the intent is for the day. I hope that part of what we are going to do is to work on completing the bankruptcy bill. I say to my friends in the majority that we only have a few amendments remaining. I have spoken to Senator LEAHY and his staff, and I am ready to offer a unanimous-consent request. I will not ask that the Senator accept this, recognizing that he must speak with the manager of the bill, Senator GRASSLEY. But what I would like to do is ask unanimous consent that the following amendments numbered 2517, 2537, 2538, 2539, 2658, 2666, 2667, 2747, 2748, 2753, 2759, 2761, 2763, and 2670, and any amendment agreed upon by the two managers be the only amendments—those I have just read and those agreed to by the two managers—in order to S. 625, the bill to amend title 11, United States Code, and for other purposes, and that following the disposition of all the above-described amendments, the bill be immediately advanced to third reading; that the Senate then proceed to the House companion bill, H.R. 833; that all after the enacting clause be stricken, the text of the Senate bill, as amended, be inserted; that the bill be advanced to third reading; that a vote occur on passage of the bill without any intervening action, motion or debate; that the Senate insist on its amendments, request a conference with the House, and the Senate bill be placed back on the calendar.

Mr. President, that is the unanimous-consent request that I spread across the RECORD of the Senate, recognizing that at this time there will not be an objection to it. We will make this unanimous-consent request at some later time.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I am not asking. Mr. President, that there be objection. I am not asking unanimous consent at this time.

I say to the majority that we have enumerated 14 amendments. Seven of them have tentatively been agreed upon or they will be withdrawn. Only seven amendments are now between completing the bankruptcy bill and not completing it this year. The only two amendments of the seven that I understand are causing any controversy are the ones dealing with gun manufacturers and clinic violence.

On the gun manufacturing amendment, the proponents have agreed to a 70-minute time agreement, and on the amendment relating to clinic violence, the proponent has agreed to 30 minutes. So there is really not much left to complete this bill. I hope that during the day there can be discussions ongoing to complete this bill. We would be willing at any time the majority wants to lock in these amendments; we would be willing to come back and I would propose this unanimous consent request, or we could have the majority do so, so that this bill could be completed in a reasonably short period of time.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transacting of morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak therein up to 5 minutes.

Under the previous order, the time until 11:30 shall be under the control of the Senator from Ohio, Mr. VOINOVICH, or his designee.

ORDER OF PROCEDURE

Mr. NICKLES. Mr. President, my colleague from Nevada spent several minutes outlining a unanimous consent. It was on the time of the Senator from Ohio. I wonder if we might accommodate that.

Mr. REID. Absolutely.

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senator from Ohio have charge of the time until 11:30 and then the remainder of the time under the charge of the designee of the minority leader.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The PRESIDING OFFICER. The Senator from Ohio.

THE STATE OF AFFAIRS IN THE BALKANS

Mr. VOINOVICH. Mr. President, as the first session of the 106th Congress
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comes to a close, I want to remind my colleagues that the aftermath of our nation’s largest foreign policy initiative this year and a 78-day air war will be our nation’s biggest foreign policy concern next year.

As my colleagues are aware, I opposed our nation’s “sign or we’ll bomb” diplomacy. That steadfastly led to the decision to conduct the air war over Kosovo and Serbia earlier this year. Instead, I believed that we should have done all that we could to negotiate a real diplomatic solution. Nevertheless, at the conclusion of the conflict, I came to the Senate floor and commented that “some good always blows in an ill wind.”

The “good” that I saw in the ill wind of the bombing campaign was the opportunity, that we studiously led to, to use this opportunity to promote peace, stability and prosperity in that region of our world.

To ensure the future of Southeast Europe, it is important to understand its past. Every student of history is well aware that this century’s two most horrific wars had deep roots in the Balkans, but few people are aware of the level of violence, bloodshed, hatred and destruction that has been commonplace in the region for centuries. Indeed, the Balkans have been the site of numerous wars and countless battles, and have been fought over by every major regional power since the days of the Roman legions.

Over the last 10 years, regional ethnic tensions have resulted in yet another nightmare for the people of the Balkans. And for the third time this century, Europe, reluctantly, has turned its attention to their southern neighbors.

Their concern can be attributed to self-interest; an attempt to get Southeast Europe to settle down so as to avoid any possible spillover that could bring unrest to their nations, and a genuine concern over the ethnic cleansing and human rights violations in the region. To do this, Europe has involved the international community, and in particular, the United States, which, for the first time in our history, has immersed itself politically and militarily in the region.

Our willingness to get involved and lead should have come earlier. Indeed, when conflict began in Bosnia in the early 1990s, it reportedly that a key foreign policy official of the Bush Administration made the statement that “we have no dog in this fight.” History records that nothing could have been further from the truth. According to Ambassador Douglas H. Holbrooke in his book, “To End A War”:

Europe believed it could solve Yugoslavia without the United States; Washington believed that, with the Cold War over, it could leave Yugoslavia’s hour not dawned in Yugoslavia; Washington had a dog in this particular fight.

The overconfidence of Europe and the disengagement of the United States contributed greatly to the tragedy of Slavonia, Herzegovina. When we finally realized it was important for the U.S. to get involved, we dealt with, and thus, legitimized three war criminals—Slobodan Milosevic, Franco Tudjman and Alija Izetbegovic—at the Dayton Peace Accords.

Unfortunately, the legitimization of Milosevic caused us to continue to have a relationship with him at a time when we should have been working with opposition leaders to get rid of him. Then, when he showed his true colors, we were reluctant to be as aggressive as we should have been. We misjudged him, we underestimated him, and now we’re paying the price for our mistake. As a result, we have spent at least $18 billion in operations in Bosnia and Herzegovina, Kosovo, Serbia and elsewhere. We will, no doubt, spend billions more. In addition, we have placed a tremendous strain on the equipment and personnel of our Armed Forces due to our past and present involvement in peacekeeping missions in Southeast Europe. Also, the State Department has paid an incredible amount of attention to the Balkans. And finally, we have complicated our relations with other nations on the international scene—primarily, Russia and China.

A November 1 article written by Elizabeth Sullivan, foreign-affairs correspondent for The Plain Dealer, indicates that the Russians harbor resentment and incredulity towards the United States over our assuming an air of moral superiority regarding their actions in Chechnya. They see our attitude as a double standard, which affects our ability to appeal to their better instincts. She writes:

The Kremlin is resolutely turning a deaf ear to U.S. admonitions for restraint in Chechnya. The criticisms have inflamed anti-U.S. feelings in Russia where it’s bitterly recalled that NATO’s unpopular bombing killed hundreds of Yugoslav civilians. It is the first big loss of U.S. influence after Kosovo.

It is clear that instability in Southeast Europe has the potential to threaten America’s overall interests throughout the rest of Europe. However, integration of Southeast Europe into the whole European community would remove the burden and expense of maintaining a constant peacekeeping force, end years of diplomatic wrangling and political posturing, and more important, end the death and destruction that has plagued the region.

Recently, I met with a number of Ambassadors from the Balkans region in the LBJ room here in the Capitol. They made it very clear to me that they are ready to work together. I was pleased that they realized they have a symbiotic relationship—a relationship that must be cultivated in order to bring about peace and implement a modern, free-market economy. The spirit of cooperation was definitely present in that room. There was an aura of enlightenment among those leaders, and we must capitalize on the momentum of this cooperative spirit if we are to successfully bring the region into the broader European fold.

Consider that not so many years ago, no one would have thought that European political and economic cooperation, let alone union, was possible. After all, two world wars had been fought in the trenches and on the fields of Europe, fostering tremendous ill-will among many nationalities.

Today, those feelings have largely dissipated. Germans, French, Italians—all share the same currency; they own national boundaries freely. They work cooperatively to solve economic problems because it is in their collective best interest. We are seeing that in terms of competition right now. The Ambassadors I met with see this cooperation and wish for their nations, but, they are also quite frustrated with the lack of speed by the international community in responding to the humanitarian and economic needs of the region.

The NATO air war triggered immense human suffering which has not yet been fully remedied. Here are some facts:

The refugee exodus from Kosovo decimated the economies of surrounding nations, especially in Macedonia. Macedonia’s reaching out to help their fellow man was done at a great sacrifice to their economy and the quality of life for their people.

In the Federal Republic of Yugoslavia (FRY), there are still 500,000 refugees from Slavonia, Krijna, and Bosnia. Another 150,000 were displaced during the Kosovo bombing. In Kosovo, the international community has had to deal with 700,000 refugees who have returned after the conflict. 500,000 of these refugees are still officially considered “internally displaced persons,” without any place to call their own.

Kosovo has turned into an armed camp where soldiers from numerous countries are forced to keep the peace and prevent further bloodshed. With the integration of the entire Southeast European police force has led to virtual chaos, where organized crime and illegal drug trafficking is said to be rampant and a cause of great concern among its citizens.

On this last point, a senior official from the Organization for Security and Cooperation in Europe, OSCE, told me that the reason there is no effective police force in Kosovo is because there
aren’t enough qualified or even interested individuals willing to join the force. She officiates and me that if the crime problem in Kosovo isn’t checked, it will spread to the entire region and into the rest of Europe.

Indeed, this point was illustrated again in the November 1 Elizabeth Sullivan article for the Cleveland Plain Dealer. She writes: "The scope of the gun, drug and prostitute trade fanned by the Kosovo conflict is also becoming clear. [Last week] Italian and Swiss police busted a ring that allegedly smuggled millions of Swiss francs to Kosovo, and Albanian prostitutes out into Italy, using humanitarian aid as a cover."

The growing crime problem was definitely a topic of concern for the Ambassadors I met with. She was amazed that they considered organized crime and drugs their No. 1 or No. 2 concern to be addressed. Think of that, organized crime and drugs as their No. 1 or No. 2 concern in the region.

The fact of the matter is, the bombing has definitely destabilized the region, and a very real impact on the humanitarian situation and basic human existence as well, one that has not been widely reported to the American people. The T.V. cameras are gone now. Yet, know how it is: out of sight, out of mind, and we have moved on to other issues.

Although it’s hard to grasp the extent of the problem, for the last several months, the U.S. has been working through the United Nations and the International Committee for the Red Cross to deal with the needs of the region. Both the UN and the Red Cross claim that they will be able to keep people fed, clothed and sheltered through the upcoming winter. Yet, I have received a number of credible reports in recent weeks which indicate that in fact we will witness a humanitarian catastrophe in the region in the months ahead because of a lack of shelter, heat, food and medical care.

I am aware that there are individuals in the foreign policy community who are opposed to providing significant assistance to the people of Serbia. They believe that humanitarian suffering will lead to political discontent which will, in turn, lead to a popular movement that will bring about the removal of Slobodan Milosevic. I disagree.

With the exception of South Africa, crippling sanctions have not successfully brought about a change in political leadership. Just look at Saddam Hussein in Iraq. We don’t know what is going on there anymore.

To emphasize this point, Professor Julie Mertus of the Ohio Northern University wrote an excellent piece which was recently published in the Washington Post. Professor Mertus specializes in international law. Here is what she has to say:

How does a freezing and hungry Yugoslavia advance U.S. policy goals? Certainly Milosevic will not be hungry this winter. The worst that can happen among the lowest strata of society will “trickle up” to the higher echelons. Protests by discontented citizens will lead to policy changes and perhaps even the removal of Milosevic. The problem is that humans do not behave this way. Cold, dispirited citizens do not take to the streets. Rather, they draw inside their own homes and try to survive. If the going gets tough, they try to exit, often leaving the country. Only the few with hope continue to fight, and even they cannot persist for long when they are isolated from supportive networks.

Our sanctions policy has allowed Milosevic to blame Serbia’s faltering economy, declining humanitarian situation and international isolation on the West. He has been able to deflect the ire of the Serbian people who have little access to independent media.

We must pursue specific courses of action that will help us get rid of Milosevic once and for all.

No. 1, we must continue to squeeze Milosevic so that his allies inside and outside the Serbian government will see that he is vulnerable and his hold on power is tenuous. Milosevic is an indicted war criminal, and we have to make his allies understand that his fate is their fate. In other words, leave now, or pay later.

No. 2, we should work with our allies to announce a detailed humanitarian and economic aid package that would be available to the people of Serbia once Milosevic is removed. The importance of this kind of package to the success of democratization was underscored recently when several of us met with the leaders of the anti-Milosevic force right here in the Capitol.

They talked about how important it was we have a clear, defined package that says, if he goes, here is what we are willing to do.

No. 3, we should provide as much assistance as we can, including such things as heating oil, food, clothing and direct financial assistance, as soon as possible to the Serbian opposition groups, particularly the mayors, who are struggling to bring about democratic change.

No. 4, we should continue to support President Djukanovic of Montenegro with whom I met two weeks ago. He is a bright and energetic leader and a key ally for peace and prosperity in Southeast Europe.

No. 5, we must undertake a massive effort to outrun Milosevic’s monopoly control on Serbia’s mass media. Milosevic’s distorted information must be countered with the truth: a commodity we must get to the Serb people whatever way possible.

As I mentioned earlier, I held a meeting recently with a number of ambassadors and senior embassy staff from Southeast Europe to get their reaction to the Stability Pact Initiative. And they were honest; they said things were not going well. They were very clear that it was essential that the United States be at the table to provide leadership and contribute our fair share.

In our presence, they are not confident that our NATO allies will make good on the promises they made at the end of the war. And, quite frankly, I think it is up to us to make it clear to our European allies that we expect them to adhere to their commitment.

We are going to be at the table. We are going to have leadership. We are anteing up, and it is time for you to ante up and make good on your promises.

The best way I can summarize the attitude at the meeting I had with the ambassadors, and the meeting I had with the Serbian opposition leaders is a word in Serbo-Croatian—Tito-sme—what means, “let’s get going!”

On balance, I believe there has been some real progress made on a number of fronts in our policy towards Southeast Europe in recent months. The Stability Pact is moving ahead—albeit slowly and indeed the need of some additional leadership, particularly ours. The policy toward sanctions seems to be finessed a bit and real work finally is being done on the ground in the region to deal with humanitarian concerns. I am pleased the administration is starting to soften up on this a little bit.

The administration is meeting with Serbian opposition leaders and financial support is beginning to trickle into the movement. Southeastern European nations are beginning to think regionally with the understanding they have a symbiotic relationship in their efforts to promote and develop their economies. That is wonderful.

Finally, in many respects, things are much better off today than they were after the war, the momentum has to be increased significantly, and that is the challenge of this Congress and this administration.

The administration, working through the State Department, bears the responsibility of bringing about real change in Serbia and honoring the commitments the United States has made to friendly governments in Southeast Europe. Congress has an obligation to provide leadership and support to the administration’s policies towards the restoration of peace and stability in the region.

To that end, I look forward to working with my colleagues in the next session of Congress to loosen some of the restrictive language that was placed in the Foreign Operations Appropriations bill, language that the State Department has made it difficult, and continues to make it difficult, for them to use the kinds of things they would like to do in Southeast Europe.

The Senate has already made a positive start with the recent unanimous passage of the Serbia Democration
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Act. I believe we need to build on that progress.
South-East Europe is strategic to our national interests and key to our efforts to maintain peace in the world. Until the nations of Southeast Europe are welcomed into the broader European community, those efforts will remain unfulfilled. The United States must provide the leadership because we do "have a dog in this fight."

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.
The bill clerk proceeded to call the roll.

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

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

MILITARY STATE OF READINESS

Mr. INHOFE. Mr. President, I was presiding when the distinguished Senator from Ohio was talking about the problems the U.N. faces in Kosovo. I share all of the concerns the Senator from Ohio expressed. In addition to that, since I am the chairman of the Senate Armed Services Readiness Subcommittee, I have another concern, and that is the deployment of troops in 1995 into Bosnia, then again to Kosovo, and the way they are being deployed today has put us in an apparent condition in terms of our state of readiness.

It is very unfortunate that during this administration we have had a cut in our force strength by approximately 50 percent, only to find out just last week that two of our Army divisions are now rated at C-4. That means they are not capable of combat today. These two divisions are the 10th Army Division of which most are located in Bosnia, and the 1st Infantry Division located in Kosovo.

This means that if something should happen, we are not in a ready condition to defend America, where we do have national security interests which, in my opinion, we do not have and never had in either Bosnia or Kosovo. I stood side by side with the Senator from Ohio in trying to keep us from making that deployment. We were not successful. I do believe we should be looking very soon at any way we can bring our troops back to a state of readiness, to do what we are supposed to be doing, the No. 1 function of Government, and that is to defend America.

VIEQUES

Mr. INHOFE. Mr. President, I have been a little disturbed not knowing the certainty of the schedule and how long we will have to get some things done at the last minute. I want to bring up one issue that has to be discussed briefly, and that is the issue of the range that has been used for 58 years on the island of Vieques, located 6 miles off the shores of Puerto Rico.

I am concerned about this because we started using this range 58 years ago. We have become dependent upon it because it is the only range we can use that offers a complete level of training—first, high-altitude bombing; second, the type of protection that comes from the ships to the shore using live fire; and third, the Marine expeditionary amphibious movements. All three of those can be done simultaneously and have been done successfully over the last 58 years.

The problem we have with this range is that there is no place else in the Western Hemisphere that we can actually give the training to our troops. Right now we have deployed into the Persian Gulf the U.S.S. Kennedy. Because this President put a moratorium on training on Vieques, only half of those deployed in the U.S.S. Kennedy ever had the necessary training they should have to become involved in combat.

We have scheduled for the 18th of February the deployment of the U.S.S. Eisenhower Battle Group. If this battle group goes through the Mediterranean and goes to the Persian Gulf, the chances are better than 50–50 they will see combat. If we do not allow them to have the training on the island of Vieques prior to their deployment, they will have to go into combat very likely without ever having any live ordnance training. This goes for the pilots flying the F-18s and the F-14s that offer an integrated three-level expeditionary amphibious movements. That means less precision and longer campaigns. You pay a price for all this in war, and that price is blood.

We are talking about American blood. I am very proud of all the military, uniformed and others. This is the first time in the years I have served in the Senate that they have been willing to stand up for something they know is right, not knowing for sure where the President is going to be on this issue.

The President has imposed a moratorium on training on the island of Vieques. We are going to try our best to encourage him, for the lives of Americans, to allow us to use it to train those people who are on the U.S.S. Eisenhower, ready to be deployed.

Richard Danzig, the Secretary of the Navy, said:

"Only by providing this preparation can we fairly ask our service members to put their lives on the line for others.""}

In a joint statement between the Chairman of the Joint Chiefs of Staff, the Chief of Naval Operations, and the Commandant of the Marine Corps, they said: Vieques provides integrated live-fire training "critical to our readiness," and the failure to provide for adequate live-fire training for our naval forces before deployment will place those forces at unacceptably high risk during deployment.

This is military language to mean casualties, those who can be killed in action.

I am proud of Admiral Johnson, the Chief of Naval Operations, and General Jones, the Commandant of the Marine Corps, when they say: Without the ability to train on Vieques, the U.S.S. Eisenhower Battle Group and the 24th Marine Expeditionary Unit scheduled for deployment in February 2000 would not be ready for such deployment "without greatly increasing the risk to those men and women who we ask to go in harm's way."

Lastly, Admiral Murphy, the Commandant of the Sixth Fleet of the Navy, said: The loss of training on Vieques would "cost American lives."

It is a very serious thing. Sometimes listen to the complaints we hear from some of the Puerto Ricans, but mostly from the people of the island of Vieques, who say: Wait a minute. How would you like to have bombs dropped and live ordnances fired where you are? You can't do anything about that. They actually have a 10-mile buffer range between the bombing range and where people live.

I happen to represent the State of Oklahoma. We have a very fine organization there called Port Sill, where we do all our artillery training. I have said on the floor here several times before that, while on Vieques they have a 10-mile buffer zone, we have only a 1-mile
Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The bill clerk proceeded to call the roll.

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

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

Mr. DURBIN. Would the Chair be kind enough to tell me what the order of business is?

The PRESIDING OFFICER. We are in morning business until the hour of 12 o'clock and under the minority's time.

Mr. DURBIN. I understand that my colleague, Senator KENNEDY from Massachusetts, will be joining me on the floor shortly. I will certainly yield at that point.

VIDEO CAMERAS IN THE COCKPITS OF AIRCRAFT

Mr. DURBIN. Mr. President, I would like to address several topics that I think may be of interest to those who are following the debate in the Senate. One in particular has become a focal point of the news media across the United States and literally around the world. That was the crash of the EgyptAir aircraft just a few weeks ago and the loss of over 200 lives.

I find it interesting, as we try to piece together all the information to determine what happened in that aircraft disaster, how limited we are with respect to investigative tools. We have the so-called black box which has the flight data information. We are poring through that to try to determine what was happening mechanically on that plane when it went down. Then we have the audio recording which is now the focus of all sorts of international speculation. We listen to that audio recording for sounds, for words, and then try to piece together this mystery to determine what happened in the cockpit of that plane which led to this loss of life.

This is more than just to satisfy curiosity. This investigation is being undertaken, as most are, to determine whether there is something we can or should do to change the way aircraft are maintained and flown to protect those who are passengers. These investigations are critically important. We often come to the Senate with information about a mechanical failure. We then set out to repair it. We decide that planes won't go back up in the air until that is taken care of. If there is human error—that will happen in most accidents—we at least get to the bottom of the equation and understand what is going on.

The thing I find absolutely incredible, in 1999, is that we are dealing with such primitive tools when it comes to investigating aircraft disasters. The idea of an audio recording in a cockpit goes back to the 1930s. That was the state of the art then. But today, technology is far more advanced and I would suggest that we need to update the tools we have. We need a video camera in the new planes' cockpits so we can determine what is happening in a crash.

The obvious is not being used. If you walk into a bank, if you walk into most office buildings, a convenience store, or stand in front of an ATM machine, you will be on a video camera which will reflect your conduct and your activities. Think what a difference it would make today if there had been a video camera in the cockpit of the EgyptAir aircraft.

The obvious question is, Why haven't we done this? The technology is there. It is a question of will. It may be a question of legislation. That is why I have written not only to the head of the Federal Aviation Administration as well as the Department of Transportation and the National Transportation Safety Board, urging them to expedite this question about whether or not we can see a video camera in the cockpit of aircraft to make certain that if there is an accident, so that we have another tool available to determine the reason for the disaster. We wouldn't be involved in all this speculation with the people of Egypt about the utterance of a painter and whether that meant this was a suicide mission or something far different if we had a videotape we could refer to. We could find out who was at the controls and what they did at those controls. We would have an obvious clear answer to the question.

As I went through this, I was amazed. I stopped and thought for a moment, why in the world are we still stuck with a tape recording of voices and sounds in the investigation of this aircraft disaster? I am urging my colleagues, those who feel as I do, to join me in this effort to make certain we bring the very best technology to the cockpits of aircraft, not only in the United States but those who serve the United States, so the day may come that if there is a disaster, we will have a final and complete answer, not just to satisfy curiosity but, even more importantly, to make sure passengers across the world can at least have some piece of mind knowing we have done what we can to prevent airline safety our top and highest priority.

CLOSING DAYS OF THE SESSION

Mr. DURBIN. In the closing days of this session—it is interesting—we have spent almost a year debating 13 appropriations bills. Now we are trying to bring them to a close. We have some six or seven bills that will finally be lumped together in a huge package which literally no single Member of the Senate will ever read.

It will come to the floor. And then weeks afterwards, when people pore through the details, they will call us in our offices and say: Did you know there was a paragraph in this bill which has an impact on some people or some businesses? In all honesty, we don’t. We rely on our leadership and other approaches. Frankly, we rely on a system that is flawed, a system that allows this to happen too often. It is an unfortunate system and, frankly, reflects the fact that this Congress has been very unproductive.

When Members of the Senate return to their homes and are asked by average families in their States, what did you accomplish to make life better for the families of America, we will be hard pressed to point to any significant thing we have done.

If we pay attention to the polling data of what Americans are worried about and what families are concerned about, we have missed the boat entirely. We have missed it entirely, when it comes to the question of the relationship between American families and their health insurance companies. Time and time again, when asked, these families respond that they are concerned about the fact they are no longer making decisions, nurses are no longer making decisions. Decisions are being made by insurance companies and their clerks.

We are down to the wire. Most of the major issues that are on the minds of the American public are being buried in this session of the Congress. Most of the bills, such as the Patients' Bill of Rights, that could have helped working families are being stifled and gutted. The Senate passed a bill several months ago which was an embarrassment. It was, in fact, a protection bill for the insurance companies. It didn’t protect patients. It protected the CEOs of companies that are making literally millions of dollars off health care in America.

Over the steadfast opposition of the Republican leadership, the House of Representatives took a different course. They overwhelmingly approved, 275-151, a bipartisan bill with strong protections for all privately insured Americans. What a contrast. The Senate came up with an insurance version
of the bill; the House came up with a version for American families.

Well, can there be a conference? Can we come together? Can we finally come up with a bill to protect American families? No. The honest answer is the Republican leadership in the House and the Senate refuse to convene the conference to come up with the bill and the House leadership has rigged the naming of conferees so that their conferees are all members who opposed the House passed bill. So we leave and close this session at the end of 1999 no better than when we started. We have nothing to say to the families across America when they ask whether we have taken any steps to protect them when it comes to their relationship with these insurance companies.

I am glad 68 Republicans in the House of Representatives broke from their leadership and voted with the Democrats for a real Patients’ Bill of Rights. The bill the Senate passed on July 15 did absolutely nothing when it came to protecting Americans and dealing with their concerns about health insurance.

Let us take a look at some of the differences between the two bills introduced in the House and the Senate. This chart shows the Senate Republican bill and the bipartisan bill passed by Republicans and Democrats in the House of Representatives. It goes through a long litany of things American families tell us they want to see in their health insurance policies: protecting all patients, whether they are employed in a small or large business or bought their own insurance; the ability to hold plans accountable if they make the wrong decision about medical care; the definition of medical necessity; special interest groups to out-of-network providers—the list goes on and on—can a woman keep her OB/GYN as her primary care physician if that is the person with whom she is comfortable.

Some plans say no. Many women across America think that is a decision that should be made by them and their doctors. That is in this bill. And as we go through all of these, we find the bipartisan bill that passed the House of Representatives basically provides all these protections.

Look at the scant protections provided by the Senate Republican bill. You can see why many people across America think we have failed in our most important mission. The bill passed by the Senate excluded more than 100 million Americans from basic protections of health insurance reform. Most of the provisions applied only to the 48 million Americans in big employer-sponsored plans. It failed to provide basic protection to millions of others.

In my State, Caterpillar Tractor Company’s workers would have been covered by the Senate bill; Motorola’s employees would have been covered. John Deere’s workers would be covered. But America’s small business employees would be left behind by the Senate Republican bill. A farmer in Macoupin County, IL, who pays for his own family’s insurance, and pays a lot for it, wouldn’t be safe from insurance laws. Public school teachers, policemen, women, firemen, and so many others would be out of luck.

I will return to this in a moment. I will speak to another issue, which I believe the Senator from Massachusetts is going to address. That is the perilous situation we find ourselves in in the closing hours of the session when it comes to the critical question of fairness in organ allocation.

We have a situation across America where over 4,800 Americans die every year waiting for an organ transplant. There are people in your State and mine sitting by the telephone hoping for the call that tells them they have a chance to live and believe me this has become a political issue. In fact, it has. An effort by the Department of Health and Human Services to make organs available across America to those in need is being stopped by an organization and a special interest group that really has put profit ahead of human well-being. I hope we can address this and address it forcefully. Let it be known on a bipartisan basis that we want to take the politics and the special interests out of organ allocation, that our dedication is to the men and women and children sitting by those telephones waiting for word of the availability of an organ.

At this point, I yield the floor to my colleague from Massachusetts, Senator Kennedy.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. Under the previous order, 9 minutes remain until the hour of 12.

TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT

Mr. KENNEDY. Mr. President, today, the House of Representatives will take up one of the most important bills to come before this Congress, now labeled the Ticket To Work and Work Incentives Improvement Act, which is intended to move us closer to opening the workplace doors for the disabled in communities across the country.

It is a sad day when the U.S. Congress finds it necessary to attach a controversial provision to the legislation that could jeopardize the opportunity for large numbers of people with disabilities to fulfill their hopes and dreams and living independent and productive lives.

A decade ago, when Congress enacted the Americans With Disabilities Act, we promised our disabled fellow citizens a new and better life in which disabilities would no longer put an end to the American dream. That, for too many Americans, that promise has been unfulfilled. The Ticket To Work and Work Incentives Improvement Act is basically the legislation that Senator Jeffords of Vermont and I, Senator Roth, and Senator Moynihan urged the Senate to accept and had been accepted by the Senate by a 99-0 vote. Now the title is the Ticket To Work and Work Incentives Improvement Act, and it will dramatically strengthen the fulfillment of that promise.

We know that millions of disabled men and women in this country want to work and are able to work. But they are denied the opportunity, primarily because of unfair barriers to work that face so many Americans with disabilities. It makes health insurance available and affordable when a disabled person goes to work, or develops a significant disability while working; it gives people greater access to the services they need to become successfully employed; it phases out the loss of cash benefits as income rises, instead of the unfair sudden cutoff that workers with disabilities face today; it places work incentives in communities, rather than bureaucracies, to help workers with disabilities able to learn how to obtain the employment services and support they need.

For far too long, disabled Americans have been left out and left behind. It is time for us to take the long overdue action needed to correct the injustices that have unfairly been placed upon those with disabilities. We should not have this legislation brought down by a controversial provision that does not belong in this bill—a provision that is effectively what we call around here a "poison pill." A provision that endangers the legislation.

I want to say that for a time it looked as if we were going to see a successful achievement for this legislation, and I want to commend my colleague and friend, the Senator from Vermont, Mr. Jeffords, for his strong leadership, as chairman of our Human Resource Committee. He has worked long and hard for this legislation. If we are able to achieve it, its role in support and also its development is enormously important.

On the unacceptable amendment that I had mentioned, it is the amendment
which would effectively undermine the proposal of the Secretary of HHS on Final Rule for organ transplantation. There is not an excellent editorial in the Washington Post, dated 11-17-99. It puts this issue in perspective. It says:

Congress has not quite given up the year-long attempt to block rules that would make the Nation’s organ transplant network more equitable. House leaders are maneuvering to undo a deal reached by conference allowing the rules to go into effect, even threatening to block an legislation authorization for search and training at children’s hospitals if the organ rules are not further delayed.

This was written at a time when they were threatening to hold up the help and then renege. That leads to situations in which people languish on long waiting lists in some places, while the wait in other regions is much shorter. The wealthy can get on multiple waiting lists and fly to wherever a liver or kidney becomes available. Some 4,000 people a year die while waiting for an organ, you would think a proposal to save lives. Currently, when an organ becomes available, it is offered locally first and then regionally. That leads to situations in which people languish on long waiting lists in some places, while the wait in other regions is much shorter. The wealthy can get on multiple waiting lists and fly to wherever a liver or kidney becomes available. Some 4,000 people a year die while waiting for an organ, you would think a proposal to save lives.

Mr. President, I will take only a moment or two more—because the time is moving on—to refer to the Institute of Medicine in its authoritative report on this whole issue. I will mention relevant parts of the Institute report, and focus on the conclusion that the Institute of Medicine had on the whole question of developing rules on fairness for organ transplantation—the question of how to best address the moral issues and the ability of people to be treated fairly under a system of organ distribution.

The Institute of Medicine’s analysis shows that patients who have a less urgent need for a transplant sometimes receive transplants before more severely ill patients who are served by different OPOs. There is no credible evidence that implementing the HHS’s recommendation would result in closure of smaller transplant centers.

Mr. President, that fear about the fates of small centers is the heart of the argument of those that have put on the floor at this time. A rider that has no business being put on the floor.

The Institute of Medicine analysis further found that there is no reason to conclude that minority and low-income patients would be less likely to obtain organ transplants as a result. Likewise, data does not support the assertion that potential donors and their families would decline to make donations because an organ might be used outside the donor’s immediate geographical area.

The Institute of Medicine recommended that HHS—and this is on page 12 of the report—should exercise the legitimate oversight responsibilities assigned to it by the National Organ Transplant Act, and articulated in the Final Rule for the system of organ procurement and transplantation in the public interest.

Federal oversight is needed to ensure that high standards of equity and quality are met. Those high standards of equity and quality were included in the Secretary’s excellent recommendation. By tampering with those, we are undermining enormously powerful and important health policy issues. And this extremely controversial rider is added onto underlying legislation which is so important to millions of disabled individuals in our country. Individuals who thought—when this legislation moved through with very strong bipartisan support in the Senate, and then through the final months, has moved through the House of Representatives, and has the strong support of President Clinton, and has had the bipartisan support here in the Congress—thought that there was going to be a new day for those who have physical or mental challenges and disabilities to have the ability to participate in the workforce and become more productive, useful, active, and independent citizens in this country, and also to be able to contribute to the Nation in a more significant way.

I certainly hope we can work through this process because the legislation, which as I mentioned, has been completed and supported in a bipartisan way, is a lifeline to millions of Americans and deserves passage.

I see my friend and colleague, Senator Jeffords, who has been instrumental in having this legislation advanced. I am glad to see him on the floor at this time. I hope he will address the Senate on this issue.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

The Senator from Vermont.

EXTENSION OF MORNING BUSINESS

Mr. Jeffords. Mr. President, I ask unanimous consent that morning business be extended until 1 p.m. with the time equally divided in the usual form.

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

TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT

Mr. Jeffords. Mr. President, I thank the Senator from Massachusetts. I would be happy if he desires to more fully discuss what we have done. I was not here to hear his full speech. I thank him. We have worked together. He was here years before I came to the Senate. In 1975, we had the initial big step forward for the disabled and were able to set up the 94142, as it was called then, to make sure all children got a good education, and specially those with disabilities.

As we have walked through this over a period of many years, we have fought year by year to remove block by block what the disabled community has had to face. Finally, we are at that point where we are opening the final door to allow them to do what all disabled want to do, and that is to have a meaningful life, to be able to seek employment, and get employment without having the doors slammed because they lost their benefits.

I can’t thank the Senator enough for what he has done. Also, there are others, some who have left this body, such as Bob Dole, who was another leader for the disabled. I praise him also for the work he did, and especially in this area where he helped us introduce the bill that we were so happy to be able to cosponsor and to see it put into the final steps.

I thank the Senator from Massachusetts profusely for all he has done. I would be happy to yield for any further comment.
Mr. KENNEDY. As I mentioned earlier, this has been a continuing process beginning with the passage of the Americans With Disabilities Act when we put into law protections for the disabled so they wouldn’t be discriminated against in the workplace based upon their disability.

As the Senator knows very well, that has been enormously important and has been effective. But as the Senator has pointed out, with this legislation complimenting what has been achieved with the Americans With Disabilities Act, we can open an entirely new dawn for millions who have some disability.

As we are getting closer to achieving that, I am sure the Senator agrees with me that when we finally have the President’s signature on this, there will be people saying: What has taken them so long? This is such a common-sense approach. But as the Senator knows, this has been a battle every step of the way. There have been those who have felt that if we do this for this particular group, we might be establishing some form of precedent that may be used somewhere down the road, and worry if we know where it might lead.

There are a number of strong negative voices out there. Nonetheless, I think with the leadership of the Senator from Vermont and others—he mentioned certainly Senator Dole, Senator Weicker, and our good friend on our human resources committee, Tom Harkin, who is generally recognized in this body as one of the real authorities on disability issues—this has been a common effort of this institution. It is an area of public policy where this institution has done what it is challenged to do; and that is to find common ground in a bipartisan way to address concerns that affect millions of Americans and make progress on it.

I again thank the Senator from Vermont for the opportunity to work with him. We still have a ways to go to make sure the legislation actually reaches the people and addresses the regulations in the way it is intended. But I think this is going to be enormously important—and I hope soon to reach common ground. I am very pleased today, that the differences in policy in the two different bills have been resolved and consensus has been reached on a conference agreement. This agreement does not compromise the original intent of the legislation, retaining key provisions from S. 331.

From my perspective, the Work Incentives Improvement Act of 1999 represents a natural and important progression in federal policy for individuals with disabilities. That is, federal policy increasingly reflects the premise that individuals with disabilities are cherished by their families, valued and respected in their communities, and are an asset and resource to our national economy. Today, most federal policy promotes opportunities for these individuals, regardless of the severity of their disabilities, to contribute to their maximum potential—at home, in school, at work, and in the community.

I have been committed to improving the lives of individuals with disabilities throughout my Congressional career. Providing a solid elementary and secondary education for children with disabilities, so that they will be equipped, along with their peers, to benefit from post-secondary and employment opportunities is crucial. When I came to Congress in 1975, Public Law 94–142, the Education for all Handicapped Children Act, now the Individuals with Disabilities Education Act (IDEA), was enacted into law. IDEA assures each child with a disability, a free and appropriate public education. I am proud to be one of the original drafters of this legislation which has reshaped what we offer to and expect of children with disabilities in our nation’s schools.

In addition, I have been committed to providing job training opportunities for individuals with disabilities. In 1978, I played a central role in ensuring access to programs and services offered by the federal government for individuals with disabilities through an amendment to the Rehabilitation Act. I believe that this amendment alone will be a cornerstone of the legislation that followed, including the Technology-Related Assistance for Individuals with Disabilities Act of 1988, now the Assistive Technology Act of
1998, both of which I drafted. Most importantly, this legislation opened the doors for the most comprehensive piece of legislation ever to be enacted under the Americans with Disabilities Act of 1990. This legislation prohibits discrimination on the basis of disability in employment, public services, public accommodations, transportation, and telephone service.

The legislature has forever changed the social landscape of America. They serve as models for other countries who recognize that their citizens with disabilities are an untapped resource. In our country, individuals with disabilities are seen everywhere, doing everything. Just this past weekend, thousands of physically disabled individuals participated in the New York City Marathon, as they have been doing for years. The expectations that these people set for themselves and the standards we apply to them have increasingly been raised, and now in many circumstances equal those set and applied to other individuals.

Unfortunately, one major inequity remains, the loss of health care coverage if an individual on the Social Security Disability rolls chooses to work. Individuals with disabilities want to work. They have told me this. In fact, a Harris survey found that 72 percent of Americans with disabilities want to work, but only one-third of them do work. With today's enactment of the Work Incentives Improvement Act of 1999, individuals with disabilities will no longer need to worry about losing their health care if they choose to work a forty-hour week, to put in overtime, or to pursue career advancement. Individuals with disabilities are sitting at home right now, waiting for this legislation to become law. Having a job will provide them with a sense of self-worth. Having a job will allow them to contribute to our economy. Having a job will provide them with a living wage, which is not what one has through Social Security.

In maintaining health care coverage and providing job training opportunities for individuals with disabilities, this legislation offers many other substantial long-term benefits. The Work Incentives Improvement Act of 1999 will give us access to data regarding the numbers, the health care needs, and the characteristics of individuals with disabilities who work. Furthermore, this legislation will provide the federal government as well as private employers and insurers, the facts upon which to craft appropriate future health care options for working individuals with disabilities. It will allow employers and insurers to factor in the way in which employers operate return-to-work programs. Through increased tracking of data, we will learn the benefits of intervening with appropriate health care, when an individual initially acquires a disability. We will also learn the value of continuing health care for individuals with a disability. If an individual, even with a severe disability, knows that he or she has access to uninterrupted, appropriate health care, the individual will be a healthier, happier and thus more productive provider.

I would like to take the time now to briefly outline the major provisions which have remained as part of this legislation. The conference agreement retains the two state options of establishing Medicaid buy-ins for individuals on Social Security disability rolls, who choose to work and exceed income limits in current law, as well as for those who show medical improvement, but still have an underlying disability. The Part A extension of Medicare eligibility, the conference agreement extends access, beyond what is allowed in current law, to Medicare. In addition, the legislation before us today retains several key provisions from S. 331, including Medicaid demonstration projects to provide access to health care to working individuals with a potentially severe disability; the State Infrastructure Grant Program, to assist states in reaching and helping individuals with disabilities who work; work incentive plan, and protection and advocacy provisions; and finally, most of the provisions in the Ticket to Work Program.

In order to control the cost of this legislation, compromises were made. Although the purpose of the State Infrastructure Grant Program and the Medicaid Demonstration Grant Program remain the same, the terms and conditions of these grants were altered in conference. As a result, states are offered a Medicaid buy-in option to individuals with disabilities on Social Security, who work and exceed income limits in current law, prior to receiving an Infrastructure or a Medicaid Demonstration Grant.

Also in conference, the extended period of eligibility for Medicare for working individuals with disabilities has been changed from 24 to 78 months. During this extended period, the federal government is to cover the cost of Medicare Parts A and B for a working individual with a disability, who is eligible for Medicare. S. 331 would have extended such coverage for an individual's working life, if he or she became eligible during a 6-year period.

I would like to note two changes to the Ticket to Work program made during Conference. The new legislation shifts the appointment authority for the members of the Work Incentives Advisory Panel from the Commissioner of Social Security to the President and Congress. In addition, language regarding the reimbursements between employment networks and state vocational rehabilitation agencies was deleted in Conference. The new legislation gives the Commissioner of Social Security the authority to address these matters through regulation.

Although several changes have been made from the original Work Incentives bill, I am still very pleased with what we are adopting today. This legislation, and the way we are adopting it, will contribute to the well-being of millions of Americans, including those with disabilities and their friends, their families, and their co-workers.

Today's vote provides us the opportunity to bring responsible change to federal policy and to eliminate a misguided result of the current system—if you don't work, you get health care; if you do work, you don't get health care. The Work Incentives Improvement Act would have extended such coverage for working individuals with disabilities, who will no longer be forced to choose between the health care coverage they so strongly need and the economic independence they so dearly desire.

In closing, I would like to thank the many people who contributed to reaching this day. I especially thank the conferees, Majority Leader LOTT, Senators ROTH and MOYNIHAN, and in the House, Majority Leader ARMY, and Congressmen ARCHER, BLILEY, RANGEL, and DINGELL. I also thank their staff who worked so closely in effort to reach this day. From my staff, I thank Pat Morrissey, Lu Zeph, Leah Menzies, Chris Crowley, and Kim Monk. I want to recognize and extend my appreciation to the staff members of my three fellow sponsors of this bill; Connie Garner in Senator Kennedy's office, Jennifer Baxendell and Alexander Vachon with Senator ROTH, and Kristin Testa, Jennifer Baxendell and Alexander Vachon with Senator ROTH, and Kristen Testa, Jennifer Baxendell and Alexander Vachon with Senator MOYNIHAN's staff. Finally, I wish to thank Ruth Ernst with the Senate Legislative Counsel for her drafting skill and substantive expertise, her willingness to meet time tables and most of all, her patience.

In addition to staff, we received countless hours of assistance and advice from the Work Incentives Task Force of the Consortium for Citizens with Disabilities. These individuals worked tirelessly to educate Members of Congress about the need for and the effects of this legislation.

Finally, I would like to urge my colleagues in both chambers to set aside any concerns about peripheral matters and to focus on the central provisions of this legislation. Let's focus on what today's vote will mean to the 9.5 million individuals with disabilities across the nation. At last, these individuals will be able to work, to preserve their health care, to become independent, and most importantly, to contribute to their communities, the economy, and the nation. We are making a statement, a noble
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statement and we must do the right thing. Let’s send this bill to the President.

Thank you, Mr. President.

Mr. DURBIN. Mr. President, under the unanimous consent agreement, how much time remains in morning business?

The PRESIDING OFFICER (Mr. BENNETT). We are in morning business until 1 o’clock, with the time equally divided between the two sides.

Mr. DURBIN. The remaining time on the Democratic side?

The PRESIDING OFFICER. Twenty-six minutes.

LEGISLATIVE LANDFILL

Mr. DURBIN. Mr. President, as we reflect at the end of this legislative session on our accomplishments, it is my belief that there are very few things we can go back home to tell the American people we achieved.

100 Senators and 435 Members of the House of Representatives came to Washington, DC, at the beginning of the year and listened closely to President Clinton’s State of the Union Address where he outlined a program and some objectives, many stood and cheered. The applause lines were frequent during the course of that speech. People of both political parties left the State of the Union Address saying they were now energized and invigorated to go forward and address the issues facing America, and we began the legislative process.

For me, it is the 17th time I have been through this. It is hard for me to remember another session of the Congress as unproductive as this session of the Congress. When it came to issues that the people and families across America care about, this Congress refused to do anything. This wasn’t a titanic struggle between the Republican conservative agenda and the progressive agenda of the Democrats where we brought issues to the floor and fought over amendments from one side to the other. That is what we are supposed to see on Capitol Hill. That didn’t happen because there was no agenda on the other side. The Republican leadership had no agenda.

Recently, a Republican Congressman said we considered this year a “legislative timeout.” When timeouts occur during the course of an NFL football game, most people leave the room and go to the refrigerator; if America’s families had left the room and gone to the refrigerator, they would have spent a lot of time there this year if they were waiting for Congress to do something. We didn’t do it. We didn’t respond. Now we have to go home, as we should, and explain it.

Let me state some of the issues we failed to act on this year, issues that make a difference to families across America. The Patients’ Bill of Rights:

The relationship of a person, a family, a business, to their health insurance company. That is pretty basic. When we asked America’s families, they said that is the No. 1 concern. We want to make certain, when we go in a doctor’s office, that the doctor makes the decision, not some clerk at an insurance company.

I know from my experience in Illinois, as most others know from their own personal experiences, many times doctors are being overruled. I can recall a doctor who said to me a mother came in the office with an infant and the baby had been complaining of a headache on the right side of his head for several months. The doctor asked if it was always complaining about one side of the head, and the mother said yes. The doctor thought: I had better take an MRI to see if there might be a brain tumor. Before he said that to the mother, he looked at her file for the name of her insurance company. He said, excuse me, left the room, got on the phone and called the insurance company. He said: The mother presents herself with an infant complaining of headaches for several weeks and months on one side of the head. It is my medical decision and opinion we should have an MRI to determine whether there is a possibility of a brain tumor.

The voice on the other end of the phone said: No; no, The insurance company that paid for the bills declines that procedure.

That doctor had to walk back to that room and not even tell the mother what had happened. He was bound by the contract not even to disclose that his medical judgment has been overruled by an insurance company clerk.

That is the state of health care in America. Families who go into those doctors’ offices, confident the patient-doctor relationship is a sacred one that can be trusted, are beginning to think twice. They appeal to Members of Congress, Democrats and Republicans: Do something; restore our faith in our medical system. Restore quality health care. Pass a Patients’ Bill of Rights.

No, not in this Congress. This Congress and the Senate on July 15 passed a bill friendly to the insurance companies—as if they needed another friend on Capitol Hill—a bill which, frankly, didn’t address the most basic issues families worry over every single day.

I won’t even get into the question of expanding medical insurance coverage. We wouldn’t even utter those words on Capitol Hill for fear it might bring down charges of radicalism, the idea that the 44 million uninsured Americans who grow in number every year might have their Government care enough to do something. We are not in that business with the Republican-controlled Congress. We don’t talk about those things—like the aunt who is somewhere off in the distance, never referred to by a family.

We don’t talk about medical coverage for all Americans. Families talk about it. Families talk about their kids needing health care. We don’t talk about medical insurance policies of their moms and dads, and whether they have a chance to be covered. Families talk about whether or not someone with a preexisting condition can find insurance in this country. We don’t talk about it in Congress, no. The insurance companies don’t want Members to talk about it. The special interests ruled this session of Congress.

We see in the Republican legislative landfill of the 106th Congress the Patients’ Bill of Rights, an issue we failed to address.

The nuclear test ban treaty: Just a few weeks ago, possible one of the worst decisions made by Congress in a decade. It was greeted with disbelief where the United States not only would have the moral leadership in the world but enact a treaty that backs it up and says to countries around the world: If you are not a nuclear power, you become one. If you have nuclear weapons, don’t test them. Let’s stop this nuclear arms race in place.

This nuclear test ban treaty failed in the Senate on a largely partisan vote. It was a sad day for America. It was a sad day for a country which has tried to lead the world and say to countries such as India and Pakistan, stop what you are doing, don’t keep this arms race going and develop nuclear weapons that could mushroom into a war that would destroy not only people in those two countries but in many other nations. This Congress, this Senate, failed to enact a nuclear test ban treaty.

We failed to enact any legislation to deal with school construction. Here’s a look at the numbers: There will be more kids showing up for classes in the next 10 years than we have been serving in the last 10 or 20 years. Those kids need teachers, they need classrooms, they need modern schools. Schools where they have the electricity to make certain they can sustain the computer technology, schools that are safe, schools where kids have a positive learning environment. When the President made this proposal for school construction, it was greeted with disbelief and disapproval on the other side of the aisle. We have done nothing in this session of Congress to deal with school construction.

Campaign finance reform: Is there a more basic issue for the future of Congress? Will we ever change the current system which has become a bidding war among special interests where Members of the Senate such as myself literally have to be on the phone day and night, begging for money for a campaign that costs millions of dollars? If you are not independently wealthy and cannot write a big check to sustain your own campaign in the
Senate, you spend most of your time begging for money. In what that Americans want in the Senate or the House of Representatives? I don't think it's this.

A bipartisan bill—Senator JOHN MCCAIN, a Republican, of Arizona, and Senator RUSSELL FEINGOLD, a Democrat from Wisconsin—said we can clean up this system, but this Congress failed to enact meaningful campaign finance reform. Only 55 Senators—45 Democrats and 10 Republicans—came forward in support of this most basic change in reform.

As part of the legislative landfill of the 106th Congress, Republicans were successful in not passing campaign finance reform.

Minimum wage increase? The minimum wage in this country is $5.15 an hour. When you calculate that out, it means, it was $30,000 a year. In 1999, the average income of farmers in Illinois and Minnesota will be recognized following the Senate, you spend most of your time begging for money. In what that Americans want in the Senate or the House of Representatives? I don't think it's this.

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A bipartisan bill—Senator JOHN MCCAIN, a Republican, of Arizona, and Senator RUSSELL FEINGOLD, a Democrat from Wisconsin—said we can clean up this system, but this Congress failed to enact meaningful campaign finance reform. Only 55 Senators—45 Democrats and 10 Republicans—came forward in support of this most basic change in reform.

As part of the legislative landfill of the 106th Congress, Republicans were successful in not passing campaign finance reform.
This is a day I have looked forward to for a long time. It is a day for the disabled in America. By passing this legislation, we are going to make it easier for them to return to work and become self-sufficient. We are going to give those who want to try to return to work the tools they need to support themselves and to escape from the dependency on a monthly Government check.

For years, the Social Security disability program has provided a vital safety net to assist those who fall on hard times and need help when they become sick or injured and cannot support themselves. It has done this job well. But for the many disabled people who have wanted to return to work and could be able to work, the disability program has not worked as well. It has not provided the tools to enable them to return to the workforce. It has not given them the tools they need to move off the disability rolls. In fact, fewer than 1 percent of those who go on the disability rolls—that is currently 4.5 million people—make a successful return to work because the program does not provide an adequate support network or resources for these Americans to move back into the workforce.

For these disabled people, the disability program has become a black hole. Once they fall in, they cannot escape. The bill we hope to pass today or tomorrow finally gives these Americans new hope, the ladder they need to climb out of that hole. The Ticket To Work and Work Incentives Improvement Act modernizes the disability program and moves it into the modern age and provides more options for the disabled who want to work. It provides them with a ticket that can be used to help acquire skills to reenter the workforce.

Under the old system, these workers had only one option if they wanted to return to work; they had to work through their State vocational rehabilitation programs. This option will still be open to them, but now they will also be able to use their “ticket” to go to other provider networks and employers to obtain skills and jobs. In short, the “ticket” expands opportunity for training and choices for rehabilitation and returns disabled workers to the workforce.

This legislation also addresses the most pressing need for most of those who want to leave the disability rolls and return to work—the availability of adequate health care. Many of these potential workers continue to require a high degree of medical care even after they return to work. Obtaining this care—and paying for it—is often a high hurdle, especially for those who move back to the workplace in entry and lower-level positions. Under the bill we are dealing with today, we expand continued Medicare coverage for the disabled and also increase Medicaid funding to the States to help them address the problem.

All in all, this bill is win-win. It is a winner for the disabled community and a winner for the American taxpayers and all of us who pay Social Security taxes. The Congressional Budget Office tells us that for every 1 percent of disability recipients who return to work, the Social Security disability trust fund saves $3 billion. That is serious money. If this legislation only works partly as well as we expect, it will make a tremendous difference for the future of the trust fund and our ability to look after the neediest Americans.

It’s been almost 5 years since Congress began looking into problems with the disability program. In 1995, when I was the chairman of the House Social Security Subcommittee, we began holding hearings on possible changes we could make to Social Security to help the disabled. After those hearings, former Congresswoman Barbara Kennelly and myself wrote reform legislation that passed in the House in 1996 by a vote of 410-1. While my bill died in the Senate last year because Senator Kennedy put a hold on my bill and some shenanigans by the White House, it is at the core of the legislation we are passing today and I am very proud of that.

We have worked very hard to make sure the ticket-to-work portion of this reflects the bill that passed the House last year 410-1.

This is a good bill, and I urge my colleagues to support it. It will truly make a difference for many Americans who need it the most, and I think it will stand as one of the most significant pieces of legislation to pass during this Congress.

I yield the floor.

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

NORTHEAST DAIRY COMPACT

Mr. WELLSTONE. Mr. President, in a while—though it is not clear when—it is my understanding that Congressman Obey from Wisconsin—and I see Senator Feingold from Wisconsin on the floor right now—in the House with any number of different motions to adjourn before this conference report is acted upon.

We will eventually get this huge omnibus conference report. Those of us from the midwest dairy States are indignant about what has been done. It goes beyond dairy. Later on, believe me, we are going to have plenty of time to talk about dairy farmers. We are going to talk about what it means to dairy farmers, what it means to our States and the country when, in a conference committee, provisions that extend the Northeast Dairy Compact and also block what Secretary Glickman was trying to do with the milk marketing order reform are put into the overall bill.

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Mr. OBEE. Mr. President, I would like to respond to the comments by the Senator from Minnesota. The Northeast Dairy Compact is a win-win for the dairy farmers, for the consumers, and it is a win-win for the States. What we did was not just in the Northeast Dairy Compact. There are a number of dairy provisions that were put into the conference report. We worked very hard to ensure that dairy provisions got into the conference report. I am proud of that.

Mr. WELLSTONE. Mr. President, I yield the floor.

I would like to respond to the comments by the Senator from Wisconsin. The milk marketing order is a very important piece of legislation that affects dairy farmers. It is a cornerstone piece of legislation that has been in place for a long time. When the Northeast Dairy Compact was signed into law, it was a win-win for the dairy farmers, for the consumers, and it is a win-win for the States. What we did was not just in the Northeast Dairy Compact. There are a number of dairy provisions that were put into the conference report. We worked very hard to ensure that dairy provisions got into the conference report. I am very proud of that.

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Mr. W. S. SAUNDERS. Mr. President, I would like to respond to the comments by the Senator from Wisconsin. The milk marketing order is a very important piece of legislation that affects dairy farmers. It is a cornerstone piece of legislation that has been in place for a long time. When the Northeast Dairy Compact was signed into law, it was a win-win for the dairy farmers, for the consumers, and it is a win-win for the States. What we did was not just in the Northeast Dairy Compact. There are a number of dairy provisions that were put into the conference report. We worked very hard to ensure that dairy provisions got into the conference report. I am very proud of that.
the floor of the Senate to strongly dissent from the way it was done. I understand the rules. I understand what it is all about when people have figured out a way to roll Senators. I think that is what the majority leader, the Senate majority leader, and House Majority Leader ARMELY have done. I think that is what the Republicans have done in this conference committee. There is no question about it.

But I want people in Minnesota to know that we will continue to speak out about this, even as we see less and less opportunities for our leverage. We will fight in whatever way we can. We will certainly not be silent about this.

When this bill comes over, I would think, I say to my colleague from Wisconsin, Senator FEINGOLD, we can probably expect a considerable amount of discussion about not only the impact on dairy farmers and what it is going to mean for a lot of people who are going to go under who are already struggling enough, but I think also, I say to Senator FEINGOLD, who has been such a reformer, the way it has been done, the whole process, which I think is profoundly antidemocratic, with a small ‘d’—not up-or-down votes, late at night, tucked into a report; by small “d”—not up-or-down votes, late at night, tucked into a report; by whom, when, how, not at all clear, and then design rules in such a way you can just roll it through—we will certainly be speaking out loudly and clearly about it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

A PRODUCTIVE SESSION AND ISSUES FACING AMERICA

Mr. INHOFE. Mr. President, while presiding and listening to some of my distinguished colleagues talking about the lack of productivity of this session of the legislature, there are a few things that were very productive and that we can be very proud of when we go home and say we were able to get certain things done.

Before doing that, though, and to ensure I get one point out before using up the time that is allotted, the distinguished Senator from Illinois named a number of issues that he thought were somewhat disgraceful—for example, the fact that we do not have more gun control legislation.

Maybe because of my roots back in Oklahoma, I find it very difficult to understand this mentality, that somehow guns are the culprit as opposed to the people, and somehow that honest, law-abiding Americans should have to be disarmed, should have to give up their guns, while the criminal element would not be giving up their guns.

Time and time again, every survey that has been done, every study that has taken place, has come to the conclusion that the problems that we have are of a criminal element. There are people out there who are not getting adequately punished, and they will continue to have firearms. I will just make one statement. It seems incredibly naive to me anyone could believe that if we pass a law that makes it illegal for all citizens to own guns, somehow the criminal element, who by their very definition and nature, are criminals, will comply with the law.

Also, it seems very frustrating to me that we have a President of the United States who wants to have all kinds of legislation to take away guns from law-abiding citizens and at the same time, turns 16 terrorists loose on the streets of America; that we have a President of the United States who will make speeches—as this President made some 133 times, including in two State of the Union addresses, now, for the first time in contemporary history, the first time since the dawn of the nuclear age, there is not one—I repeat, not one—missile aimed at American children tonight. When he made that statement, he knew full well, it is in at least one country, China, there were a minimum of at least 13 American cities that were targeted at that very moment. So we are living in a very dangerous world.

I listened to the concerns that we have on the nuclear test ban treaty. As chairman of the Readiness Sub-committee of the Senate Armed Services Committee, I would like to kind of lead into that to at least explain to thinking people that we did the right thing by not unilaterally disarming with the Comprehensive Test Ban Treaty, which is not verifiable.

First of all, I can say—and I do not think anyone can challenge this statement—we are now in the most threat position we have been in, in the history of America. By that, I mean for things that have happened in the last 7 years in three broad categories.

First of all, we have a President of the United States who, through his veto messages, starting in 1993 in vetoing the defense authorization bills, and then succeeding bills since that time, has done so, so that we would have to cut down the size of our military. He ended up, having a force strength of one-half of what we had in 1991 and 1992 during the Persian Gulf war.

It is not a matter of the President vetoing defense authorization bills and taking money out of our defense system to put into his favorite domestic social programs, but at the same time he has deployed our troops to places all over the Earth where we have no national security interests. So now we have troops in 50 places.

I remember in December of 1995, when we were on the floor trying to pass a resolution of disapproval, to stop the President from sending our rare military assets to places such as Bosnia. We lost it by three votes. The President said: Let me make this clear; if we defeat this resolution and if I had to send troops into Bosnia, I promise they will be home for Christmas 1996. Here we are. We are getting close to Christmas 1999 and the troops are still not home. There is no end in sight.

We have the same thing in Kosovo. We have had serious problems. I have gone over to Kosovo, I am sure, more than any other Member has, only to find out this is a war that has been going on for 600 years, a war where the two sides alternate in who is the good guy and who is the bad guy. Ethnic cleansing has taken place historically for 600 years on both sides; both on the Serbian side and the Albanian side.

So it was a horrible awakening I had when I was out there, right after we went in there with cruise missiles, where we had refugees in different places such as Tirana, Albania. I can remember walking through the refugee camp. The people were well cared for. They were doing quite well. But then they looked at me and said: When are you and America going to do something about our problem?

I said: What is your problem?

They said: Well, we’re refugees.

I said: Why should we in the United States be as concerned about that as other countries?

They said: Because it is because of you that we are refugees. It is because the ethnic cleansing was not accelerated until the time that the bombs started being dropped on that town.

So we now have a weakened defense system because we have starved it into a degree of weakness. Yet we are living in a time when virtually every country has tons of mass of weapons.

And now we find out that in conventional warfare we are not superior any more. Wake up America. We are not superior any more. We found out the other day that two of our Army divisions are ranked as C-4, which means they are not capable of combat. And what are these divisions? These divisions are the 10th Army Mountain Division in Bosnia and the 1st Infantry Division in Kosovo.

It is not the fault of our troops. They are put in place, and they no longer have combat training, so they are not capable of combat without coming out of there and training for at least 6 months.

So if we are down to 10 Army divisions because of this President, and 2 of them are rendered incapable of combat, that is 8 Army divisions. We had 19 during the Persian Gulf war. So that is what has happened to our military.

Just the other day I was very proud of Gen. John Jumper, who had the courage to stand up and say publicly that we are no longer superior in air-to-air and air-to-ground combat. Our strategic fighters are not superior to
those others on the market. He stated the SU-35, as made by the Russians, is on the market right now, the open market. It is for sale. Anyone can buy it—Iraq, Iran, Syria, Libya, anybody else—and it is better than anything we have, including the F-15 and the F-16.

We have to face up to this. It is a threat from the conventional side as well as from missiles.

I will make one comment about the missiles. Again, we hang this on President Clinton. In that same veto message in 1993, President Clinton said: I’m vetoing this bill. And I’m vetoing it because it has money in it for a national missile defense system, which we do not need because there is no threat out there. Yet we knew from our intelligence that the threat would be there and imminent by fiscal year 1998. And sure enough, because of the President’s moratorium, the weapons were available to people such as China or Russia, or now North Korea, that have the capability of delivering those warheads anywhere in America right now, when we are in Washington, DC. They could fire one from North Korea that would take 35 minutes to get here. There is not one thing in our arsenal to knock it down because this President vetoed our national missile defense effort.

Now the American people have awakened to this, and we have enough Democrats who are supporting Republicans to rebuild our system and to try to get a national missile defense system deployed. Unfortunately, it couldn’t happen for another 2 years, maybe 2 1/2 to 3 years.

That leads us to the Comprehensive Test Ban Treaty about which my distinguished colleague from Illinois was talking. I think probably the best thing that could have happened to us for our national security was to defeat that. If we don’t have a national missile defense system, the what do we have to deter other countries from launching missiles at the United States?

What we have is a nuclear stockpile. We have nine weapons in the nuclear stockpile. We have the option to launch missiles. The what do we have to deter other countries from launching missiles at the United States? We have what we have is a nuclear stockpile. We have nine weapons in the nuclear stockpile. We have the option to launch missiles. The

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

EXTENSION OF MORNING BUSINESS

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

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

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, I ask unanimous consent that the period for morning business be extended to the hour of 2 p.m. and that the time be equally divided in the usual form.

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

Mr. INHOFE. I suggest the absence of a quorum.

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The legislative assistant proceeded to call the roll.

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

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Mr. WYDEN. Thank you, Mr. President.

PRESCRIPTION DRUGS FOR THE ELDERLY

Mr. WYDEN. Mr. President, I have come to the floor of the Senate on a number of occasions recently to talk about the issue of prescription drugs for the elderly.

I think there is a particularly relevant point to make this afternoon given the very extensive press coverage we have seen on this issue in recent days.

Over the weekend, David Rosenbaum in the New York Times had an excellent article on the issue. In the last couple of days, Time magazine had another very lengthy piece on the question of prescription drugs for seniors. And both of these articles ultimately make the point that Congress probably is not going to be able to agree on legislation this session. The authors offer considerable skepticism about the ability of Congress to come together on a very difficult issue. Both of them, to some extent, go off into what I think are secondary questions—the questions of the role of the Internet, and the question of patents on drugs. Those are important matters.

But what is central and what the Congress needs to do on a bipartisan basis is pass legislation that would make it possible for frail and vulnerable older people to get insurance coverage that would provide for their medicine.

For example, if you are an elderly widow who is 78, maybe having early signs of Alzheimer’s, and you spend more than half of your combined monthly income of Social Security and pension on prescription medicine—those are the kinds of letters that seniors are sending to me—it is not going to help you a whole lot to get a 10- or 15-percent discount because you shop over the Internet. Certainly, the role of the Internet in prescription drugs is going to be important. There will be a lot of issues. But to provide relief for the Nation’s older people, what Congress needs to do on a bipartisan basis is pass legislation that provides insurance coverage making it possible for older people to pay these big bills. Patent issues and the question of the Internet are matters that are important, but what is needed is legislation that provides real relief.

Part of the effort to win bipartisan support for prescription drug legislation is coming to this floor and, as the poster says, urging seniors to send in copies of their prescription drug bills. Send them to each of us here in the Senate in Washington, DC.

I intend to keep coming to the floor of the Senate and actually reading from these letters. I have three today that I think tell an important story.

One is fromorum in Medford, OR, in my home State. Another is from a senior citizen from Grants Pass, OR, and a third is from a senior citizen in O’Brien, OR, all of which reflect the kind of concerns I know are out there. I urge seniors learn about our campaign and see that we are urging them to send us copies of their prescription drug bills, it can help bring about bipartisan support for legislation in the Senate.

I am very proud that I have been able to team up in recent months with Senator OLYMPIA SNOWE on bipartisan legislation. I have been of the view that nothing more can happen in Washington, DC, unless it is bipartisan. The Snowe-Wyden legislation is a bill that uses marketplace forces and unleashes the forces of the private sector in an effort to make medicine more affordable for the Nation’s older people.

What is so important about it is that our elderly are in effect hit by a double whammy. Millions of them can’t afford their prescriptions. Medicare doesn’t cover medicine. It hasn’t since the program began in 1965.

On top of the fact that seniors don’t have Medicare coverage, when they walk into a pharmacy—I see our friend from New Hampshire, our colleague who has a great interest in health care. As he knows, when a senior walks into a drugstore in New Hampshire, Oregon, or Kentucky, and can’t pay for their prescription medicine, in addition they are subsidizing the big buyers of prescription drugs. The HMOs and the health care plans are in a position to negotiate a break on their prices. The seniors, people who are spending half their monthly income on prescriptions, are, in effect, subsidizing those big buyers.

The bipartisan Snowe-Wyden legislation, fortunately, has been able to generate a lot of interest in the Senate. Senator SNOWE and I are proud to have the support.

For example, more than 54 Members of the Senate—more than half the Senate—are now on record saying they would support a tobacco tax to pay for prescription drug benefits for older people. That strikes me as appropriate.

Medicare spent more than $12 billion last year picking up the costs of tobacco-related illnesses, and more than 50 Members of the Senate are now on record as saying they would be willing to support additional funding to help the vulnerable seniors from whom we are hearing.

Let me read a little bit from some of these letters because I think they sum it up. One I received in the last couple of days from Grants Pass says:

No way can I afford to pay for my medicine. I did get a refill on Pepcid.

That is an important medication this elderly woman is taking now in Grants Pass, OR.

I do hope you can do something to help us seniors.

When she writes, “No way can I afford to pay for my medicine,” that essentially sums it up.

We can talk about people buying prescription drugs over the Internet; we can talk about the patent issue, both involving substantial extra cost. Whatever that person needs in Grants Pass—and the letter goes on to say she has no insurance coverage for her medicine—seniors need legislation that actually provides coverage through the insurance system to help pay for prescription drugs.

Another letter comes from Medford, OR. We can see the stack of bills going to a pharmacy in Medford, Southern Oregon Health Trust Pharmacy. This individual has spent $1,664 recently on prescription drugs in Medicare. She is sending bills to our office. Unfortunately, she doesn’t get any help through the various insurance coverage she has. This woman is a very subjective picture of what we have been hearing. She also goes on to point out that this large stack of bills she sent me does not even include some of the over-the-counter drugs she is taking such as ibuprofen.

These cases illustrate very well why our country cannot afford not to cover prescription medicine. All of these articles, including Time magazine, are always questioning whether the Nation can afford to cover medicine. I have contended for some time now we cannot afford not to cover prescription medicine. These bills I have been reading from on the floor of the Senate say seniors can’t afford drugs that help to lower cholesterol, help to lower their blood pressure. These are drugs that help older people to stay well.

Prescription drug coverage for seniors has been a priority ever since my days with the Gray Panthers before I was elected to Congress. Frankly, it is much more important today than ever because these drugs that so many seniors write that they cannot afford today help seniors to stay well. The variety of anticoagulant drugs that help to prevent strokes, as I have commented on the floor of the Senate in the past, might cost $1,000 a year for an older person to buy them to stay healthy. Compare that to the costs incurred if a senior suffers a stroke. If a senior cannot get an anticoagulant drug to help stay healthy and avoid a stroke, that senior might incur expenses of more than $100,000.

The question for the Senate is, Are we going to help frail and vulnerable seniors with prescription drug coverage that will cost just a fraction of the expenses that will be incurred through Medicare Part A, the hospital portion, and Medicare Part B, the outpatient portion, if the senior cannot get help and ends up getting sick and, very often, incurring extraordinary expenses?
November 18, 1999

The third letter I read comes from a woman in O’Brien, OR. She has spent more than $3000 through November of 1999 on her prescription drugs, and just in recent days she has taken on a job in hopes she will be able to pay for her prescriptions. She is 78 years old. At present, she has her Social Security and Medicare, but now has taken on a small job in hopes she will have the funds to pay for her prescription medicine. She writes that she hopes the Snowe-Wyden legislation becomes law.

Other colleagues have different approaches. We appreciate that. What is important is we move forward together. Let’s show the authors of all these recent articles in Time magazine, in the New York Times, and various other publications that are skeptical about us. Let’s show the Congress can tackle a big issue such as this; let’s prove them wrong. Let’s show, in spite of a fairly polarized political climate in America today, when there is an important program, this Congress can come together.

I will keep coming to the floor and urging seniors to send in copies of their prescription drug bills. The poster lays it out: Send their bills to their Senator in Washington, DC. The Snowe-Wyden legislation, SPIEC, for the Senior Prescription Insurance Coverage Equity Act, is a bill that, on a bipartisan basis, can be supported in the Senate. If other colleagues have different ideas, let’s get them onto the table. Let’s come up with a marketplace approach to holding down the costs of medicine. These bills show access to coverage is very key, but holding down the costs of medicine is very key as well. There is a right way and a wrong way to hold down those costs. The right way is to use a model such as the health care system for Members of Congress. That is what is behind the Snowe-Wyden legislation that provides choice, competition, and marketplace forces for holding down medicine.

There is a wrong way—the various approaches that call for price controls. The real danger behind price controls is that the costs for anybody who is not in the price control group will be shifted on to other Americans who are having difficulty paying for medicines as well. It would not be a particularly useful thing for the Senate to come up with a price control regime for folks on Medicare and then have the costs shifted over to a divorced woman who is 27 years old with two children who is working her head off to try to help her family and help them pay for expenses and that could go up because costs would be shifted to her.

I intend to keep coming back to the floor of the Senate and reading from these bills. Today I have read accounts from Medford, from Grants Pass, and from O’Brien that farmers cannot afford today to cover prescription drugs.

When public opinion polls are taken, coverage of prescription drugs for older people is now one of the top two or three concerns in America—not just for seniors but for all Americans; certainly for the elderly. There are bipartisan approaches that call for price controls. Perhaps a young couple in their forties who have to try to provide some assistance to a parent who could not afford prescription medicine is following this issue. It is not just a seniors’ issue; it is an issue for families; it is an issue for the quality of life of our country.

The Snowe-Wyden legislation is a bipartisan bill where more than 50 Senators have already indicated they will support the funding mechanism in prescription drug coverage as one way to proceed.

I am sure our colleagues have other ways to go. But what is important is to show the skeptics across this country who are writing in magazines and saying in news reports that nothing can be done that we can come together on a bipartisan basis and provide real relief for the Nation’s older people.

I hope seniors will, as this poster indicates, continue to send copies of their prescription drug bills to us in the Senate, each of us in Washington, DC, because I intend to keep coming back to this floor again and again until we can secure passage of this legislation.

I do not want to see the attention of the Senate diverted to questions of the role of the Internet and patents and the variety of matters because, while they are important, they do not go to the heart of what is needed in this country. What is needed in America for the millions of seniors who are spending half of their income on prescription drugs—and that is what I have been describing on the floor of the Senate—insurance coverage. They need coverage which will pick up that part of their income that goes for prescription drugs. That is what the Snowe-Wyden legislation does on a bipartisan basis.

We are going to keep coming back to the floor of this body to talk about the need for prescription drug coverage for the elderly. There are bipartisan proposals to do it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is conducting morning business until 2 o’clock.

Mr. LEAHY. I thank the distinguished Presiding Officer.

The PRESIDING OFFICER. The minority controls 5 more minutes.

Mr. LEAHY. Mr. President, I ask unanimous consent I be allowed to continue for not over 10 minutes in defense of theSnowed-out majority leader following an editorial in one of our papers today.

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

RESPONDING TO CRITICS OF THE NORTHEAST DAIRY COMPACT

Mr. LEAHY. Mr. President, I read an editorial this morning in the Wall Street Journal that incorrect statements about both the distinguished majority leader, Senator Lott, and the Northeast Dairy Compact. In fact, the editorial was totally, factually wrong. If the editorial writers would have checked their facts, they would have known that.

Basically, the writers used arguments of opponents of the Northeast Dairy Compact, and they used those arguments without any determination of whether they are accurate or not. This time they used the arguments to go after the distinguished majority leader and others who supported the compact. They have used the so-called facts other times, but, again, they have always used them in the same wrong arguments.

I have referred many times to the major GAO study that was issued on milk prices. I have referred to the detailed OMB study on the compact. Opponents never offer any proof for their arguments. I am fed up with the Compact being criticized as a back room deal because I remind everybody that we actually had a vote on it, albeit in the form of a cloture motion, but we had a vote on it on the floor in the Senate and a majority of Senators, Republicans and Democrats alike, voted for it. The majority voted for it this year. Now those who oppose it are using filibusters and parliamentary dodges because they know that they lost the vote.

I am fed up with opponents attacking the compact as a special interest cartel, a compact which is made up of family farms, considering the largest opponent of the compact is Philip Morris, the tobacco giant which owns Kraft. The supporters are family farmers; the opponent, Philip Morris. It does not sound as if the supporters are really a cartel.

I am fed up when opponents of the compact say milk prices are higher in New England when typically milk prices are higher in Wisconsin and Minnesota than they are in New England. The places that do not have the compact and who are attacking it the most charge their consumers more for milk on average than the area that does have the compact.

GAO did a study of this and they looked at milk prices during the first six months after the Compact was implemented. GAO found that consumers in New England were able to buy milk considerably cheaper than in Wisconsin or Minnesota. The editorial writers and opponents of the compact do not point this out. Why do they not point this out? Because it points to the success of the compact and does not support the arguments made by the cartels that are opposed to it.
Let me read some examples from the GAO report. For example: In February, 1998 the average price of a gallon of whole milk in Augusta, ME, was $2.37. The price in Milwaukee, WI, was $2.63, and in Minneapolis, MN., it was $2.94 per gallon.

Take another New England city, Boston. At the same time, the price of a gallon of milk was $2.54 as compared to Minneapolis, where the price, on average, was $2.94 a gallon.

I could go on and on and compare low New England retail prices with higher prices in cities outside of New England. I invite anybody to review this GAO report.

There is another report on the compact that was done by OMB. They issued a report which found the retail milk prices in New England, after the Compact was in place, were, on average, lower than for the rest of the nation.

Let me read some examples from the editorial page writers who have ignored both the GAO report and the OMB report. Why? These are factual and objective reports that the Journal should have reviewed.

The Wall Street Journal editorial page writers have ignored both the GAO and OMB report. Why? It is clear that our compact is working perfectly by benefiting consumers, local economies, and farmers, something that is not stated in the editorial that attacked Senator Lott.

I am especially fed up when opponents say the compact blocks interstate trade in milk when OMB reports that the compact increased the sale of milk into New England as neighboring farmers in New York, who did not have the Compact, take advantage of it. OMB reported that while the Compact was in force for the first six months, there was an 8 percent increase in milk sales into the region. Instead of blocking interstate commerce, I would say an 8-percent increase in interstate commerce is an 8-percent increase in interstate commerce.

I am fed up when opponents say the compact does not help dairy farmers stay in business, when it greatly increases their income. My best guess is dairy farmers, just as wheat, corn, or soybean farmers, when their income increases, they are more likely to stay in business.

I recognize the Nation’s major opponent of the compact, Kraft, owned by Philip Morris, does not want farmers to have the additional income the compact provides. But opponents of the compact should not argue it does not give farmers more income when, in fact, it does.

Opponents of the compact say farmers in Wisconsin and Minnesota are going out of business, even though this is comparing apples with oranges. Even though the compact doesn’t have an effect on the section of the country that is doing fine and protecting their farmers when, if they wanted to, they could do exactly the same thing in their own part of the country.

I wish to mention for a minute what the compact replaces. Opponents of the compact prefer prices to be set by Federal bureaucrats. Supporters of the compact prefer pricing to be determined by consumers and local representatives, not by the Federal Government.

The legislatures in the six New England States had five goals in mind when they enacted the compact into law in each of their States. They wanted to assure fresh local supplies of milk to consumers at lower prices than found in most of the Nation. They wanted to keep dairy farmers in business. They wanted to protect New England’s rural environment from sprawl and destructive development, and they wanted to do this without burdening Federal taxpayers.

The Northeast Interstate Dairy Compact has delivered beyond the expectations of those Governors and State legislatures. The compact provided an added benefit. It has increased interstate trade into the region as neighboring farmers have taken advantage of the compact.

This great idea, coming from those six New England States, has created a successful and enduring partnership between dairy farmers and consumers through out New England.

Thanks to the Northeast Compact, the number of farmers going out of business has declined throughout New England for the first time in many years.

It is unfortunate that some still favor Federal bureaucrats running this farm program. We ought to instead be blessing this compact. Here is something not run by the Federal Government, not costing the taxpayers anything, but benefiting the people who are affected by it. Indeed, half the Governors of the Nation, half the State legislatures in the Nation, asked that the Congress allow their States to set their own dairy policy through interstate compacts that cost taxpayers nothing. It costs taxpayers nothing.

Let me say it again: It costs taxpayers nothing. Why do people oppose a program that is not costing taxpayers anything and affects just the people in the region we should be helping?

This very compact passed with overwhelming support in almost all these States—Republicans and Democrats in the legislatures; Republican and Democratic Governors. Major environmental groups have endorsed the Northeast Dairy Compact. A New York Times and National Geographic article discussed the importance of keeping dairy farmers in business from an environmental standpoint.

Consumer prices are lower, farm incomes higher, and no increased costs to taxpayers. One wonders, why does anybody oppose it?

One asks, why is it opposed? The answer is simple: Huge milk manufacturers, such as Suiza, headquartered in Texas, Kraft, which is owned by the tobacco giant Philip Morris, and other processors represented by the International Dairy Foods Association oppose the compact because they want to keep the money themselves. They do not want the farmers to have any of these profits.

Even the most junior investigative reporter could figure out the answer. All anyone has to do is look up the doings made by these giant processors. All the negative news stories about the compact have their genesis in the efforts of these giant processors and their front organizations.

I say this again on the floor, just so people understand, because it was an unfair editorial in singling out the distinguished majority leader of the Senate using facts which bear scrutiny. Indeed, one of the corporation front organizations, Public Voice for Food and Health Policy, apparently could not continue to exist when it was obvious that their policies were determined by corporate dollars rather than good policy. They had to close up shop when they lost their conscience.

I have detailed the close alliances between their lead executive who handled compact issues for them and the job he negotiated to represent the huge processors a couple of times on the Senate floor.

I will give the press another lead on the next public interest group whose funding should be investigated—the Consumer Federation of America. Indeed, one of their officers—formerly from Public Voice—is being taken around Capitol Hill offices by lobbyists representing processors. A glance at who funds their functions and efforts will be as instruction as investigations of Public Voice.

Why should Philip Morris or Kraft want to use these organizations instead of directly going to the editorial boards of the New York Times or the Washington Post to badmouth the compact? The question does not need me to provide the answer.

What would be the best attack—whether true or not—on the Compact that might swing public opinion?

It might be to simply allege that milk prices are higher for children in the school lunch program. Who would the editorial boards more likely listen to regarding school children: a public interest group or a tobacco company?
November 18, 1999

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are.

INTERNET TAX MORATORIUM

Mr. GREGG. Mr. President, today marks the 1-year anniversary of the Internet tax moratorium and the setting up of a commission to look into the manner in which we tax the Internet. This moratorium was to last for 3 years, and the commission was to meet and begin the process of trying to determine how best to deal with the variety of proposals to place taxes on the use of the Internet, products which are sold over the Internet, and services which are supplied over the Internet.

Obviously, the Internet represents a watershed mark possibly in history as to economic activity. It is a period in which we have seen the Internet become an economic engine of immense proportions for our Nation and for the world. The Wall Street Journal reported on October 18 that electronic commerce not only positively affects economic activity but has had a very positive impact on reducing the rate of inflation.

Products sold over the Internet are actually forcing down prices as competition occurs and products, such as prescription drugs, have been found on the Internet to be 28-percent cheaper and apparel 38-percent cheaper. The overall index found that products generally were about 13-percent cheaper on the Internet. The Internet has not only been a wonderful economic engine; it also has been a force for maintaining and controlling inflation during this period of dramatic prosperity.

Of course, the Internet is growing at an incredible rate. Over the last 12 months, Internet economic growth has been about 68 percent, which is a huge rate of growth compared to a national economic growth which is usually in the 3- to 4-percent range, if we are lucky. The role of the Internet in our society is immense today and is getting even more significant.

The question is, How do we deal with it in the context of taxes? There is a large number of communities and a number of States in this country that wish to assess on Internet transactions their local sales tax activity, much the same as they attempt to assess catalog sales. There are something like 30,000 jurisdictions which could assess taxes on the Internet.

The effect, of course, of having this diffuse and extraordinarily large group of taxing authorities—50 States and 30,000 subjurisdictions of those States— with a potential of taxing the Internet at various rates could, quite simply, grind to a halt this wonderful engine of economic activity and prosperity into which our Nation has gone.

Literally, if we allow the Internet to be subject to this variety of taxes and this variety of tax authorities, and the imagination and creativity we always see from various Government entities when it comes to taxing, literally we could end up stopping the Internet as an effective force for economic expansion and prosperity.

Furthermore, the concept of taxing the Internet, which is clearly a national and really a global instrument of commerce, appears, to me at least, to fly in the face of our Constitution. The commerce clause of our Constitution is pretty specific. Section 8, clause 3, of the Constitution reads:

The Congress shall have Power... To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

There can be nothing that is a form of commerce more among the several States than the Internet as it presently is expanding, growing, and becoming a force for economic activity.

Thus, the taxing of the Internet by all these different States would clearly, in my opinion, raise serious constitutional problems. In fact, the Supreme Court addressed this issue when it came to catalog sales in the Quill case, where the Supreme Court essentially ruled that States, unless they have a nexus relationship with the seller of the assets, do not have traditionally the ability to tax that transaction.

Secondly, Congress needs to look at the issue of taxation because of the extraordinary, as I have mentioned, chilling effect it would have on commerce generally. We, as a nation, as the creators and inventors of the Internet and, therefore, controllers not only of the initial and expanding technology, but also of the language which dominates the Internet, have put ourselves essentially as a nation on a rocket sled of economic activity. We have expanded and accelerated at an extraordinary speed past the rest of the world towards economic prosperity.

I recall, rather vividly, in the late 1980s when the "woe is me" crowd was saying that Japan was going to overtake the United States in all functions of economic activity, and that our economic model for prosperity simply could not compete with the Japanese economic model of prosperity, which was intimidating and which remains significant.

But the fact is that it did not work out that way. It did not work out that way because America's strength is our entrepreneurship and our inventiveness. We took that entrepreneurship and inventiveness and we created this massive new vehicle for economic activity called the Internet. Thus, Internet-generated goods and services have expanded and accelerated by our friends and neighbors and allies in the industrial world, we have, instead, exploded past them in the ability to produce prosperity and economic activity, in large part because of the Internet and the offspring of technology which it has created.

So we do not want to do anything which jeopardizes the unique and special international lead we have in this area. Yet allowing thousands of different jurisdictions to tax the Internet would do exactly that. It would jeopardize that lead and undermine and, as I said, possibly bring to a complete halt the use of the Internet as an element of commerce.

The third thing we must be sensitive to in this area of the Internet is the international implications beyond the questions of trade. It has been suggested by people at the U.N. that the U.N. should start to fund itself by putting in place a tax on e-commerce and e-mail. At first it was an outrageous suggestion, but it is the type of suggestion, but it is the type of suggestion you get at the U.N. from people who represent nations which may not have as much of a financial interest in it as we do and know that we would end up paying the tax, our Nation would end up paying the tax. But the fact that has been suggested is just a sort of crack of the door behind which, if it were fully opened, you would see an international initiative of significant proportions to place taxes on the Internet.

As a result, if we have essentially come to the table, having already soiled our hands with taxing the Internet, it will be very extraordinarily difficult for us to resist, whether it is the U.N. or whether it is some other nation that also tries to pursue this course of action. It is essential, for the purposes of maintaining an expanded technology and this form of economic activity, that we dampen down and restrict and as aggressively as we can resist having other nations pursue the path of taxation of Internet transactions.

Obviously, the U.N. has no right to step into this ground. In fact, as chairman of the appropriating committee that has jurisdiction over the U.N., I put specific language into an appropriations bill, which hopefully will pass today, that says the United States will not spend any money at the U.N. pursuing this course of action, which I am sure they will not. This was some idea put forward by somebody there, but I do not think it speaks to the majority at the United Nations.

But those are three core reasons why we have to be extraordinarily sensitive to what the tax policy is relative to the Internet.

The reason I raise this is because it took 8 months for the Internet commission to get started. That was not their fault. Really, it was the fault of those bodies which had the obligation...
of appointing membership to the commission. Actually, under Governor Gilmore, this commission has done an excellent job. Governor Gilmore’s position relative to taxation over the Internet is exactly the position that should be pursued. However, I am not sure he has a majority position within the commission. I hope he does.

But in order for us to assure this threat to our commerce does not occur, I believe we should extend this moratorium. Since we had at least 8 months of delay before we got this commission up and running, I think we should have an extension which recognizes that the commission should have the full 3-year period; therefore, we should extend the moratorium for another year, at a minimum, on the Internet.

I happen to think it should be extended beyond that, because I believe certainty in the area of taxation is one of the key issues for maintaining economic activity. If people participating in an economic activity can predict what their tax obligations will be to what the tax implications will be to an economic initiative, then they are much more likely to be willing to invest capital and take the risks necessary to pursue that initiative. But if they cannot predict their tax liability, then that limits and dampens down the desire to put capital and take risks in a certain economic activity. We have seen that historically.

So I do believe very strongly that we should not only be extending this moratorium for a year but that we should be extending it for a series of years beyond the 3-year moratorium that presently exists.

Let’s face it. The economic benefit which this Nation has seen as a result of the moratorium event—in the history of economics, I suspect this is going to go down with the industrial revolution as one of the most significant turning points in the history of prosperity and the way nations generate wealth.

The benefits which we, as a nation, have obtained as a result of this, as a result of being the incubator, the developer, and now the provider in expertise in the area of the Internet, and the use of the Internet for commerce, the benefits which we have derived, as a nation, are basically incalculable; the amount of new jobs which have been created; the number of people whose standard of living has been increased; the number of people who have been able to purchase goods at less of a price; and the number of people who have simply had a better chance to participate in prosperity.

The Nation as a whole has seen economic activity and economic prosperity in a way that has benefited everyone, in large part because of this huge expansion in e-commerce and in the Internet as a force. Those benefits dramatically exceed any benefit which we would obtain by allowing a large number of different States or municipalities to start taxing the Internet for the purpose of expanding their local governments.

It is the classic situation of the goose that lays the golden egg, to say the least. We have confronted a goose that is laying a lot of golden eggs for America, and for the prosperity of America, and for the opportunity of America to create jobs. For America to maintain its place as a world leader, we should not make the mistake of maybe not cutting off the goose’s head but nicking that goose with thousands of different taxes which may cause it to, unfortunately, stumble or even be stopped as a result of allowing the creativity and the imagination of our various government units across this Nation to begin to tax the Internet.

So I hope as we wrap up this session we will consider this. Obviously, we probably are not going to get it in this major omnibus bill, although I tried to do that and it was rejected in committee—an extension of the Internet moratorium.

I do hope when we come back next year this will be a priority item—to make it clear, to make an unalterable statement to the community which is developing and promoting this incredible engine of prosperity that we are not going to stop them by turning loose the forces of government and taxation on them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

EXTENSION OF MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the period for morning business be extended to the hour of 2:30 p.m. and that the time be equally divided in the usual form.

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

Mr. JEFFORDS. Mr. President, I yield myself such time as I may consume, or whatever.

THE NORTHEAST DAIRY COMPACT

Mr. JEFFORDS. Mr. President, I will take a moment to react to an editorial which I read this morning in the Wall Street Journal which had so many errors and erroneous comments that it shocked me to find out that such a fine newspaper as the Wall Street Journal would carry this.

I have been in Congress now 24 years, and as a result of unusual circumstances, for many years I had been sort of the leader of dairy for the Republican in the House. That occurred because I was elected during the Watergate year. During the Watergate year, there were 92 freshmen Representatives who were elected and only 16 were Republicans. So all of us who came in that year immediately got seniority because there were not any other Members that year.

I got to be the ranking member on the dairy subcommittee my first year. During that time, some 24 years, one thing I could be assured of was that any time something was going to come to the benefit of the dairy farmers, the Wall Street Journal, the New York Times, and the Washington Post would all write adverse editorials. Why is that? Well, do the dairy farmers buy any advertising in these newspapers? Of course, they don’t. Who does buy the advertising? It is those who purchase milk. What is their motivation? To keep the dairy farmers getting the least money possible so they can maximize their profits. And they have done a very good job of doing that.

But they also have a propensity, either because they, without any checking, believe everything told to them by the processors who pay for their ads or they just ignore the truth. The Wall Street Journal article of this morning was a very typical example. I will run through some of the facts that were utilized in this great paper to point out the errors.

First of all, they make statements which are just not true. They say we have to have a compact because our farmers are less efficient than the Midwestern farmers. Well, that is absolutely not true. Both are very efficient. The differences in the two areas are dramatic, but they are not relative to efficiency. Obviously, the Midwest farmers have an advantage because they are closer to the grain markets. They have more people producing cheese, and they have soils that are preferable to many of the other areas of the country, especially New England. So they have an advantage, not a disadvantage, by being not only efficient—and I don’t think our farmers are any more efficient than theirs—but having lower costs to start with. So to make the statement that it is all based upon inefficiency is absolutely ridiculous.

Then this statement: Never mind that this milk costs consumers to the tune of about 20 extra cents a gallon. This is absolutely false. In fact, one of the ironic aspects of this whole argument occurred back when the compact first went into effect and the Midwestern farm representatives said: We will show them. We will show that this is all due to efficiency and all those kinds of things. So they asked OMB, not GAO or whoever else. Why? Because OMB was sympathetic to the administration at that time and they wanted help from the White House to try to back up these arguments. Well, what happened? OMB did an analysis of the impact of the compact and found out just the opposite. Do we hear them quote that anymore? No. I
have to bring it up every time. They still—either their friends in the newspapers that make the money off advertising or they don’t care — they don’t care—ignore the fact that the study they asked for came back saying that, contrary to what they were telling people, actually the consumers in New England, where the compact was in effect, paid 5 cents less a gallon—not 20 cents more a gallon, 5 cents less a gallon—than the average in the rest of the country. But they still print something which they know is absolutely incorrect.

Also, for a conservative newspaper such as the Wall Street Journal—I wouldn’t give that same label to the New York Times and the Washington Post—the Wall Street Journal should recognize that all of these States, all six States, and all six of the States, and all six of the States, and all six of the States that are participating in it, have to go somewhere or it is going to last about 3 days before you have to get rid of the milk and you have to get rid of it. It is a little bit about how the farming goes.

Well, let us take a look and see what the thought was, instead of leaving it as they were telling the consumers, that is the kind of power they have. Well, it never gets quite that bad, but that is the kind of power they have. They don’t want to lose that power. They want to be able to dictate to the dairy farmers the price they are going to get. The New England farmers got together and worked with their various legislators and decided, why don’t we—other dairy farmers, the processors, the people who buy the milk, who can sit there 2½ days and say: Well, it is going to be worthless tomorrow; I will give you 5 cents a gallon—well, it never gets quite that bad, but that is the kind of power they have. They don’t want to lose that power. They want to be able to dictate to the dairy farmers the price they are going to get. The New England farmers got together and worked with their various legislators and decided, why don’t we set up a commission that have consumers represented, processors represented, farmers represented, and the general interest of the public represented. We will set what the price will be, keeping in mind that we don’t want to end up with a huge surplus. We want to make it fair but make sure the consumers don’t lose on this—in fact, maybe even gain—and the dairy farmers will gain because they will have a stable market.

It worked so well that, as I said, the price to consumers actually went down. I could speak at length on that, but it went down. The farmers got a significantly better price overall. They were happy. The processors got a fair price, and they haven’t screamed, those who have lost that control. But to the Midwest, it shakes them up because what was their dream? Their dream was that all of the dairy farmers in the United States would go out of business except in the Midwest. And they are so sure they could provide all the milk the country needs, so why do we not put them out?

Well, the commission worked. The price to consumers has gone down, the farms are getting a fair price, and they have lost that control. To the Midwest, it shakes them up because what was their dream? Their dream was that all of the dairy farmers in the United States would go out of business except in the Midwest. And they are so sure they could provide all the milk the country needs, so why do we not put them out?

That is why we are here today. The States have recognized that it is essential to make sure their farmers survive. Why is that? The basic concept of the law right now, from the 1930s and rewritten in the Farm Act of 1947, said it is critical that we ensure that every area of this Nation has an adequate supply of fresh milk, and we ought to be able to go into compacts are saying: We want to be bound by the price that is established by the commission. That, again, represents the interests of the one for other editorials, is that it causes higher prices for WIC—Women, Infants and Children—and food. That is all taken care of by the commission. Farmers in the Midwest, right now, on an average, receive significantly more in the checks they get on a weekly or monthly basis—what they call the ‘mailbox price.’ They do better than the rest of the country. So they are not the ones suffering. They have advantages, as I pointed out, in cost of production and those things. They are doing well. They just want to be sure they can perhaps have a better future by shipping more milk.

Incidentally—and I will leave you with this because the statements are that this is somehow infringing on commerce and the ability of people to sell—they can bring their milk down now and sell it in the New England area. Why don’t they? It costs too much to ship it down there. But the market is open; it is not closed out. There are no barriers built up to where the farmers can ship milk. In fact, the New England compact is in place right now, but a great deal of the milk comes from New York, Pennsylvania, New Jersey, and wherever else anyone wants to ship it.

The New England area itself is a negative producer. So we depend upon milk coming from other areas. When you come in, you know you are going to be bound by the price by the price that is established by the commission. That, again, represents the consumers. The processors, the people who buy it, and it protects programs such as WIC. It is working so well. That is the problem.

Just remember, the reason for all the controversy right now is that this program is working so well for consumers, processors, and the producers, and it is a danger to those who want to do away with our local farming businesses.

Mr. President, I see no other Member so I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Voinovich). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. Collins. Mr. President, I ask unanimous consent that I be permitted to proceed as in morning business for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.
Ms. COLLINS. Thank you Mr. President.

Mr. President, I rise today in strong support of the reauthorization of the Northeast Dairy Compact. I am pleased that it appears Congress will accomplish this vital task before we adjourn for the year.

The reauthorization of the Compact is more critical now than ever before. The U.S. Department of Agriculture recently predicted that milk prices for dairy farmers will be reduced 40 cents per gallon in December as a result of the announced drop in the basic formula price this past week. This translates into a 30 percent reduction in blend prices in December and will continue on into next year with additional declines in prices expected throughout the winter. The Dairy Compact will blunt the blow to farmers of an abrupt and triggered. The Compact simply softens the blow to farmers of an abrupt and dramatic drop in the volatile fluid milk market.

It is important to reiterate that consumers also benefit from theCompact. Not only does the Compact stabilize prices, thus avoiding dramatic fluctuation in retail cost of milk, it also guarantees that the consumer is assured of a supply of fresh, wholesome, local milk. The Compact works with market forces to help both the farmer and the consumer. As prices climb and farmers receive a sustainable price for milk, the Compact turns off. When prices drop to unsustainable levels, the Compact is triggered. The Compact simply softens the blow to farmers of an abrupt and dramatic drop in the volatile fluid milk market.

Mr. President, today is November 18. It has been almost 6 months since the Senate passed our juvenile justice bill over more than 2 months since the House followed suit with its own legislation. Since that time, the students at Columbine High School went home. They spent a summer trying to heal the wounds of one of our Nation’s greatest tragedies, and they returned to school more than 2 months ago.

Many of those students touched by the tragedy even came to Washington to plead for our help. Yet this body has run away from the issue of youth violence in this country and try to curb the flood of guns reaching children and criminals. But still we have faced delay after delay, and the delays come in many forms—political maneuvering, parliamentary tactics; for example, my clip ban was blue slipped, and other tactics.

Enough is enough. It is time to come together to make some meaningful provisions to stem this tide of violence sweeping our schools and to institute some much-needed change to the system of juvenile justice in this Nation.

The Senate spent more than a week in May debating and voting on dozens of provisions to stem the tide of youth violence in this country and to try to curb the flood of guns reaching children and criminals. But still we have faced delay after delay, and the delays come in many forms—political maneuvering, parliamentary tactics; for example, my clip ban was blue slipped, and other tactics.

Mr. President, I urge my colleagues to refrain from holding up this critical measure for Maine and for our Nation’s dairy farmers. To small farms in my State and in states throughout New England, this is not just a matter of margins; it is a matter of their survival.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

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

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

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that I be able to speak in morning business.

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

JUVENILE JUSTICE BILL

Mrs. FEINSTEIN. Mr. President, today is November 18. It has been almost 6 months since the Senate passed our juvenile justice bill over more than 2 months since the House followed suit with its own legislation. Since that time, the students at Columbine High School went home. They spent a summer trying to heal the wounds of one of our Nation’s greatest tragedies, and they returned to school more than 2 months ago.

Many of those students touched by the tragedy even came to Washington to plead for our help. Yet this body has run away from the issue of youth violence in this country and try to curb the flood of guns reaching children and criminals. But still we have faced delay after delay, and the delays come in many forms—political maneuvering, parliamentary tactics; for example, my clip ban was blue slipped, and other tactics.

Enough is enough. It is time to come together to make some meaningful provisions to stem the tide of youth violence in this country and to try to curb the flood of guns reaching children and criminals. But still we have faced delay after delay, and the delays come in many forms—political maneuvering, parliamentary tactics; for example, my clip ban was blue slipped, and other tactics.

Mr. President, I urge my colleagues to refrain from holding up this critical measure for Maine and for our Nation’s dairy farmers. To small farms in my State and in states throughout New England, this is not just a matter of margins; it is a matter of their survival.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

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

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

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that I be able to speak in morning business.

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lives of our children. None of them are controversial, and every one of them, by virtually every poll, has a dominant majority. Juveniles should be able to buy assault weapons? The answer is going to be no. That is one provision in Senator Aschcroft's bill which would prohibit juveniles from possessing assault weapons.

Does anyone in this country truly believe the children from Columbine who went to a gun show and bought two assault weapons as juveniles with no information, no data check, no nothing—does anyone believe that loophole should not be closed? I do not believe so.

In Memphis, TN, not too long ago, a 5-year-old took a pistol off his grandfather's bureau and brought it to kindergarten to kill the teacher because the teacher had given that child a time out the day before. Stories are legion about children mistaking real guns for play guns and shooting their friends.

The third provision is simple. It would require a safety lock with every gun sold. Does anyone believe guns should not be sold without safety locks? I do not believe so.

Finally, there is my provision which would plug a major loophole in the 1994 assault weapons legislation. That legislation, in fact, says you cannot today manufacture, transfer, sell, or possess a clip, drum, or strip of more than 10 bullets manufactured in the United States. That is the law today. The loophole is to permit the foreign importation of these clips, and they are coming into this country by the tens of millions with literally tens of thousands of them in drums of 250 rounds. They come in, as a matter of fact, from 20 different countries throughout the world.

My provision would simply close that loophole and prohibit the importation. It actually passed the House by unanimous consent, and both the Speaker and the chairman of the House Judiciary Committee have assured me personally that they see no problem with it and would support it.

These are the four provisions relating to guns. Other than that, this bill contains countless provisions to stem the tide of youth violence. I sit on the Judiciary Committee. I have worked on this bill. I have worked on it with Senator Hatch. Part of this bill is a gang violence bill. It also contains the James Guelff Body Armor Act which contains reforms to take body armor out of the hands of criminals and put it in the hands of police. It is named after a San Francisco police officer by the name of James Guelff, who went to a call at the corner of Pine and California Streets and came across a Kevlar-clad sniper with thousands of rounds of ammunition and a number of guns. He had a .38 revolver. As he speed loaded his revolver, this officer was shot in the head and killed. It took 150 police officers to equal the firepower of one sniper clad in Kevlar with high-powered weapons.

The Senate bill also establishes a new $700 million juvenile justice block grant program for States and localities, representing a significant increase in Federal aid to the States for juvenile crime control programs. These programs include additional law enforcement and juvenile court personnel, detention facilities, and prevention programs to keep juveniles out of trouble before they turn to crime, something both of us know, as past mayors, is vital if we are going to reverse juvenile crime in this country.

The bill encourages increased accountability for juveniles, and it implements a series of graduated penalties that ensure that subsequent offenses are treated with increasing severity, so that if you are going to be a continuing offender, the sentences are going to reflect that.

The bill also reforms juvenile record systems through improved record keeping and increased access to juvenile records by police, courts, and schools, so that a court or school dealing with a juvenile in my State, California, can know if they have committed violent offenses in Arizona, or a juvenile in your State, Ohio, had committed violent offenses in another surrounding State.

It extends Federal sentences for juveniles who commit serious violent crimes. All of these commonsense provisions now remain in legislative purgatory. I am here to urge, once again, the majoritiy to proceed with the conference, come to a compromise, and move this bill. That compromise should preserve intact the Senate-passed gun control legislation—four targeted measures—commonsense, reasonable; I call them no-brainers. Every poll shows a dominant majority of Americans supporting each of these. And they represent together a bare minimum of what we should do this year to stem the gun violence that is increasingly common on our streets and in our schools.

School has now been back in session for several months, and this Congress is about to adjourn for the year. So far, it looks as if we are going to be receiving a failing grade from the American people. There is still time to buckle down, do the work, to pass the test that this Nation gave us so many months ago. What a wonderful Christmas gift it would be for the people of America.

I thank the Chair and yield the floor.

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

Mr. BYRD. Reserving the right to object, and I will not object, would the Senator mind stating how long he wishes to speak?

Mr. BAUCUS. I would be very happy to tell the Senator. Less than 10 minutes.

Mr. BYRD. I have no objection. I thank the Chair and thank the Senator.

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

Mr. BAUCUS. I thank the Senator.
they allow local businesses to grow through advertising. In short, the importance of local broadcasting is evident in many parts of our country.

Local broadcasters also provide network programming: NBC, ABC, CBS, and FOX. Nineteen of the 20 TV stations in Montana are affiliated with some of these networks or with PBS. These stations air national news, sports, and entertainment at times of the day when people with jobs and kids can watch them.

Without local broadcasts, you might miss the evening network news because it comes on before you get home from work or because it airs late at night. People want local network coverage because it works in their own lives and in their local community.

Until now, technology has not provided this. The need for this, however, is evident to many rural residents. Many rural residents have not been able to get decent reception over the air.

Of course, we in the Senate cannot change technology or geography, but what we can do is change the law. We can make local-into-local broadcasting a reality, and we should.

Last spring, we passed H.R. 1554. At the time, we negotiated an important responsibility. The language we passed would require the turnoff of network programming to many rural satellite viewers. It would have done nothing to help the many local broadcasters in smaller cities and towns. It was an oversight.

Following the vote, I wrote a letter to the conference asking they pay attention to the needs of the many viewers, communities, and stations that had been ignored. Twenty-three of my colleagues, from both sides of the aisle, signed the letter.

As you know, Madam President, the conference on the satellite bill has paid little attention to our request. The language of the conference report, now titled the "Intellectual Property and Communications Omnibus Reform Act of 1999," includes some important new provisions. It does allow satellite viewers in poor reception areas, the so-called "grade B" viewers, to continue to get network programming from satellites. Without this, many satellite viewers will lose their network TV at the end of next month.

It also includes a loan guarantee that will make it possible for all local stations to broadcast on satellite, not just those in the very largest cities and towns.

Without this, the other local-into-local provisions of the act are an empty promise to rural and small town America that depends on satellites.

The Senate should act now to ensure that the conference report language becomes law. It is clear the majority of the Senate is ready to vote to approve the measure, just as the House did. Instead, we are offered a weakened version attached to the omnibus appropriations bill, which we will get sometime soon, and a weak promise to do something next year.

This is a no-brainer. There are many people in rural America who would like to add satellite TV, network programming from their local stations. It is that simple. We have it within our power today to very simply pass a provision and provide for the financing, a loan guarantee. We all know it is going to pass. We all know we are going to do it. But there is one Senator who wants it in his committee. And I say, that one Senator represents a State where there are a lot of people who I think want local-into-local broadcasting from the satellites.

There are millions of Americans who depend on their satellites and want local network coverage—not network coverage—or at least the option to get both local and national.

This is a no-brainer. I get more mail on this subject than any other subject. I daresay, Madam President, you probably get a lot of mail on this subject, too. I know a lot of Senators probably get as much mail on this one subject as any other. And we can simply solve it today very easily. It makes no sense for us not to.

Madam President, I yield the floor.

NOMINATION OF T. MICHAEL KERR

Mr. NICKLES. Madam President, I want to make a few comments regarding the nomination of T. Michael Kerr to be Administrator of the Wage and Hour Division of the Department of Labor.

I held up this nomination until I could secure an agreement regarding the issue of unauthorized break time from the Secretary of Labor, outlined in a letter I will submit for the RECORD.

The need for this agreement with the Secretary was precipitated by a case pending before the Wage and Hour Division regarding an employee exceeding the allotted time for a rest period/break, and an employer deducting from the employee's compensation the time taken in excess of the break time.

The Fair Labor Standards Act does not require employers to provide its employees with periodic breaks. Nevertheless, many employers offer short breaks to their employees. Although the duration of a voluntary break is up to the employer, the breaks generally run between 5 and 20 minutes.

The Department of Labor does recognize that employers have the flexibility to determine the number of breaks and the length of breaks that they offer to their employees. The Department of Labor has taken the position that when an employer allows its employees to take a short break and an employer abuses the break time policy by exceeding the time that the employer allotted for the break, the employer must still compensate the employee for the first 20 minutes of the break.

Further, the Department of Labor has taken the position that if an employer offers its employees a compensable break of less than 20 minutes in duration, and an employee's break time exceeds the time that the employer allotted for the break, then the employer's only recourse against the employee is disciplinary action (such as a reprimand or termination), or elimination of the rest period.

Under the agreement I reached with the Secretary, the Department of Labor will conduct a complete review of its policy regarding unauthorized breaks. That review will be completed by February 1, 2000. Upon completion of the review, the Department of Labor will submit its findings in writing to the Chairman and Ranking Members of the relevant committees in the House and the Senate. The review will include consideration of what outcome is in the best interest of the employee if the employee exceeds the allotted time of a rest period/break: disciplinary action against the employee (such as a reprimand or termination); elimination of the rest period/break option; or deductions of compensation for the time in excess of the allotted break time.

Also, the Secretary committed the Department of Labor to assure that the resolution of any cases in which unauthorized break times are at issue, will be consistent with the findings in their review.

This is an important review of what is clearly an outdated policy. I look forward to the outcome of their review, and I thank the staff at the Department of Labor for working in good faith with my office, and the Secretary for working to a quick resolution of this issue so this nomination can move forward.

I ask unanimous consent that a letter from the Secretary of Labor be printed in the RECORD.

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

SECRETARY OF LABOR,

Washington, DC, November 18, 1999.

Hon. Don Nickles,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: This is a follow-up to the meeting of our respective staffs yesterday. While the Department of Labor recognizes that employers have the flexibility
to determine the number and length of breaks their employees take, the Wage and Hour Division has taken the position that if an employer offers a break of less than 20 minutes in duration, the time the employee spends on that break typically is compensable hours worked under the Fair Labor Standards Act.

Most of the Wage and Hour Opinion Letters that address this issue involve unauthorized breaks. However, on several occasions, the Wage and Hour Administrator has stated that short unauthorized breaks may also count as hours worked. Wage and Hour has taken the position that if an employee exceeds the time allotted for an authorized break, an employer may take a disciplinary action against the employee, or the employer may eliminate the option for rest periods/breaks.

I am committing the Wage and Hour Division and the Solicitor’s Office to carefully review our policy with respect to the compensability of unauthorized break time under the FLSA. Our review will specifically include instances in which employees exceed the time allowed for a rest break. We will also consider what outcome is in the best interests of the employee if the employer eliminated time for an employee’s period/break, including the option of deductions of compensation for the time taken in excess of the allotted break time.

As part of our review, we will consider the statutory text, relevant legislative history and regulatory material, case law, previous Wage and Hour Opinion Letters, changing technology, and any information that your office or a member of the public may provide. We will complete our review of this matter by February 1, 2000, and transmit our conclusions and supporting rationale in writing to the Chairman and Ranking Members of the relevant committees in the House and the Senate.

It is important that all officials of the Wage and Hour Division interpret and apply the law in a uniform manner, and so advise the public. I will instruct the Wage and Hour Administrator that in the resolution of any cases in which unauthorized break time at issue is consistent with the outcome we reach in our overall review.

I very much appreciate your interest in these important questions.

Sincerely,

ALEXIS M. HERMAN.

COMPENSATING CERTAIN DEPARTMENT OF ENERGY WORKERS

Mr. THOMPSON. Madam President, yesterday, my colleague from New Mexico, Senator Bingaman, and I introduced legislation that is, frankly, long overdue.

For more than 2 years, I have been concerned that the Department of Energy was not taking seriously the complaints of a number of workers in Oak Ridge, whether they be located at the K-25 gaseous diffusion plant or other radioactive materials without their knowledge, and who develop one of a specified list of conditions linked to radiation exposure. I want to note that there are workers at the K-25 gaseous diffusion plant in Oak Ridge who were exposed to the same contaminants as those in Paducah, and workers in Portsmouth, Ohio who were similarly affected as well. It is my hope that these two groups of workers would be included in this bill. The Department of Energy’s investigation into what happened at these two sites, if the facts so warrant. Their absence at this time should in no way indicate that either the sponsors of this bill or the Department of Energy believe that they were not similarly affected. I strongly believe that workers at all of the DOE sites must be treated equally in this process, and I am committed to doing all I can to ensure that that is the case. I emphasize that we are talking about who it is we are talking about. We are talking about workers who participated in the Manhattan Project, men and women who helped to ensure the superiority of America’s nuclear arsenal, and who directly contributed to our nation’s victory in the Cold War. We owe them a debt of gratitude. And if we put them in harm’s way without their knowledge, it’s time for us to make that right. This bill is a step in that direction. I look forward to its consideration by the Senate.

PAIN RELIEF PROMOTION ACT

Mr. NICKLES. Madam President, on June 23, 1999, Senator Lieberman and I introduced S. 1272, the Pain Relief Promotion Act, which addresses two specific concerns. First, it provides federal support for training and research on palliative care. Second, it clarifies federal law on the legitimate use of controlled substances. On October 27, 1999 the House passed its companion measure H.R. 2260 by the resounding bipartisan vote of 271 to 156. It is my hope that the Senate will soon have the opportunity to debate and vote on this important legislation.

In anticipation of that debate, and in light of inaccurate characterizations of the second aspect of our bipartisan legislation, I believe it is important for me to ensure that the record reflects precisely how this bill will—and will not—affect current federal law with regard to Drug Enforcement Administration (DEA) oversight of the use of federal controlled substances.

To understand the effect the Pain Relief Promotion Act will have on pain control, we must begin with what the law is now. The Controlled Substances Act, CSA, of 1970 charged the DEA with the responsibility of overseeing narcotics and dangerous drugs—including powerful prescription drugs which have a legitimate medical use but can also be misused to harm or kill. In asserting its authority over these drugs, Congress declared in the preamble of the Controlled Substances Act of 1970 that “Federal control of the intrastate incidents of the traffic in controlled substances is essential to the effective control of the interstate incidents of such traffic” (21 U.S.C. 801 (6)).

In 1984, Congress amended the CSA due in part to a specific concern regarding the misuse of prescription drugs in lethal overdoses. The then-Democratic-controlled House and a Republican Senate further strengthened the Act, empowering the DEA to revoke a physician’s federal prescribing
license if he or she uses it to endanger ‘‘health and safety’’ regardless of whether state law has been violated (21 U.S.C. 824, referencing 21 U.S.C. 823).

The chairman of the Health subcommittee in the House agreed: ‘‘Drugs legally manufactured for use in medicine are responsible for a substantial majority of drug-related deaths and injuries. Rep. Waxman, Hearing of July 31, 1984, Hearing Record No. 98–168, p. 365). Congress’’ view was that while the states are the first line of defense against misuse of prescription drugs, the Federal Government must have its own objective standard as to what constitutes such misuse—and it must have the authority to enforce that standard when a state cannot or will not do so. Congress’ 1970 and 1984 decisions have been upheld time and time again by federal courts.

It is clear that federal law is intended to prevent use of these drugs for lethal overdoses, and contains no exception for deliberate overdoses approved by a physician. Nowhere in the Controlled Substances Act has death or assisting death ever been considered a ‘‘legitimate medical purpose’’ for use of these drugs. In the past, physicians who were involved in the use of these drugs for suicide or other lethal overdoses have lost their federal authority to prescribe controlled substances on the grounds that they had endangered ‘‘health and safety.’’

In 1997, Congress passed the Assisted Suicide Funding Restriction Act of 1997 without a dissenting vote in the Senate and by an overwhelming margin of 398–16 in the House. President Clinton stated in signing the bill that ‘‘it will allow the Federal Government to speak with a clear voice in opposing these practices.’’ He further warned that ‘‘to endorse assisted suicide is to endorse a disturbing and perhaps dangerous path.’’ I would add only that authorizing a federal agency to endorse the use of controlled substances for assisted suicide would similarly ‘‘set us on a chilling and perhaps dangerous path.’’

In November 1994, the State of Oregon adopted by referendum the so-called ‘‘Death with Dignity Act,’’ allowing physicians to prescribe medication for the purpose of assisting patients’ suicides. The week of that vote, Professor George Annas of Boston University pointed out the inconsistency between the Oregon referendum and the Controlled Substances Act in an article in the New England Journal of Medicine. He questioned whether such a state law was compatible with existing federal laws governing federally controlled drugs, ‘‘since the drafters of the federal statute certainly did not have this purpose [assisting suicides] in mind.’’

However, on June 5, 1996, overturning a previous determination by her own DEA Administrator, the Attorney General issued a letter carving out an exception for Oregon so it can use federally-controlled substances for assisted suicide. In Oregon this exception did not ‘‘intend to override a state determination as to what constitutes legitimate medical practice in the absence of a federal law prohibiting that practice.’’ The Pain Relief Promotion Act will reverse to the Attorney General’s challenge, by clarifying that the intentional misuse of these drugs to cause patients’ deaths is not authorized by Congress in any state, nor has it ever been.

On October 27, 1997, Oregon’s ‘‘Death with Dignity Act’’ became effective. In the first year at least 15 patients have committed suicide with doctor’s assistance under the new Oregon law. We really do not know the total number, best authorized by statute law. While critics of the Oregon law were left completely in the hands of the doctors themselves, and the Oregon Health Division admits it has no idea how many unreported cases there are. But regarding those 15 reported cases we know one thing: Every one of those patients’ deaths was caused by a federally controlled substance, prescribed with a federal DEA registration number, using federal authority. Today, without any decision to this effect by Congress or the President, the federal government is actively involved in assisting suicides in Oregon.

To hear some of the critics of this bill you might think that the Pain Relief Promotion Act creates a new authority on the part of the DEA to revoke doctors’ registrations if they use controlled substances to assist suicide. On the contrary that authority has existed for 29 years and it exists now. Attorney General Janet Reno was very clear on this matter in her letter of June 11, 1996 to the Oregon Attorney General, a registration to prescribe federally controlled substances can be revoked under the current Controlled Substances Act if these substances are used to assist suicide in any state in the Nation, with the exception of certain cases of assisted suicides that Oregon has legalized for the terminally ill. If DEA scrutiny of doctors’ prescribing practices were going to ‘‘chill’’ the practice of pain control, that would already be occurring under current law.

How does the Pain Relief Promotion Act impact this situation? It establishes that, for the first time in federal law, the use of controlled substances for the relief of pain and discomfort is a ‘‘legitimate medical purpose,’’ even if the large doses used in treating pain may unintentionally hasten death. Intentionally causing death or assisting in causing death remains forbidden. Thus this bill does not increase the DEA’s regulatory authority at all. On the contrary, its only effect in 49 states (and even in Oregon, in cases involving those who are not terminally ill) is to provide new legal protection for physicians who prescribe controlled substances to control pain.

In Oregon, this bill eliminates the Attorney General’s artificial exception designed to accommodate assisted suicides that are no longer penalized under Oregon law. The DEA can meet its responsibility here simply by looking at the reports required by Oregon law, in which doctors must identify the drugs used to assist suicide. Those records will make it clear whether federally controlled drugs were used; and since the physician is clearly reporting that his or her own intent was to help cause death, there will be no question of murky intentions or ambiguity. Thus this bill will not lead to any increase in the DEA trying to ‘‘second guess’’ or infer physicians’ intentions, even in Oregon.

What about the one State, Oregon, where the Attorney General said the DEA will not take adverse actions against physicians for assisting suicide in compliance with the Oregon law? That exception of existing suicide remain illegal under state law. The state law authorizes assisting the suicide of those who are terminally ill, but not others. Under the Attorney General’s determination, then, the DEA can continue to review cases of assisting suicide to make sure they do not violate federal law. Is it not terminally ill, and it can scrutinize whether a given use of pain medication was really intended to assist suicide. All aspects of the Oregon guidelines for legally valid assisted suicide are also subject to DEA investigation, since the Attorney General has only authorized physicians to use federally controlled drugs for assisted suicides when they fully comply with those state guidelines.

Thus, as interpreted by the Attorney General, a registration to prescribe federally controlled substances can be revoked under the current Controlled Substances Act if these substances are used to assist suicide in any state in the Nation, with the exception of certain cases of assisted suicides that Oregon has legalized for the terminally ill. If DEA scrutiny of doctors’ prescribing practices were going to ‘‘chill’’ the practice of pain control, that would already be occurring under current law.

What does the Pain Relief Promotion Act do? First, the DEA has full authority to revoke a DEA registration for assisting suicide in any of the 49 states where assisting suicide is not already legal. While critics of the Pain Relief Promotion Act have said that empowering the DEA to investigate physicians in such cases will have a ‘‘chilling effect’’ on the treatment of pain, the fact is that such authority already exists in 49 states.

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How does the Pain Relief Promotion Act impact this situation? It establishes that, for the first time in federal law, the use of controlled substances for the relief of pain and discomfort is a ‘‘legitimate medical purpose,’’ even if the large doses used in treating pain may unintentionally hasten death. Intentionally causing death or assisting in causing death remains forbidden. Thus this bill does not increase the DEA’s regulatory authority at all. On the contrary, its only effect in 49 states (and even in Oregon, in cases involving those who are not terminally ill) is to provide new legal protection for physicians who prescribe controlled substances to control pain.

In Oregon, this bill eliminates the Attorney General’s artificial exception designed to accommodate assisted suicides that are no longer penalized under Oregon law. The DEA can meet its responsibility here simply by looking at the reports required by Oregon law, in which doctors must identify the drugs used to assist suicide. Those records will make it clear whether federally controlled drugs were used; and since the physician is clearly reporting that his or her own intent was to help cause death, there will be no question of murky intentions or ambiguity. Thus this bill will not lead to any increase in the DEA trying to ‘‘second guess’’ or infer physicians’ intentions, even in Oregon.

What about the one State, Oregon, where the Attorney General said the DEA will not take adverse actions against physicians for assisting suicide in compliance with the Oregon law? That exception of existing suicide remain illegal under state law. The state law authorizes assisting the suicide of those who are terminally ill, but not others. Under the Attorney General’s determination, then, the DEA can continue to review cases of assisting suicide to make sure they do not violate federal law. Is it not terminally ill, and it can scrutinize whether a given use of pain medication was really intended to assist suicide. All aspects of the Oregon guidelines for legally valid assisted suicide are also subject to DEA investigation, since the Attorney General has only authorized physicians to use federally controlled drugs for assisted suicides when they fully comply with those state guidelines.
under the Attorney General’s interpretation. Only if a physician officially reports the case to the Oregon Health Division is the case decided by state criminal penalties. So those cases are already covered by the same DEA authority that currently applies to assisted suicides in the other 49 states.

Let me take this situation step by step.

First, removing the Oregon exception to the existing nationwide policy cannot increase any “chilling effect” on pain relief outside of Oregon, because the bill does not increase one iota the authority of the DEA to investigate the misuse of controlled substances to assist suicide outside of Oregon. In fact, in those states its only effect is to provide a more explicit “safe harbor” for the practice of pain control, which is a stronger advance and increment for doctors and terminally ill patients. This is also true of assisted suicide cases within Oregon that do not comply with the state’s reporting requirements or other guidelines. In all these cases, the Pain Relief Promotion Act gives the DEA no new mandate to investigate cases of assisted suicide more directly. Rather, it is expected to follow its longstanding practice of generally deferring to state authorities and allowing them to take the lead in investigating possible wrongdoing.

Second, no new questioning of physicians’ intentions is warranted to address the cases of assisted suicide that are now permitted under Oregon law. To be free of criminal penalties under state law in Oregon, a doctor who assists a suicide must submit a report to Oregon authorities that includes information on the drugs prescribed to assist the suicide. The Drug Enforcement Administration, DEA, can obtain those reports on its own authority and already has the authority to subpoena them, if necessary; again, our legislation has no impact on this.

Thus, even in Oregon, this bill will not result in any increase in DEA oversight or investigations of doctors ligated on their prescribing patterns or the dosages they use for particular patients. This is clearly stated in the House Judiciary Committee report on this bill, H. Rep. 106-378 Pt. 1, pp. 12–13. It follows that this bill is not expected to affect any doctors in Oregon who prescribe controlled substances for pain relief need not fear any increase in DEA scrutiny of their practices, and therefore should not in any way be deterred from prescribing adequate pain relief.

This bill cannot have a “chilling effect” on pain control, but will have the opposite effect. For the first time, it will place in the Controlled Substances Act, as the American Society of Anesthesiologists “recognized.” The bill would preserve the legitimacy of using controlled substances to alleviate pain in the usual course of professional practice as a legitimate medical purpose for dispensing 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.” The American Medical Association says this bill “provides a new and important statutory protection for physicians prescribing controlled substances for pain, particularly for patients at the end of life.” As they see it, the American Academy of Pain Management observes, this bill will protect the ability of “prescribers to relieve pain without fear of regulatory discipline.”

Those who are concerned about the possibility of a negative impact on pain relief if we pass this bill need to answer this question: do they believe that now the Drug Enforcement Administration is having a chilling effect on pain relief because federally controlled substances cannot be used to assist suicide in 49 states and even, in many cases, in Oregon?

If the answer is “no,” then there is no basis to be concerned about this bill—for this bill will not increase investigations into the dosages of drugs used for pain relief, and in fact instructs the DEA to be even more sensitive to physicians’ need to prescribe large doses of these drugs for pain control.

If the answer is “yes,” then there is a great need for this bill—because for the first time it adds specific protections for doctors who prescribe controlled substances for pain control—resulting in a decrease in any “chilling effect” that may exist under current law.

Let me quote from the American Medical Association:

The bill would not expand existing criminal penalties in the CSA for persons whose unauthorized use of a controlled substance leads to someone’s death. . . . The bill would not expand the Drug Enforcement Administration’s authority to investigate or prosecute physicians under all jurisdictions for the unauthorized use of a controlled substance to assist suicide. The bill provides for an additional statutory protection in cases of assisted suicide. The bill has the potential, through its educational provisions, of sensitizing law enforcement personnel to the multiple issues of end-of-life care and prescribing.

It is noteworthy that although the Justice Department expressed concern about the portion of the bill that would preclude the practice of using controlled substances to assist suicide in Oregon, it agrees that the bill would, and not hinder, pain relief. In a letter dated October 19, 1999, the Justice Department wrote that the bill “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 the bill addressing palliative care.”

This bill makes it easier, not harder, to use controlled substances to relieve pain. That is why so many major medical organizations, including the National Hospice Organization, the American Academy of Pain Management, the American Society of Anesthesiologists, as well as the AMA, strongly support its enactment.

Some may wish to abolish the Controlled Substances Act altogether. They may think that the federal government’s longstanding insistence on monitoring the distribution of these powerful drugs is an unwarranted intrusion into medical practice. I disagree with that stand, but at least it can be understood as a consistent position. What is untenable is the claim that this particular bill, which clearly improves the law’s sensitivity to medical judgments on pain control, somehow mysteriously worsens that situation.

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If the answer is “yes,” then there is a great need for this bill—because for the first time it adds specific protections for doctors who prescribe controlled substances for pain control—resulting in a decrease in any “chilling effect” that may exist under current law.

Let me quote from the American Medical Association:

The bill would not expand existing criminal penalties in the CSA for persons whose unauthorized use of a controlled substance leads to someone’s death. . . . The bill would not expand the Drug’s “double effect” in the CSA. In fact, the inclusion of a recognition of the “double effect” in the CSA provides physicians in all jurisdictions with an additional statutory protection in cases of assisted suicide. The bill has the potential, through its educational provisions, of sensitizing law enforcement personnel to the multiple issues of end-of-life care and prescribing.

It is noteworthy that although the Justice Department expressed concern about the portion of the bill that would preclude the use of federally controlled substances to assist suicide in Oregon, it agrees that the bill would, and not hinder, pain relief. In a letter dated October 19, 1999, the Justice Department wrote that the bill “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 the bill addressing palliative care.”

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In short, the Pain Relief Promotion Act will foster pain control. It will improve existing law by adding significant new legal protections for physicians and pharmacists who prescribe and dispense controlled substances for pain control. It will reduce, and in no way increase, any possible “chilling effect” that could deter adequate pain control. And by clarifying federal law so that the federal government will not facilitate the medical institutionalization of assisted suicide in any state, this legislation may help discourage doctors from simply suggesting assisted suicide instead of working to address their patients’ real problems of uncontrolled pain. As protectors of public health and safety we should be encouraging doctors to kill the pain, not the patient.

Madam President, I ask unanimous consent that the following Wall Street Journal editorial be printed in the RECORD.

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

DONT KILL THE PAIN-RELIEF BILL

(By Wesley J. Smith)

Last week, by a vote of 271–156, the House approved the Pain Relief Promotion Act, designed to promote effective medical treatment of pain while deterring the misuse of narcotics and other controlled substances for assisted suicide. The bill’s passage prompted an outpouring of hyperbole and misinformation from opponents. Here are the facts about the act:

It would not outlaw assisted suicide. Critics accuse Congress of “overturning” Oregon’s assisted-suicide referendum. Would that it did. In fact, the act would allow only the intentional use of controlled substances to cause death. Lethal substances not controlled by federal drug regulations could still be prescribed legally on Oregon for use in assisted suicide.

It would not interfere with states’ rights. Under the Controlled Substances Act the federal government, not the states, has the authority to determine what is and is not a proper medical use of the drugs specified in

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the act. Thus, as an editorial in the (Port-
land) Oregonian noted, it is the Oregon law
that "puts one into a zone of long-standing
federal jurisdiction." Thus passage of the act
would return national uniformity to the en-
forcing federal laws.

It merely reaffirms existing federal law.
Because the act declares that assisted sui-
cide is not a "legitimate medical purpose" un-
der the Controlled Substances Act, critics
have wrongly accused supporters of granting
new authority to the Drug Enforcement
Agency to punish doctors. In fact, DEA has
had that authority for nearly 30 years. Since
1980 it has brought more than 250 enforce-
ment actions for violating the federal legal
standard of "legitimate medical purpose."

The medical community overwhelmingly
favors it. Proponents of the bill include the
American Medical Association, the National
Hospice Organization, the Hospice Associa-
tion of America, the American Academy of
Pain Management, the American Society of
Anesthesiologists and the American College
of Osteopathic Family Physicians. (True,
support has not always been univocal; the
medical community has been led by the
Rhode Island Medical Association.)

It has broad bipartisan support. Seventy-
one House voted for the bill; its Senate sponsors include Joe Lieberman (D., Conn.), Chris Dodd (D., Conn.) and Evan
Bayh (D., Ind.).

It would enhance pain control. If the act
becomes law, pain control will for the first
time be specifically identified in federal law
as a proper use of controlled substances—
even if the use of pain-controlling drugs has
the unintended side effect of causing death.
That is a much-needed legal reform, because
many states fail to treat pain aggressively
because they fear the government's second-
guessing. Several states have recently passed
similar laws, leading to dramatic increases
in the use of morphine and other palliative
medications.

The Pain Relief Promotion Act looks like-
ly to pass the Senate. If President Clinton
truly is our pain, he will sign it the mo-
tion it hits his desk.

[From the Oregonian, July 1, 1999]  

KILL THE BILL. NOT THE PATIENTS
CONGRESSIONAL SUPPORT TO USE
CONTROLLED DRUGS FOR AGGRESSIVE PAIN
TREATMENT INSTEAD OF SUICIDE

It's no secret to any reader of this space
that we oppose Oregon's venture into physi-
cian-assisted suicide.

But last year, when the American Medical
Association and the National Hospice Orga-
nization came out against a bill in Congress
giving medical review boards the power to
deny or yank the federal drug-prescribing li-
cense to physicians who prescribed these
drugs to assist in suicides, we took our con-
cerns seriously.

The groups argued that the proposed law
could reverse recent advances in end-of-life
care. Doctors might become afraid to pre-
scribe drugs to manage pain and depression—
thing that, when uncontrolled, can lead the
terminally ill to consider killing themselves in the heat of the moment. And then there's the
problem could be worked out and that it was
possible to keep doctors from using federally
controlled substances to kill their patients
without them from denying patients the relief
their terminally-ill patients' agonies.

This Congress's Pain Relief Promotion Act
proves it, and the proposed legislation comes
not a new revolution. A new report by the
Center for Ethics in Health Care at Oregon
Health Sciences University shows that end-
of-life care in Oregon—which fancies itself a
leader in the field—is far from all it should
be. Too many Oregonians spend the last days
of their life in pain.

There's no real need for that—and the Pain
Relief Promotion Act of 1999 would go a long
way toward addressing these systemic and
professional failures here and elsewhere. The
proposal would authorize federal health-care
agencies to promote an increased under-
standing of palliative care and to support
training programs for health professionals in
the best pain management practices. It would
also require the Agency for Health Care Policy
and Research to develop and share scientific
information on proper palliative
care.

Further, the Pain Relief Promotion Act
would clarify the Controlled Substances Act
in two essential ways.

One, it makes clear that alleviating pain
and discomfort is an authorized and legiti-
mate medical purpose for the use of control-
led substances.

Two, the bill states that nothing in the
Substances Act authorizes the use of these
drugs for assisted suicide or euthanasia and
that state laws allowing as-
sisted suicide or euthanasia are irrelevant in
determining the federal purposes, because it makes it illegal for
Oregon doctors to engage in assisted suicide
using their federal drug-prescribing license.

Suicide's advocates may think of some other
method, but none seems obvious. Is
this a federal intrusion on a state's right
to allow physician-assisted suicide or euthan-
asia?

To hear some recent converts to states' rig-
hts talk, you might think so. But you
could just as easily argue that Oregon's as-
sisted suicide law intrudes on the federal do-
main. The feds have long had jurisdiction over
controlled substances, even as states kept
the power to regulate the way physi-
cians prescribe them. At best, it's a gray
area.

You'll recall that the Department of Jus-
tice declined to assert a federal interest in
assisted suicide, or, more accurately, shortly
after Oregon voters approved as-
sisted suicide it refused legal
action. That, in itself, should advance the national
cause. Congress asserts that interest ex-
clusively.

This act would establish a uniform na-
tional standard preventing the use of feder-
ally controlled drugs for assisted suicide.

That, in itself, should advance the national
debate on this subject in a more seemly way
than, say, the recent efforts of Dr. Jack
Kevorkian.

Beyond that, it's high time that Congress
clarifies the Controlled Substances Act
and the National Hospice Organiza-
tion are now on board.

PRISON CARD PROGRAM

Mr. ASHCROFT. Madam President, I
rise today to talk about an important
issue raised by H.R. 434, the African
Growth and Opportunity Act and the
Caribbean Basin Initiative, regarding
trade with Israel under the U.S.-Israel
Free Trade Area Agreement. Notwith-
standing our free-trade agreement with
Israel, the CBI provisions of this legis-
lation would unfairly discriminate
against U.S. imports from Israel.

Under that legislation, most U.S.
textile products made with Israeli in-
puts, such as yarn, fabric or thread,
would not be eligible for duty free
status. Several products, like apparel
made in Israel, the CBI provisions of this legis-
lation would unfairly discriminate
against U.S. imports from Israel.

I want to commend the Salvation
Army, the Department of Justice, and
the Bureau of Prisons for supporting
this program. In particular, I want the
Department to know that this program
has the support of Congress. I have spo-
ken to Chairman GREGG, who has indi-
cated he is prepared to work with me
and other supporters of the pro-
gram in the coming months to ensure
that this important charitable program
is sustained well into the future.

THE CARIBBEAN BASIN INITIATIVE
AND THE IMPACT ON TRADE
WITH ISRAEL

Mr. JOHNSON. Mr. President. I
would like to alert my colleagues to an
issue raised by H.R. 434, the African
Growth and Opportunity Act and the
Caribbean Basin Initiative, regarding
trade with Israel under the U.S.-Israel
Free Trade Area Agreement. Notwith-
standing our free-trade agreement with
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puts, such as yarn, fabric or thread,
would not be eligible for duty free
status. Several products, like apparel
made in Israel, the CBI provisions of this legis-
lation would unfairly discriminate
against U.S. imports from Israel.

I would like to submit for the
Record a letter from the Economic
Minister of the Israeli Embassy that
was sent to each of the Members of the
Senate Finance Committee urging Con-
grress to treat Israeli inputs on par with
U.S. inputs in this trade legislation. I
ask unanimous consent that letter be
printed in the Record.

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

EMBASSY OF ISRAEL,

DEAR SENATOR: I am writing to you, as
well as other members of the Committee on
Finance, to ask for your support during the
Committee’s mark-up of the U.S.-Caribbean Basin Trade Enhancement Act (also known as the “CBI” trade parity bill) to ensure that it does not impose an economic barrier against U.S. imports of Israeli-origin inputs, such as raw materials, or thread, under the U.S.-Israel Free Trade Area Agreement (“FTA”).

My Government urges the inclusion of a provision in the CBI legislation that will enable U.S. companies to continue utilizing Israeli-origin inputs in producing American-made products without making such products ineligible for CBI duty-free trade preferences.

The current CBI trade program provides preferential tariff treatment to apparel made from U.S.-formed components that are finished in a CBI-eligible country. Currently, such components may be cut from fabric, or formed from yarn, originating either in the United States or Israel. The legislation before the Committee incorporates a U.S.-only fabric and thread forward rule of origin. The CBI bill recently approved by the House Ways and Means Committee also incorporates a U.S.-only “yarn forward” requirement for knit-to-shape products. Either bill in its current form would adversely affect Israeli exports to the United States. Market conditions would all but require U.S. companies to halt imports of Israeli inputs so as not to qualify their products from the duty-free trade preference to be extended unilaterally to CBI-eligible countries. The loss of sales to the U.S. market would harm both Israeli companies and U.S. companies that supply raw materials used in the manufacture of Israeli inputs, such as nylon yarn.

I am writing to your attention because the legislation to be considered by the Finance Committee should not damage U.S.-Israeli trade. Protecting against such harm can be accomplished by providing in the legislation that Israeli-origin inputs will, for purposes of CBI preferences, be treated no less favorably than U.S. inputs. Such a provision would ensure that restrictive consequences of the proposed legislation would not adversely affect U.S.-Israeli trade.

The legislative measure that we are asking you to support is consistent with prior CBI trade measures approved by your Committee and enacted into U.S. law to preserve U.S.-Israeli trade under the PTAA. Such a provision would not affect U.S.-Israeli trade, a goal that has been endorsed previously on a number of occasions by the Committee. It is not intended to create any new benefit for Israeli products.

In sum, our objective is to ensure that the CBI trade bill does not withdraw the practical benefits of the U.S.-Israel Free Trade Area Agreement and our mutual goal of expanding bilateral trade. I would very much welcome the opportunity to review this issue with you.

Sincerely,

OHAD MARANI, Economic Minister.

Mr. JOHNSON, I do not think that it is the intent of the CBI legislation to undermine our existing trade with Israel but rather to serve our existing trade with Israel will not in any way lessen the trade benefits we extend to the CBI countries. And it is critically important that we consider our existing trade and our potential as we design future trade measures. I urge my colleagues to address this issue as this bill moves forward, so that we do not prejudice our trade with Israel under the U.S.-Israel Free Trade Area Agreement.

CONGRESSIONAL BUDGET OFFICE REPORT

Mr. MURKOWSKI. Madam President, at the time Senate Report No. 623 was filed, the Congressional Budget Office report was not available. I ask unanimous consent that the report which is now available be printed in the CONGRESSIONAL RECORD.

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


FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 623, the Dakota Water Resources Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them.

The CBO staff contacts are Megan Carroll (for federal costs), and Marjorie Miller (for the impact on state, local, and tribal governments).

Sincerely,

BARRY B. ANDERSON,
(For Dan L. Crippen, Director).

ENCLOSURE.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE S. 623—Dakota Water Resources Act of 1999

SUMMARY

CBO estimates the implementing S. 623 would cost $113 million over the 2000–2004 period, assuming appropriation of the necessary amounts. Starting in fiscal year 2002, S. 623 would affect direct spending; therefore, pay-as-you-go procedures would apply. CBO estimates, however, that changes in direct spending would result from S. 623 until 2007. S. 623 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

The state of North Dakota and local governments pay all costs for this project. Based on information from the Bureau, CBO estimates that design and initial construction would cost about $76 million over the 2000–2004 period.

Estimates of funds needed to meet design and construction schedules were provided by the Bureau. CBO adjusted those estimates to reflect anticipated cost growth during the construction period, as authorized by the bill. For purposes of this estimate, CBO assumes S. 623 will be substantially completed in 2007. Assuming appropriation of the necessary funds, CBO estimates that design and initial construction would cost about $76 million over the 2000–2004 period.

Municipal, Rural, and Industrial Water Systems.—The bill would authorize the appropriation of $200 million (in 1999 dollars) for the Bureau to construct facilities to meet the water quality and quantity needs of the Red River Valley. Based on information from the Bureau, CBO expects that construction would begin during fiscal year 2004 and would be substantially completed in 2007. Assuming appropriation of the necessary funds, CBO estimates that design and initial construction would cost about $76 million over the 2000–2004 period.

Operation and Maintenance.—During construction of the Red River Valley Water Supply Project, operation and maintenance costs of the CBI would be covered by funds appropriated for construction. Once the facility is completed in 2007, S. 623 would authorize the appropriation of amounts necessary for the Bureau to operate and maintain the certain portion of the facility. Based on information from the Bureau, CBO expects the facility to be put into use in 2007. At that time, we estimate that an additional appropriation of about $3 million would be required each year for operation and maintenance.

S. 623 also would authorize the appropriation of about $3 million annually starting in 2001.
Natural Resources Trust.—S. 623 would authorize the appropriation of $250 million for the Secretary of the Interior to make annual contributions to the Natural Resources Trust, a nonfederal corporation (currently known as the Wetlands Trust). The amount to be contributed in any fiscal year would equal 5 percent of the amount appropriated in that year for the Red River Valley Water Supply Project for non-Indian municipal, rural, and industrial water supply systems. CBO estimates this provision would cost $6 million between 2000 and 2004.

Recreational Projects.—The bill would authorize the appropriation of $6.5 million for the Bureau to construct, operate, and maintain new recreational facilities, provided that the Secretary of the Interior has entered into agreements with nonfederal entities to provide half of the cost of operating and maintaining any such facilities. CBO estimates that implementing this provision would cost about $1 million between 2000 and 2004.

Oakes Test Area Title Transfer.—S. 623 would authorize the Secretary to convey the Oakes Test Area, an experimental irrigation facility in North Dakota, to the local irrigators. The Bureau currently spends less than $200,000 annually to operate and maintain the facility. These amounts are subject to appropriation and not revenues of the facility. Reimbursements are deposited in the Treasury as offsetting receipts and are unavailable for spending without appropriation. Based on information from the Bureau, CBO expects that the title transfer would occur during fiscal year 2002. Starting in that year, this provision would yield annual discretionary savings of less than $200,000.

**DIRECT SPENDING**

Offsetting Receipts from Repayment Contracts.—Under current law, the GDWRU water supply features are not expected to be put into service, and thus will not generate offsetting receipts from repayment contracts. According to the Bureau, under S. 623 the unit would be placed into service during 2007 and the agency would start to collect repayments from project beneficiaries in that year. Repayments would be deposited in the Treasury as offsetting receipts and would be unavailable for spending without appropriation. CBO estimates that these receipts would total about $7 million a year starting in 2007.

Oakes Test Area Title Transfer.—CBO estimates that under the bill, the Secretary would convey local ownership of the Oakes Test Area to local users in 2002. This transfer would reduce offsetting receipts that are collected from irrigators under current law to repay the Bureau’s costs. Thus, CBO estimates that this provision would reduce offsetting receipts by less than $200,000 a year starting in 2002.

**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. The net changes in outlays that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the budget year and the succeeding four years are counted.

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**CONCLUSION OF MORNING BUSINESS**

The PRESIDING OFFICER. The period for morning business has expired. The normal business before the Senate would be the bankruptcy bill.

Mr. BYRD, I thank the Chair.

Madam President, what is the matter before the Senate?

HAPPY BIRTHDAY WISHES FOR THE HON. TED STEVENS

Mr. BYRD. Madam President, I ask unanimous consent to speak out of order.

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

Mr. BYRD. Madam President, I ask unanimous consent to speak out of order.

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

Mr. BYRD. Madam President, I want to call attention to the fact that today, November 18, 1999, is the birthday of the very distinguished chairman of the Senate Agriculture Committee, my friend. I would like to say lifelong friend; I just haven’t had the pleasure of knowing him all of my life. The day after tomorrow, I will be 82 years old, if the Lord lets me live. So I can’t say he is my lifelong friend, but he has been my friend over all the years he has served in the Senate. I wish him a happy, happy birthday. He is a Senator who doesn’t look up to the rich. He doesn’t look down on the poor. He is a good man on the inside and on the outside. And he is a man who sticks by his principles. He is a Republican. I am a Democrat. But neither he nor I puts political party above everything else. We know that political party is important, but there are other things in this life that are even more important. He recognizes that. His handclasp is like the handclasp of our ancestors. His word is his bond, as was the word of our ancestors.

I could say much more. I will simply say he is a Christian gentleman, a gentleman first, last, and always. My wife Erma and I extend to him our very best wishes on his birthday and our prayers and hopes that he will enjoy many, many more happy birthdays.

He is rendering a tremendous service to his country and to his State. I hope the people of Alaska realize what a treasure this man is. He works for Alaska every day in the Senate. We know that. He is effective. He is forceful. He is genuine. Erma and I join in wishing him a happy birthday and expressing our good wishes also to his lovely wife, Catherine, and to his children.

I yield to the distinguished majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Madam President, I thank Senator BYRD for yielding me the time. I join in wishing a very happy birthday to our friend from Alaska. He makes the Senate a better place. He keeps us lively. He works hard. He makes sure we get our job done, and he does it with a lot of alacrity sometimes. He will get right up in your face and make sure...
you understand. That helps to clear the subject up in many instances.

Mr. BAUCUS. Madam President, I ask unanimous consent the Senate now proceed to the short-term continuing resolution.

Mr. BAUCUS addressed the Chair. The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, reserving the right to object. I speak on behalf of 11 million Americans, at least, many of them residents of the State of Alaska. We haven't solved the satellite home viewer matter. I don't see why we can't. It is very simple. All we have to do is put that loan guarantee in, which is very simple. If there are any wrinkles, they can easily be worked out. It makes no sense for us to go home without passing the loan guarantee provision so that the satellite viewers can rest assured and so that those who are going to put up satellites and develop satellites for local-to-local coverage are able to do so. I cannot understand, on behalf of those 11 million Americans who can't understand, why in the world we don't do something that is pretty simple.

Mr. LOTT. Will the Senator yield to me to respond?

Mr. BAUCUS. Madam President, I reserve the right to object.

Mr. LOTT. I have not propounded an unanimous consent request other than to proceed to the short-term continuing resolution so that Senator Byrd may begin to discuss an issue of concern to a number of Senators. I intended to talk to the Senator from Montana and others about trying to enter into an agreement with regard to time.

On the issue to which he referred, I think it is very important that we do take action in this final bill we will be taking up in the next day or so, or today, that will make sure the satellite bill is passed so that people across this country will continue to receive service from the networks on their television sets in the future in order to have this so-called local-to-local service where you get your local station on the network ice where you get your local station on the network. We are going to have to have some process, some way to get that service into rural areas and smaller areas such as those in Montana, Alaska, and in Mississippi. I am committed to getting that done. So is the Senator from Alaska, Mr. STEVENS. We are going to get that done.

We are going to have to have a very carefully thought out loan guarantee system that will get the satellites up, to get the towers that are necessary to make sure that that is done. The problem we have, as with so many other issues we have been dealing with in the last week, is getting all of that done in the last few hours to make sure we get it done right without the whole process being held up as we go forward.

I will talk to the Senator privately, but he has my assurances—Senator DASCHLE and I will put a colloquy in the RECORD—that we are going to get this done. We are going to get it done early next year. If there are dilatory tactics, we will have a bill that has been carefully massaged by all of the relevant committees, not just one. We will either get it done straight up or we will look for another vehicle. This is something to which we are committed, to which I am committed, and I know the Senator from Alaska is committed. Mr. STEVENS. Will the Senator yield?

Mr. LOTT. I believe the Senator from Montana—

Mr. BAUCUS. Madam President, I yield to the Senator from Alaska without losing my rights to the floor.

Mr. LOTT. I am going to ask the FCC to start preparing those regulations now. We have the commitment that we will have a loan guarantee bill before us, and we will be voting on it sometime in April. We will not have a loan guarantee program for rural America by what we have done. I was assured of that, and I am assured in my own mind that it will work. We will be right on time by the time we get this bill.

We have a commitment coming that we will either have an improved authorization for a loan guarantee or we will vote what was in the bill we took out last night. I urge my friends to understand that we have not abandoned the loan guarantee program. Coming from where I do, I would never abandon it.

When I came to the Senate, the Army ran the communications system of Alaska; the U.S. Government owned all of the telephones in Alaska. Now, when you look at the distance we have come in a relatively short time of my service in the Senate, we are going to do the same thing with satellite communications in a very short period of time, in a new way, consistent with private enterprise, on a guarantee program rather than a Government loan program.

We need to have certainty to what we are doing. I know it will take a long time to get the regulations ready. We did not agree to delaying the loan guarantee program last night; we delayed the authorization for it, and we will have that authorization by April of next year.

Mr. BAUCUS. Madam President, reserving the right to object. I hear my good friend from Alaska and the majority leader. They have States that have the same concerns as do we. Not for a moment do I doubt the intentions of both of the Senators. They are two of the most honorable men I have had the pleasure to know. They are wonderful people.

But I also know how the Senate operates. I also know that the best intentions often don't materialize and something happens. I also know that some of the regulations I suspect the Senator talked about—it is a lot easier for the FCC to write regulations than not knowing in the abstract what the regulations are. I don't know what they can really do that is substantive or effective in the next several months, or whatever it takes.

I also know that the only objection to us proceeding really is one Senator who, for some reason, thinks he should have jurisdiction over this. It is an "inside baseball" objection. It is not a substantive objection in any great way.

I also know there is a lot in this omnibus bill that was written pretty quickly, where many minds got together to get something done. I also know that there is no necessity of invention. If we want to do this, we will find a way to get it in.

I am suggesting that a vast majority of Members of this body want to do it.
I suggest that 90 percent want to do it. There is an objection not based on substance but on another reason.

I very much appreciate the desire of the Senator from West Virginia to speak. But I might say that my objection to proceeding here does not deprive the Senator from speaking. He will find ample opportunity, and I support his right to be able to speak. This is so black and white, so much of a no-brainer, and there are millions of Americans in rural America who want this thing, and there is so little reason not to do it.

So I will object.

The PRESIDING OFFICER. Objection is heard.

The majority leader has the floor.

Mr. LOTTM. Madam President, I yield the floor. I believe the Senator from West Virginia was prepared to proceed to discuss his issue. I think he probably will do that. We will see what might be done to address concerns Senators may have, and we will be back later.

Mr. STEVENS. Mr. President, I checked with my office. TEA 21, the highway bill, had a loan guarantee program. It took 16 months for the regulations to be drawn before there was one guarantee made. We have the process to be started on the Satellite Home Viewer Act to create regulations for a new loan guarantee program, and I said it could be done in 6 months. My staff tells me I was very conservative; it will take much longer than that. We will have the law for authorizing the loan guarantee done by the end of April.

I do not believe that those who agree with me that there should be a loan guarantee program should be worried about the deletion of that authorization now. The problem on the loan guarantee program is to commence the drafting process, really, the presentation of the new program. It will be entirely new. It is not similar to any conduct of a loan guarantee program in history. So it will take a considerable amount of time.

I want the RECORD to note there is no reason to oppose this bill and particularly to oppose this continuing resolution on the basis of the deletion of the loan guarantee program from the Satellite Home Bureau Act.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

MOUNTAINTOP MINING

Mr. BYRD. Madam President, in the rush to complete work on an omnibus appropriations bill that will attract enough votes to pass both Chambers of Congress without incurring a veto from the White House, there is another issue on the cutting room floor. One of those issues is mountaintop mining.

I am extremely disappointed at the shortsightedness of the White House, as well as some Members of Congress, on this issue. We had a chance on the omnibus package to right a wrong, to rectify the mountaintop removal in Virginia’s coal fields that was triggered by a recent Federal court ruling. But the White House blocked that effort, leading the charge to exclude the proposed legislative remedy from the omnibus bill. As a result, thousands of coal miners in West Virginia, and throughout Appalachia, are facing a bleak and uncertain future.

Particularly troubling to me is that the ammunition used to defeat this proposal, the ammunition used to keep it out of the omnibus package, was, in part, a campaign of misinformation, led by the White House.

My proposal is not anti-environment. The White House would have you believe the White House would not weaken or in any way alter the Clean Water Act. Let the White House hear! The White House would have the people believe otherwise. Let me say it again.

This amendment which is cosponsored by Mr. McCONNELL, the senior Senator from Kentucky; Mr. ROCKEFELLER, the junior Senator from West Virginia; and Mr. BUNNING, the junior Senator from Kentucky, would not weaken or in any way alter, modify, change, repeal, amend, or undermine the Clean Water Act.

I know the White House has tried to create a situation in which the White House could be here another 2 weeks. We could be here another week. We could be here another 2 weeks.

Particularly troubling to me is that the White House is running out for them. The President wants this Appropriations Bill sent to him, in Greece! Indeed! What are we going to send to the coal miners who have been working for this country before the President was born? What are we going to send them?

I have seriously considered this matter. This is not the end of Congress. I am prepared to give it some time. I don’t want to hold this measure up interminably. I want to see action on it. I want to vote. I want to vote on this amendment—the Byrd, McConnell, Rockefeller, Bunning, et al. amendment.

So, I take these few moments to speak the truth, to try to set the record straight on the impact of this amendment, of which I am the chief co-sponsor, and to give this body, and hopefully the other body, one more chance to protect the jobs and the livelihoods of thousands of working men and women in West Virginia and throughout America, and to give the White House one more chance to reverse its current position and protect the jobs of the coal miners.

We are not just talking about coal miners; we are also talking about the coal industry; we are talking about other laborers—the truckers, the railroad operators, the barge operators who go up and down the Ohio and other rivers. It isn’t just the coal miners’ income that is concerned. The AFL-CIO is concerned. Take another look! Take another look at those who are opposed and who work against legislation that will benefit the working men and women of America.

On October 20, a Federal district court in West Virginia issued an opinion in a lawsuit involving Federal regulatory agencies that virtually set off an explosion in the coal fields. Mining companies immediately announced that there would be hundreds of coal miners who would be cut off, and new mines which were in the plans by companies to be built, would be scuttled.
In some instances, a new mine costs $50 million; it costs $75 million in some instances; and in some instances it costs over a billion, or more, to open a new mine. What mining company is going to invest $90 million in a new mine when the Federal judge issues a ruling such as this? There is no predictability at all in the future.


Let me say that again. Hear me. Who entered into those regulations? Who were the parties to those agreements? This administration’s regulatory agencies, the EPA, the Army Corps of Engineers, the Department of the Interior through the Office of Surface Mining, and the West Virginia Division of Environmental Protection—Federal and State agencies—created those agreements, devised those memoranda of understanding. They weren’t created by me. The administration’s own Environmental Protection Agency, the great Federal protector of our land, water, and air, helped to write and signed onto those memoranda of understanding. Do your, my friends, really believe that the EPA signed agreements that weakened environmental protections?

Let me say to the White House: Do you believe that your own Environmental Protection Agency signed onto agreements that weakened environmental protections? No. No. These memoranda of understanding—called MOUs—put into place stronger environmental protections in West Virginia.

Listen to this: These MOUs put into place stronger—get it, now—stronger environmental protections and regulations in West Virginia than exist in any other State in the Union. Hear me, environmentalists; you ought to be fighting for this amendment. You ought to be urging us on in our fight for this amendment. I am an environmentalist. Who was the majority leader of the Senate when SMCRA was passed in this body, the Surface Mining Control and Reclamation Act? Who was the majority leader of the Senate then? Who stood up for you environmentalists then?

West Virginia at one time was the only State in the United States that had no wildlife refuge. I put money in Appropriations bills, to bring the first wildlife refuge to West Virginia, the last State among the 50 that got a wildlife refuge. Hear me, environmentalists. Who put the money in for the Canaan Valley Wildlife Refuge— that West Virginia refuge was the 500th in the nation—?

I am an environmentalist. Who put the $138 million in for the fish and wildlife’s national conservation and training facilities at Terrapin Neck, three miles out of Shepherdstown, WV? Who fought 5 years in the Senate Appropriations Committee for that $138 million? Who fought for it in the House-Senate conferences? This Senator; this environmentalist fought for it.

Nobody wants a cleaner environment than I do. But I hope I also have some common sense. We know that in West Virginia the great core industries have fueled the war machine of the Nation, have fueled the war machine of the Nation. The coal industry, the steel industry, the glass industry, the chemical industry, these and other core industries have employed hundreds of people in West Virginia. The core industries are still there, but they are diminishing. There were 125,000 coal miners and iron workers then. I first ran for the House of Representatives in 1952. Today, there are only 20,000, give or take, in West Virginia.

These core industries cannot always be what they once were. But there are those who want coal mining stopped now. They want it stopped tonight. They want it stopped tomorrow. Shut it down! That is what they want. But we can’t do that. It can’t be done overnight. People have to work. Children have to work. Children have to work. Children have to work. Children have to work. Children have to work. Children have to work.

We are trying to develop other industries in West Virginia—high-tech industries. I have tried to encourage Federal agencies to look to West Virginia for a better quality of life, for a safer life, where the people who work can at last buy a home, where people want to work and will turn in a good day’s work.

We are trying to diversify our industries. It takes time. I have put appropriations into the corridor highways of West Virginia, so that other industries will be encouraged to come into West Virginia and to expand. They won’t come where there are bad roads. They need an infrastructure that will support their industries and their people. It takes time. It takes time, 20 days, 20 months, 20 years.

Those environmentalists who want it done overnight, it can’t be done overnight.

Those MOUs established stronger environmental protections and regulations in West Virginia than exist in any other State in the Nation, bar none. I say to the Administration, your own regulatory agencies agreed and worked out those regulations, and now you, the White House, want to turn your back on your own environmental agency, on your own Army Corps of Engineers, on your own Office of Surface Mining.

Peter heard the cock crow three times, and then he hung his head in shame. He denied his Lord thrice and then hung his own head in shame and walked away.

White House, hang your head in shame! But the court’s opinion, throw all these things out the window. The MOUs, the agreements that have been entered into by this administration’s regulatory agencies, are all thrown out the window. The court ruled that the way in which the agencies were operating did not follow the letter and intent of the law.

Hear that. I helped to create those laws. I supported the Clean Water Act. I supported the Surface Mining and Control Reclamation Act. I supported it. But the court ruled that the way in which these agencies were operating did not follow the letter of the law and intent of the law.

Congress passed the law. The court disagreed with the way in which the Federal regulatory agencies and the State regulatory agency interpreted the law. But the court was wrong. There are 20,000 miners in West Virginia that come from the coal fields who say that the court was wrong. Its decision was completely contrary to the intent of Congress in passing those two laws, the Clean Water Act and the Surface Mining and Control and Reclamation Act.

While I disagree with the court, the ball is here. It is in our court now because the judge in his ruling said if application of Federal regulation prevents certain activities in the Appalachian coal fields “it is up to Congress.” That is this body and the other body. He said . . . “it is up to Congress” and the legislature—to alter that decision.

So we have accepted the responsibility. The judge said it is up to Congress. We, who are supporting this amendment, have accepted that responsibility and we are trying to do something about it. We are being implored by the White House, by my own White House.

Almost immediately after the judge issued his ruling, confusion reigned.
There was coal in the coal fields. Lay-
off notices went out. Mining companies
announced that they might have to make
significant changes in the States
that had long ago been planned. That is
real money that has to be spent. Those
are real risks they take on. As a result
of the court ruling, coal companies,
truckers, barge operators, railroads—
none of them had any certainty that the
investments they might make today would be justifiable tomorrow.

Some say, it's just a West Virginia
problem. You tell the people of Ken-
tucky that. Tell the people of Pennsyl-
vania that. Too bad for West Virginia.
But I am here to say to my colleagues
it is a national problem. Look out.
Look out. That cloud that is over West
Virginia is headed your way next, Ken-
tucky. And Mr. MCCONNELL knows
that. The way why he is a co-sponsor
all this amendment. That cloud just over
the border, that cloud is just over the
horizon in West Virginia. You will be
next. And they know it. Look out, it is
coming your way next. But if you want
to head off this dragon, take this sword
with this amendment. This is the time
to head off this dragon. Beat it back.
Take the sword that I offer, that MITCH
MCCONNELL offers, that J AY ROCKE-
fellner offers, that Senator B UNNING
offers, and all the other Senators
whose names are on this amendment
offer—take this sword. Take this
sword, and fight for the working men
and women of this Nation, and do it
now.

Some may say, “I would like to. I
would like to sign up. I am willing to
put on the suit of armor—but what
about the environment? We can’t upset
the environment.”

Let me assure my colleagues and the
people. Let me assure you, this amendment is not
the toxic monster it is purported to be
by some of the environmental organi-
zations and by this White House. It is
to the toxic monster they purport it to
be. In fact, this amendment puts into place in West Virginia the tougher environ-
mental standards prescribed by the
very MOUs that this administration’s
own EPA helped to negotiate. But you
certainly will say, ‘‘It is not until the
end of the study that the people of the
East Coast will know what the court
decided. That is why the court issued
the stay.’’ I say to you, no. There is no legal basis.
Let me assure you, the amendment is not
the toxic monster. It is what they are
saying it. As a matter of fact, not a word—not a word—of that true,
and they ought to know it, the people
who are saying it. As a matter of fact,
November 18, 1999

CONGRESSIONAL RECORD—SENATE 30579

Loretta Lynn sings the song “I’m a Coal Miner’s Daughter.” I married a coal miner’s daughter more than 62 years ago. My wife’s brother died of pneumoconiosis. He died of black lung, contracted in the coal mines. And his father died under a slate fall—under a slate fall. He died in the darkness. He died in the darkness.

Many times I have gone to the miners’ bath house and pulled back the canvas cover and peered into the face of a coal miner whom I knew and who had been killed under a slate fall or killed by being run over by an electric motor.

Many times I have walked those steep hillsides and helped to carry the heavy—and I mean heavy—coffins of miners who died following the edict of the Creator, when he drove Adam and Eve from the Garden of Eden, saying: “In the sweat of thy brow shall thou eat bread. And those coal miners know what that means.

But this court ruling will take away the right of thousands of coal miners and broad road workers and barge operators to earn their bread in the sweat of their brow.

Hear me, coal miners! If you do not know now who your friends are, you soon will know. These dreamers would have us believe that if only our mountains—only our mountains—remain pristine, new jobs will come. “Or,” they suggest, “perhaps coalfields residents should simply commute to other areas for employment.” To these individuals I say, “Get real!”

Those of you in the White House, who have been working behind my back on this amendment, go down there and talk to those coal miners. Tell them what you have done. You are trying to drive the dangerous, winding, narrow roads over which these workers would have to commute each morning and evening.

When the picket signs are gone, when the editorials in the big city papers are lining bird cages, the people of the small mining communities will be left. You will be gone. You have thrown down your placards. You have thrown down your placentas. You will be left with the small mining communities, and the small mining communities will be left.

I am speaking to the people of Appalachia. Appalachia is my home. I was born there. I graduated from high school there. I went to school there. I graduated from high school there in Appalachia.

The President of the United States expressed great sympathy for the economic distress in mining states. It was an uplifting speech. He is very capable of giving uplifting speeches. It was a speech that reached out to the human spirit and built great expectations. Calling on corporate America to invest in rural America, President Clinton said: “This is a time to bring more jobs and investment and hope to the areas of our country that have not fully participated in this economic recovery.” And I say: Amen, brother! Amen.

These miners are still there. And they are going to still have my attention, my respect, my reverence.

In a letter threatening a veto of legislation containing this amendment, the White House claimed to be prepared to discuss a solution that would ensure that “any adverse impacts on mining communities in West Virginia are minimized.” Well, talk is cheap. But any real solution to minimize economic impact on these West Virginia communities won’t be cheap.

Back in July, the President of the United States appeared in Hazard, KY, where he delivered an address to the people of Appalachia. Appalachia is my home. I was married there. Our first daughter was born there. Our second daughter was born there. I went to school there. I graduated from high school there in Appalachia.

The President of the United States expressed great sympathy for the economic distress in mining states. It was an uplifting speech. He is very capable of giving uplifting speeches. It was a speech that reached out to the human spirit and built great expectations. Calling on corporate America to invest in rural America, President Clinton said: “This is a time to bring more jobs and investment and hope to the areas of our country that have not fully participated in this economic recovery.” And I say: Amen, brother! Amen.

I agree with that message. It is the right thing to do. We should be bringing jobs to Appalachia. We should be bringing new businesses, too. But how can one peddle hope while undercutting the real jobs and businesses that do exist in Appalachia? If we don’t act now, if the court lifts its stay, we will be back here a few months from now battling this issue all over again. It may not just be West Virginia then. It may be your own States, Senators. It may be your own States, Senators. It may be your own States, Senators.
appeal may simply maintain the judge's decision and put us squarely back where we have been in recent weeks, trying to address the matter Congressionally—trying to reaffirm well-established Congressional intent that has been followed for the past 20 years while striving for improvements in the way mining is conducted.

In the meantime, with the scales tipped against them, mining families must hold on to a crumbling ledge. The heel is poised above their fingertips, ready to mash down.

We have a pretty good idea who the opponents of this effort are. But what of the supporters? Let me tell you who is standing by us: The United Mine Workers of America; the National Mining Association; the U.S. Chamber of Commerce; the Bituminous Coal Operators Federation; the Southern States Energy Association; the International Brotherhood of Electrical Workers; the Utility Workers Union of America; American Electric Power.

You see, the environmentalists sent a letter to the White House, and they listed a few organizations that were supporting their opposition to this amendment. But listen to this list, too. This amendment has its friends.

BYRD and MITCH MCCONNELL and JAY DOMENICI and Senator CRAIG have educated some of us southerners about the problems they have had. And I am pleased to say I have supported them over the years, without exception, in their efforts to preserve those jobs in the mining industry out west.

Well, I would say the war on the West is moving east, and we are beginning to feel the sting. Even though this amendment was generated by a very poorly reasoned district court decision in the Federal court in West Virginia, let me say that is just the beginning, as the Senator from West Virginia has pointed out; it is just the beginning.

All the Byrd-McConnell amendment seeks to do—not just for coal mining but for hard rock mining as well—is to restore us to the existing law, at least with regard to coal mining, as the distinguished Senator from West Virginia has pointed out. The letter from the White House, from Chief of Staff John Podesta to the President, either lies or is woefully ill informed. It is clear to this Senator that the people downtown don’t care what the facts are. They don’t care about the 20,000 coal miners in West Virginia and the 15,000 coal miners in Kentucky. They really don’t care. I can’t think they have bothered to read the amendment of the Senator from West Virginia because, as he pointed out a few moments ago with regard to coal mining, we are seeking to reestablish the status quo, agreed to and entered into by the most radical EPA in the history of the country. There is no question in my mind that whenever any environmental group in America hiccups, it is...
felt downtown. Anytime they object to anything, the administration falls in line.

It has been fascinating to watch this issue develop because it pits the environmentalists against the unions—truly a Hobson’s choice for the administration. When they had to pick a side between the environmentalists and the coal miners in West Virginia and in Kentucky, it is pretty clear whose side they chose. They don’t care about these jobs. They are not interested in reading this amendment. They really don’t care what is in the amendment. The are willing to sacrifice the 20,000 coal-mining jobs in Kentucky and in West Virginia. They don’t care what is in the amendment. Senator Byrd could add, other than just to read once again what this amendment is about. Nothing in our amendment modifies, supercedes, undermines, displaces, or amends any requirement of or regulation issued under the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act, or the Surface Mining Act of 1977. So in response to this outrageous and ridiculous court decision, we have not proposed changing the law. The judge, in his decision, has made it clear that he expects us to clear this up. He is inviting us to legislate. That is what we are hoping to do.

The EPA, the Office of Surface Mining, the Corps of Engineers, and other relevant agencies are in the process of conducting an environmental impact study. At the conclusion of this process, if any of these agencies believe it is necessary, they may create new environmental regulations addressing the practice of mountaintop mining. Some might say that Senator Byrd and I and others are trying to delay the inevitable. I argue just the opposite. I argue that, by maintaining the status quo and allowing the EIS to move forward, you allow coal operators the ability to make the long-term plans essential to the viability of this industry.

So there are only two things you need to remember about our amendment: No. 1, it doesn’t alter the Clean Water Act. No. 2, it doesn’t alter the Surface Mining Act. It seeks to preserve the status quo.

I say to all of you who are going to be down here asking us someday to help you save jobs in your State because of some outrageous action on the part of this administration—and some of you have done that already—we need your help. We need your help. This is an extraordinarily important vote to our States. The honest, hard-working people who make their living in the mines are under assault by this administration, and we would like to call a halt to it. We hope we will have your help in doing that.

Let me conclude by thanking again the Senator from West Virginia for his extraordinary leadership on this important issue to his State and to my State and, frankly, we believe, to a whole lot of other States because the principle is very sound. We call on our colleagues from the West—even those of us who have been voting with you over the years weren’t quite sure what it was all about, but we have figured it out. This is a whole thing is moving its way east. We need your help.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Idaho is recognized.

ORDER OF PROCEDURE

Mr. CRAIG. Mr. President, I ask unanimous consent that following my statement, Senator Rockefeller from West Virginia be allowed to speak.

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

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Will the Senator yield?

Mr. CRAIG. Yes.

Mr. BYRD. Mr. President, I forgot to mention the specific names of two Senators cosponsoring this amendment. They are Nevada Senators, Mr. Reid and Mr. Bryan. I wanted to mention their names for the record.

Mr. CRAIG. Mr. President, I am glad the Senator from West Virginia has included our two colleagues from the State of Nevada. Today, Nevada is probably the lead mining State in our Nation as it relates to the production of gold.

For the last hour you have heard probably some of the most eloquent statements spoken on this floor on the issue of coal mining. The Byrd amendment does not deal only with coal, although it is extremely important, and the public attention of the last week has been focused on a judge’s opinion about coal, coal mining in West Virginia, Kentucky, Pennsylvania, and up and down the Appalachia chain of this country.

But the amendment also has something else in it that my colleague from West Virginia and I agreed to some time ago: When we talk on this floor about mining, when we talk about the economy of mining, the environment of mining, and the jobs of mining, we would stand together; that we would not allow our political differences to divide us. Because if you support the economy of this country, you have to stand together.

I am absolutely amazed that the Speaker of the House or the senior Senator from West Virginia would get a letter from the White House of the kind to which both he and the Senator from Kentucky have referred. Lying? I hope not. Uninformed? I doubt it. Here is the reason I doubt their lack of information.

For the last 7 years, this administration has been intent on changing current mining law. I am referring primarily to the law of 1872. I am referring primarily to hard-rock mining on public lands, because the laws that the
Senator from West Virginia referred to that were passed in 1977, the Surface Mining Control and Reclamation Act, have all of them setting a framework and a standard under which we would mine the coal of America.

Then, on top of that, came the Clean Air Act, the Clean Water Act, and the National Environmental Policy Act—all of them setting a framework and a standard under which we could mine the minerals and the resources of this country and assurance our citizens it would be done in a sound environmental way.

As the laws of West Virginia, which are the laws of America, which are the laws this Senate passed, apply to coal mining, at least in the instances of the Clean Air Act and the Clean Water Act, they, too, apply to the mining of the west—road-cross mining, to gold mining, to silver mining, to lead and zinc mining, and to open-pit gravel operations of America.

Yet there is an attorney—not a judge, not an elected U.S. Senator, but an attorney—she sits at a desk at the Department of Interior and upon his own volition 2 years ago decided he would rewrite the mining law of this country—a law that had been in place since 1872, tested in the courts hundreds of times, and that in every instance one principle stood out and was upheld. That was the principle of mill sites and how the operating agency, primarily the BLM, could, upon the request of a mining operation under a mining plan uniform with its processes, seek for additional properties under which to operate its mine. Consistently, for over 100 years, the Federal agencies of this country have granted those additional mill sites.

The attorney I am referring to, prior to his job with the Secretary of Interior, was an environmental activist. In the late 1980s, he wrote a book. His book decried the tremendous environmental degradation that the mining industries of America were putting upon this planet. In that book, he said there is a simple way to bring the mining industry to its knees. “If you can’t pass laws to do it, you can do it through rule and regulation.” Those are his words. He wrote it in the book, which was well used by the agency. He said they responded to him: Not so—very lightly used and only used in recent years.

The tragedy of that statement is that it was a lie because the Freedom of Information Act shows that every State director of every State office of the Bureau of Land Management said this is a practice in our manuals and has been used consistently since the 1872 law was implemented.

What did solicitor John Leshy do before the Mining Subcommittee of the Senate? He perjured himself. That is what he did. And the Freedom of Information Act shows that.

I would say to the Senator from West Virginia and the Senator from Kentucky, my guess is that the information that wrote the letter that John Podesta sent to you came from an agenda of working men and women in the U.S. Senate. I know that as a fact. I give that to you on my word and with my honor.

Therefore, in the Byrd-McConnell amendment is a provision that said: Mr. President, you cannot arbitrarily or capriciously overturn over 100 years of mining law. That is not your job. You are a hired attorney. You are not an elected Senator or a President. That is our job—to change public policy and to do it in a fair and sound environmental way.

We are all environmentalists. The senior Senator from West Virginia said it so clearly. I say what I mean. And we all know as politicians and public people that none of our colleagues have ever run on the dirty air or the dirty water platform. We are all proud of our environmental records. We want the air and the water to be clean.

But have you ever driven to the mountains of Kentucky? Why is West Virginia and Kentucky no food for their table, no money in their pockets, or no education for their children. If you don’t like the environment here, get in a car and drive down the road. To heck with your job and to heck with you.

I understand the young person in urban America today sitting at his or her keyboard, working the high-tech economy of our country, saying to the Director from John, Idaho, West Virginia, and Kentucky: What are you talking about? Does it make much sense? We want a clean environment. Save the mountains of West Virginia, Idaho, Nevada, and Kentucky, and the plains of Texas.

If I were to say to that marvelous young American sitting at his or her keyboard: As you touch that keyboard tonight, and it lights up for you and it energizes, it is the electricity generated by the coal of West Virginia that gave you the power to reach the Internet and to reach the stars beyond. That power surge through connections created of gold and silver came from the mines of Idaho, from the mines of Nevada, and from the Western States.

Please, America, broaden your vision of what it takes to make the leading economy of the world work so well.

It is our clean air, it is our clean water, and that we are proud of. But 60 percent of America’s electricity is generated out of the coal mines of America. How, how, how to make economies better than the fluidity of the flow of that electricity so there is less restriction is the gold and the silver of the West. That is what makes our country work so well.

That is what makes our country the clearest country in the world.

Our leadership, our policy, our clean coal technology, our ability not to tear up the Earth anymore—but when we do, we replace it, we reshape it, we change it—that is our law that causes it to happen. That is the law that this Senate crafted. So, no, we cannot be extreme nor can we be radical. We have to offer balance and we will offer that in the context of the best environment we can create.

I will not forget, when I asked Alan Greenspan to come before the Republican Policy Committee this spring to talk about surplus and how we handle them, afterwards I said: Mr. Greenspan, you watch our economy everyday; why aren’t we pulling the West Virginia of the rest of the economy of the world with it? Last month, unemployment in this country was 4.1 percent; average wage, $13.39 an hour, the highest average wage ever and the lowest unemployment rate in 29 years. And we do it with the cleanest of the environments of the developed nations of the world.

Why do we do it? Mr. Greenspan said it well: We just know how to do it better than anybody else. We know how to mine better than anybody else. We know how to create economies better than anybody else and, in almost every instance, we do it with the minimal form of government regulation.

The Senator from West Virginia makes a very clear case. It isn’t that West Virginia was trying to do it better. They were. It is that this White House won’t support this effort. They have not chosen to follow the route of the environmental community. They have chosen to follow the word of a few radical preservationists who would ask young Americans to turn on their computers tonight to the light of a candle. If it is the light of a candle that will lead this world, computers will not
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Mr. ROCKEFELLER. I thank my distinguished senior colleague who has been daunting and relentless in his pursuit of his amendment, which is a very good amendment, an amendment which deserves to be passed.

What is fascinating to me has been said before by others. I will go back to the letter from John Podesta at the White House, the Chief of Staff to the President. He said that any solution that would undercut water quality protection under the Clean Water Act, or under SMCRA, the Surface Mining Control and Recession Act, simply is unacceptable. And at the President’s opposition to appropriations riders that would weaken or undermine enviromental protections under current law would be unacceptable.

I emphasize as strongly as I possibly can he is wrong in that statement. The fact that he is wrong in that statement is of the utmost importance to our colleagues if they or their drafts are listening as they come to a decision about this amendment. If he were right, that would be an entirely different matter. However, he is not right. To make it perfectly clear, we have included that in the legislation that Senator BYRD and Senator MCCONNELL put forward. I will read it again for those who may not have been listening before. Nothing in this section modifies, supersedes, undermines, displaces or amends any requirement of or regulation issued under the Federal Water Pollution Control Act or the Surface Mining Control Reclamation Act of 1977.

It would be law. It is the case, in any event. We added this not because we thought it would be fortuitous to add it, not because we needed to add it, but because if was true at the outset. We did it to make the point even clearer for those who were opposed.

Senator BYRD made the points most clearly and most powerfully. This amendment, on which we are asking for support, simply puts into law the memorandum of understanding which I hold in my hand, which has been signed off by the Environmental Protection Agency, by the Office of Surface Mining in the Department of Interior, and by the Corps of Engineers. The signatures are here—the signature from the Environmental Protection Agency, a very high senior official, the signature from the Regional Director at the Office of Surface Mining, the signature from the brigadier general of the U.S. Army Corps of Engineers, and the signature from an official in West Virginia.

The point is the Environmental Protection Agency has approved, and the OSM and the Corps of Engineers have approved and given their official written stamp of approval in writing, right now. This equals this amendment. There is no difference therein. I am not one who either baits or ridicules the environmental movement nor do most of my colleagues.

This country is constructed under the republican nature of its form of government as a system of checks and balances. I have a tremendous interest in health care public policy. I spend a lot of time being upset with the Health Care Finance Administration called HCFA. There are people, obviously, who are upset by EPA. By and large, I think EPA tries to do within its own understanding the best job it can. By and large, I think one of the reasons the environmental condition of our country is gradually improving, although slowly, is because those people take positions which are not popular with members of this body or the other body or with Governors or with the public. I do not ridicule what they do.

However, I do think they know in their hearts that what Senator BYRD and Senator McCONNELL and some of the other Members are trying to do is completely consistent with the intent of Congress, in fact, in the case of SMCRA, for over the last 20 years.

Let me say this before I talk about the importance of mining in West Virginia and the problems of simply potentially eradicating coal mining—not just across West Virginia and Kentucky but, if this were to be extended and this were to catch fire, eradicating the potential for the 57 to 60 percent of electricity which is fueled by the use of coal across this country—that there is a balance. I recognize, sometimes when people say that, people say that in one word they use to get out of this situation or that situation. But this country has to run on a balance. One cannot simply say to southern West Virginia, to central West Virginia, to northern West Virginia, to other parts of our country, we are going to make enormous changes, very radical in their content today because tomorrow will be a new day, because transition in America somehow just simply happens, and we move from one sort of a core industry type of economy in West Virginia to a modern, totally smokeless type of economy, and there does not need to be any interruption. So we will come in and we will stop this business called mountaintop mining.

In the process of that, we are probably, unless this amendment is agreed to, going to stop much of the underground mining of West Virginia and Kentucky and the 13 to 16 States in this country that produce coal because the effect under the law, under the judge’s rule, says this can happen.

I want my colleagues to understand something about my State of West Virginia. We are not on the coasts. We do not have the advantage of trade that flows to the Atlantic coast or the Pacific coast. We do not have the advantage yet, entirely, of the access that comes from the interstates that cut through our mountains and would allow us to become part of the flowing economy that so much of the rest of the Nation simply takes for granted. But most importantly, let me say to my colleagues, and let them hear this, please, with understanding: Only 4 percent of the land of West Virginia is flat. Only 4 percent of the landmass of West Virginia is flat. All of the rest of it is going uphill or going downhill, either at great steepness, very great steepness, or somewhat lesser steepness, it is not flat. Only 4 percent is flat.

Imagine, then, trying to construct an economy, an economy developing, much less the life of schools, the life of hospitals, the life of recreation, the life of a State, on 4 percent of the land and then moving up the side of hills, where one can do that, and hoping the winter will pass quickly because it is very hard to plow those roads. It becomes a very difficult situation in the southern part of our State.

You cannot simply say we mine coal today and we do biotechnology and information technology tomorrow. You cannot walk across the Grand Canyon in one step.

Senator BYRD and the junior Senator from West Virginia, together, in different ways, have been trying very aggressively, over the last number of years, to modernize the economy of West Virginia. We have been doing so with a respect for our basic industries—steel, chemicals, coal, wood, natural gas, et cetera—but also understanding that the world is changing, that we are globalized. This Senator has spent the last 15 years making trips back and forth to various Asian countries, trying to globalize the economy of West Virginia through reverse
investment and through the increase of exports. Indeed, the increase of exports in the last 5 years has gone up by 50 percent in West Virginia. So we are making progress.

But we do not start from the base that so many other States have. So what happens in southern West Virginia if the Senate or the Congress turns their back on this amendment is something I would like people to think about. We would lose approximately $2 billion in wages. Senator McCONNELL, in his very good remarks, mentioned 4.1 percent of people are unemployed in this Nation. That is not true in the part of the State that we are talking about, in West Virginia. The counties I would mention would be six. In McDowell County there is over 14 percent unemployment today. The reason it is so high is—by built, and only a couple of those who are there have left. If they had stayed there, the figure would be much higher.

In Mingo County, which has a lot of coal reserves of very high quality—that is high Btu, low-sulfur-content coal—it is over 14 percent, over 14 percent. The national average is 4.1 percent—that is terrific, in Connecticut, Colorado, other places. I am proud of that. I am happy for that. But in Mingo County it is 14 percent. In Boone County it is less than that, it is 13.9 percent. A lot of our low-sulfur, high Btu, highly desirable for the making of steel coal is produced in that county; Logan County, 13.5 percent; Lincoln County, almost 11 percent; Wyoming County, almost 11 percent.

Can one understand what that means to me as a human being, much less as a U.S. Senator, when one struggles in a land which is so steep, so desperately steep, land which used to be, many millions of years ago, higher than Mt. Everest? Because that is what the Appalachians were; they were the tallest mountains in the world. Over these millions of years, they have been ground down, but they have not been ground down to a level where economic activity is readily accessible. We cannot put the great big highways so easily into that kind of terrain.

Senator BYRD has done a remarkable job in trying to do that. But not all those roads have been built, and only a couple of those have been built in southern West Virginia because the cost per mile is so prohibitively high. Even if the Federal Government provides the money, the State can’t match it. So progress is slow.

I also want to say something that is very important to me personally. This Surface Mining Act goes back to when I was Governor. The Senator from Idaho said, incidentally, about either the Environmental Protection Agency or other things, but I agree with the thrust on what he wants to do with this amendment. But I was Governor of West Virginia at that time. We were faced with this question of what kind of mining we want in West Virginia, surface mining and the Federal act.

I will say two things. One is that I have known for a long time, and I have been told by many people in and out of government, that a good deal of the Federal act was based upon what it was that we were doing; what it was I was causing to happen as Governor in West Virginia, in the way that surface mining was carried out. In other words, West Virginia, I will then say from that statement, has a higher level of requirements of surface mining than do other States and higher, in general terms, I might say, than the Federal Government.

But I also want to say Cecil Andrus, who is from West and was tough—he was a tough Department of Interior Administrator, Secretary of the Interior—gave West Virginia something called primacy on surface mining.

All of this we are talking about—surface mining versus the opposite of underground mining; anything that is not underground is surface; whether it is mountain mining or surface mining, it is all up above the ground—he gave us primacy. We were the first State in the Nation and the only State for quite a period of time to receive primacy.

What he was saying by that is that you in West Virginia do your surface mining reclamation so well that we are going to give you the authority to go ahead, and we will back out of it completely; we have no jurisdiction any more; you have jurisdiction unless you start to do things which are wrong. Then we will take it back.

I was very proud of that. That caused me to have some of the views I have today.

When we talk about not gutting the Clean Water Act or not gutting SMCRA, we in West Virginia cannot afford to gut, so to speak, those Federal acts in a far more intense way than most other States because if we do, we are hurt by them much more than other States because of the enormously mountainous, hilly nature of our State, with only 4 percent of it being flat. All the rest of it goes up or it goes down at some level or another. We have to repect the laws.

Mountain mining has changed a bit over the years in the sense that it has gotten rather larger in the area it covers. Most of us in Congress understand that mountain-top mining in West Virginia is never going to be the same. In fact, the congressional delegation in the House and the Senate wrote an article in the West Virginia papers in which we said it is true, it never is going to be the same again.

It may be possible we cannot afford to have, as far as the mountains are concerned, these enormous areas that are mined all at once. But when somebody comes along and says, oh, you should do that, you should restrict the size because you can’t fill valleys, they say: We are wrong. The Federal law specifically provides for that. I will not read it. I will simply hold it up. Here it is in SMCRA. It specifically provides for being able to do valley fill.

If the Federal judge who made this decision in West Virginia wants to eliminate that—but then again, in his opinion recently, he said: Nothing I am saying here is anything on the basis of merit; it is all on the basis of saying we want a little peace and calm so that the Federal Government, the Congress, can litigate on this matter and decide what needs to be done, which is why Senator Byrd, Senator McCONNELL, and a number of us went ahead with the surface mining law.

We did have a system whereby the two sides—I do not even like to use the words “two sides”—the environmental community and the industrial community, could come together and work to- gether. There was a system in which one of the people who works with me spent 5 weeks in the coal fields working with the environmental people, working with the State people, working with the mining people, working with the union people. They came very close to almost a total agreement on what should be done. There was only one area on which they could not reach final agreement. It was something called a buffer zone. They could have reached a final agreement. Then the Corps of Engineers came along and blew the whole thing out.

I appeal to my colleagues to understand there is a role and a place for reason, compromise, balance, and sensible action in all of this. This world is divided between people who are strictly environmental in their purposes and people who are strictly for jobs in their purposes. There has to be that balance.

Global warming is a fact. I do not dispute the science. I look around me; I feel the temperature; I understand what is going on. On the other hand, at the same time I have those feelings in my bosom, having to speak grown up as an adult, as a VISTA volunteer in the southern coal fields of West Virginia, that these people who are mining coal—the coal miners Senator BYRD talks about so eloquently—are doing what they know how to do and doing it the best way they possibly can. Under the Federal law they are wrong. The Federal law specifically provides for that. I will not read it. I will simply hold it up. Here it is in SMCRA. It specifically provides for being able to do valley fill.

If we are not able to get our amendment accepted, if the judge lifts the stay, if his decree goes into effect, mining will more or less cease to exist in West Virginia because nobody will invest; nobody will say: All right, let’s go for a couple of years and then we will come back and look at West Virginia. That will not happen. It will be more or less the end of mining in West Virginia, not just in southern
West Virginia, but it will probably be all over West Virginia because everywhere there are effects of the judge’s opinion.

We have to have both. We have to have a way for people to provide the electricity the Senator from Idaho talked about to turn on those computers. We have to have a way to light up this Senate and to light up the homes of people all over America. As I indicated, 57 to 60 percent of all the electricity in this country is made by coal. It is not made by nuclear power. It is not made, at this point, by natural gas. It is made by coal. It is a fact of life. Reasonable people understand that.

You cannot just obliterate that and pretend there are not going to be consequences. Nobody wants economic devastation unless they don’t have any coal. My colleagues want economic devastation on the State of West Virginia. I do not think that is in their hearts; I do not think that is what is in their minds; but that is what is in the process of happening.

But all across this country. This is kind of a watershed decision we are about to make. Are we going to find some kind of a compromise, a way of working things through, or are we going to deem each other to be enemies, one to another, on one side, one on the other—on one environment, on the other environment, who felt in their heart of hearts they have no interest in jobs—which I doubt because environmentalists are people, too—or on the other side coal miners who then turn on environmentalists as being totally hostile people. All that does is degrade the content of public discussion and degrade the possibility of a reasonable resolution.

I hope very much this amendment will be adopted. I regret very much the White House has been so difficult on this whole matter, having given their word to the senior Senator from West Virginia and then reversed it the next day, having given their word on matters of steel during the course of a campaign in the northern part of our State and then reversed their view on that. One almost wonders whether or not there is an assault that is taking place on West Virginia.

But we are struggling. We know that along with two other States, we have more economic problems than any other State in the country. We live with that. We live with that every day. We try our very best. Senator BYRD, and this Senator, and our congressional delegation, try our very best every single day to try to improve the lives of people, bringing in new industry that does not create any kind of pollution or industries that are entirely smokeless and entirely of a new order. But it cannot be done, as Senator BYRD said, overnight.

So you cannot have a crushing decision which descends on the good people of southern West Virginia and northern West Virginia that deprives them not only of their self-respect but of their ability to eat, to get medical care, or to exist as human beings.

We have not distinguished ourselves in this country in taking men or women in their 40s or 50s or 60s, and saying: All right. You are finished as a coal miner. Now we are going to train you. We will do this. We will do this. We will talk about it all the time, but we do not do it. We do not know how to do it. The Canadians do; we do not.

So to banish people into oblivion is not something which is common with the practices of the soul of America. It is not something which is in the heart of America, or any part of the soul of America, or any part of the soul of this body. That is what would happen, however, were this amendment to fail.

I commend to my colleagues the integrity of the Byrd-McConnell amendment; I commend to my colleagues the honesty and the environmental soundness of the Byrd-McConnell amendment; and I commend to my colleagues the enormous crisis which potentially will take place if it fails because, as has been said, what starts in West Virginia—because this has now been picked up by the national movement—will move from State to State, to State.

Mr. BYRD. Mr. President, would my distinguished colleague briefly yield for a comment in connection with something he said?

Mr. ROCKEFELLER. I certainly will. Mr. BYRD. Mr. President, when I went up to Rhode Island on Saturday, a few weeks ago, to attend the funeral services of the late Rhode Island Senator John Chafee, the national press people—the Washington Post, the New York Times—who were right on that plane indicated that the administration was supportive of the amendment. That was on Saturday.

I had run the language by the administration’s representatives, who come to this hill often. I hoped the administration would support the language. So I was quietly running the language to the administration and certainly getting the support of the administration—if not openly, at least they were not opposed to it. We were working with them tactily.

The very next day the tune changed, and the newspapers announced the administration was against the Byrd amendment. So they flip-flopped over night; they made a 180-degree turn over night. One day I had the confidence of them. They were looking at the language, making any responses they wished to make, expressing their viewpoint. The next day they were 100 percent on the other side.

So I say this amendment is a test. I say to the working men and women of America, do not believe the pretty words you may hear. Pretty words are easy. And I have heard pretty words myself. Watch what happens with this amendment, I say to the working men and women of America. Watch what happens to this amendment. See if the actions of those who say they are your friend do match those pretty promises.

I thank my distinguished friend and colleague. I am pleased to associate myself with his remarks. Well done, my friend.

Mr. ROCKEFELLER. I thank my senior colleague and I yield the floor, Mr. President.

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

SOMETHING IS OUT OF BALANCE IN AMERICA

Mr. GRAMM. Mr. President, it is easy when you come to work every day in the most historic and important building in the world to forget you are part of history—to forget you are in a sacred place where history has been made in the past. But it is even easier to forget you are making history now.

But I am reminded that we are making history now when I listen to Senator BYRD speak with righteousness on behalf of the working people of West Virginia. And might I also say, I have never heard a more eloquent speech in the Senate than Senator CRAIG’s speech that he gave earlier.

Having heard those speeches—including Senator McCONNELL’s and Senator ROCKEFELLER’s—I do not want to rise to talk about the substance. I do not think you can improve on what they had to say. But there is an important point, at least in my mind, that I want to make; and that is, something is wrong in America. Something is out of balance in America.

If tomorrow in West Virginia a subspecies of crickets develop that have legs 6 millimeters longer than crickets as we know them, or that have brown or white specks on them, they would be protected before the law. They would be protected by the Endangered Species Act. There would literally be thousands of people who would be willing to troop to West Virginia and hold signs and demand that this new subspecies of crickets be protected.

But yet when the livelihood of people who hear that a tumbling ring at 4:30 a.m. in the morning—and if you grew up in one of those houses—I know Senator BYRD did—the next sound you would hear is those two feet hitting the floor. It is
I think something is very wrong in America when there does not seem to be much focus on working men and women. And what was moving to me about Senator BYRD’s speech is he was speaking on behalf of the people who work with their hands, and who work for a living, and who often do not have much of a voice in American Government.

I am not here to criticize people who have focused, in some cases, their lives, their civic activity, and their leisure time activity on the environment. But I think something is wrong when, in focusing on the environment, we forget about people who work for a living and who are affected.

I think, in some cases, environmentalism has gone too far. I think, in some cases, that it has become anti-growth. Maybe that makes sense if you live in a fancy air-conditioned house and in your children have gone to college. If you have boundless opportunities, it makes sense to say we need to protect the environment at all costs and that there is no burden that is too great to bear. After all, the person saying that already has a piece of the American pie and has already generally lived the American dream.

But I think what Senator BYRD has reminded us of is that not every American has lived the American dream. Not every American has gotten a piece of the pie.

I think when we have focused so much on a sub-species of crickets, it is about time that people in the Senate stand up and say: What about people who make a living in the mining industries of this country—people who have had placed on their livelihood less weight by American law than we place on the assumed well-being of sub-species of crickets? I think something is out of balance in America. I think we need to get it back into balance. I think we need to remind people who are so concerned about one particular element of the environment that there is no more basic part of the environment than the ability of the people in West Virginia, or Kentucky, or Texas, or any of the State in the Union to make their house payment, or their ability to earn a livelihood, or their ability to have self-respect in their own worth of what they do.

We are not talking about tearing down America’s environmental laws. No country in history has a better environment than we have. No country has spent more resources and legitimate effort on their environment than we have.

EXTENSION OF MORNING BUSINESS

Mr. GRAMM. Mr. President, I ask unanimous consent that following the Senator from Texas, the Senator from Louisiana be recognized for 10 minutes; following that, the Senator from Alaska be recognized for 5 minutes; the Senator from Minnesota for 5 minutes; and I would like to follow the Senator from Minnesota for 5 minutes.

Mr. LOTT. Reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. To clarify that, when the District of Columbia appropriations conference report and its parts arrive, that will be taken up at that point regardless of the order. But then, of course, when that is completed, we can go back to this order.

Mr. KERRY. Mr. President, again, may I ask the distinguished majority leader if he thinks we should tighten up containment here, there are some who have some problems off the floor. So it may be that he would be held up by about 5 minutes, I think, in total.

Mr. LOTT. If it is something like that, it should not be a problem. But I think we should get this in order as much at this time, so the papers will be headed this way. Rather than holding up the debate getting started, I think with the order we have lined up, we should be all right. I think we could extend the colloquy to the point where we couldn’t do the business of the Senate.

Mr. KERRY. Would the majority leader then permit us to put in place the request we have made?

Mr. LOTT. I withdraw my reservation.

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

The Senator from Texas.

Mr. GRAMM. Mr. President, it is obvious that there are a lot of people who want to speak. Let me sum up by saying that in an era where I think we have gotten Government out of balance, where extremist elements are determined to impose their will and their values—often at the expense of the jobs of people who work with their hands and who, in the process, contribute to America—when we become callous to the needs of working people by catering to people who are often quite well off and quite successful and quite comfortable, who, in some cases, would put their interests and their hobbies ahead of working people, it is very important that we have someone such as Senator Byrd who pulls us back to reality.

I think Senator Byrd mentioned my name in connection. But just in case he did not, I ask unanimous consent that my name be added.

The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. GRAMM. I am proud to support this amendment. I think the administration has become dominated by people who are concerned about specific elements of the environment, as they define it, than they are concerned about the environment based on good science. I think they are more concerned about their values than the well-being of the people who do the work and pay the taxes and pull the wagon in America.

It is easy for a planner or an idealist to set out a policy and act as if destroying the livelihood of a coal miner is as irrelevant as simply overturning a regulation. But we know the difference between a regulation and the livelihood of a coal miner. It is because we know the difference that we are here.

I hope this amendment passes. I hope it sends a message that the National administration has become an extremist administration in terms of the environment. This is a bipartisan effort. I think it is important. I think it pulls us back to the center in recognizing we want a better environment. But we want to head off the consequences of regulation and benefits. We want to look at science. When we are putting thousands of people out of work, we ought to stop and reflect on what we are doing. Senator BYRD is asking us to do that today. I am proud to join him in this effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

NATIONAL ADOPTION MONTH

Ms. LANDRIEU. Mr. President, I am appreciative of the 10 minutes granted to speak on a different subject. I understand that mining is an important issue of concern and attention. Until it is resolved, we will probably be working for many days. I know that the Senator from West Virginia feels very passionately about this issue, and other Members may want to add their remarks as the evening goes on, so I will try to be brief.

A week from tomorrow, many of us will head home to be with our families and celebrate Thanksgiving. In my mind, it is extremely appropriate that Thanksgiving falls in this month, which many of us spend with our families and friends.

To celebrate the number of children, picture Superdome filled with children, one in every seat. That is a lot of children—if you think about one in each seat in five Superdome-in need of homes in America.

The average age of children in foster care is 9.5 years. The problem is many children spend the average of 3 years in foster care. Three years is too long to live without the love and security of a permanent family. We need to shorten that time. If a child has to be removed from their biological parents because of terrible, unfortunate circumstances, they should spend a short time in foster care and then be placed permanently with a loving family. Seventy percent of the children available for adoption and foster care are under the age of 10. They should not spend their tender years without a home.

True, we are making progress and we should be proud. In 1996, 28,000 children in foster care were placed in permanent homes. It is projected that, in 1999, the number will be 36,000, an increase of about 30 percent.

In celebration of those who made this progress possible, the Congressional Coalition on Adoption instituted a wonderful idea that we hope will go on year after year. The Congressional Angels in Adoption. We asked all of our colleagues to send in recommendations for individuals in their respective States and districts who had done something extraordinary in the area of adoption. I went through the RECORD a list of the 55 families who have been nominated and selected for the first 1999 Angels in Adoption Awards.

I ask unanimous consent that this list be printed in the RECORD.

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

1999 ANGELS IN ADOPTION

Freddie Mac Foundation, Virginia, Nancy Kleingartner, Bismarck, North Dakota, Jeff Jordan and Robert White, Iowa, Earl and Judy Priest, Caldwell, Idaho, Dave Thomas, Dublin, Ohio, Peter and Mary Myers, St. Louis, Missouri, James and Denise Jones, and Rapid City, South Dakota, Marion Thompson & Jim Thompson, Spartanburg, South Carolina, Carol McMahon, Pittsburgh, Pennsylvania, Lori and Willis Johnson, Russellville, Arkansas, Eileen and Earl Hinton, New Jersey, Joan McLaughlin, Morristown, New Jersey, Carol Stoudt, Fargo, North Dakota, Bill and Laura Trickey, Kansas City, Missouri, Tom and Debbie Fritter, Warrentown, Missouri, Debbie Breden, O’Fallon, Missouri, Senator Gordon and Sharon Smith, Chey Chase, Maryland, Ed and Doreen Morey, John, Maryland, Sky Westerlund, of Lawrence, Kansas.


Russ Ann Gaines, Des Moines, Iowa, Larry and Jackie Bebo, Berthod, Colorado, Gary and Nettie Thomas, Virginia, William Min, Aimee Pierson, Lancaster, Philadelphia, Jane Sarnes, Lexington, Nebraska, Peggy Soule, Rochester, New York, Laurence and Jane Leach, Raleigh County, West Virginia, Judge Gary Johnis, West Virginia, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexington, Nebraska, Jane Sarnes, Lexin...
with Senator ABRAHAM, I have introduced legislation concerning adoption. First, I want to take this opportunity, once again, to recognize all of our "Angels in Adoption," and to thank my colleagues for all the good work they have done on this issue. I look forward to working with them when we return to make the reality of a permanent and loving home real for so many children who need it.

Thank you.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska.

BYRD-MCCONNELL MINING AMENDMENT

Mr. MURKOWSKI. Mr. President, I think we all owe a tremendous debt of gratitude to the senior Senator from West Virginia.

What we have now is a situation concerning mining in the U.S., where a crucial decision is either going to be made to maintain an atmosphere where mining can continue or through the prevailing attitude within the Clinton administration to simply drive the industry offshore.

The Clinton administration, by its actions, evidently opposes the working people of America who are involved in mining.

Those opposing Senator BYRD's proposal basically are destroying the entire coal industry which exists west of the Mississippi—the mine workers whose jobs depend on that industry, the railroad workers, the barge men, and the truck drivers.

I think it is important to note that Senator BYRD's amendment directs the application of the Clean Water Act to be returned to the way it was at the beginning of October of this year.

Senator BYRD's amendment does not change the law. It does not change any practice that has been followed over the years. It is our job to change the law—not the White House and not the courts.

Senator BYRD's amendment gives the Congress and the Federal agencies time to apply existing law without destroying the coal mining industry of this country—time to apply the law, or make such adjustments that are necessary in a way that protects the environment, the coal mining industry, and all those who depend upon that industry for their well-being.

We are looking for a balance. The administration's proposal throws this out of balance.

The amendment goes further. There are two additional issues involved.

One deals with the recent Solicitor's opinion that would throw out 127 years of precedent on the size of mill sites—only 5 acres per claim, if followed through with, this would make mining on public lands absolutely impossible.

I do not know how many Members cannot be done. This is how they propose to eliminate mining. In my State of Alaska, we would not have a new mine developed, much less.

You are depriving us and this country the right to produce minerals from the rich resources we have.

Make no mistake; the Solicitor wrote the opinion to end mining in the West, to drive mining offshore, to drive the jobs offshore, and to drive the dollars offshore.

The provision in this amendment would allow mining operations that have been submitting plans prior to a recent Solicitor's opinion to continue under the law and the precedent that was relied on the developed plan.

The second issue is also a simple provision that would require the administration to follow sound science for a change. The provision would limit the ability of the Secretary of the Interior to propose new hard rock mining regulations for those areas where the National Academy of Science found that there are deficiencies. Why not give science a chance instead of emotion?

Finally, the National Academy of Science found that State and current Federal regulations on hard rock mining sufficiently protected the environment and needed only a few changes to bring it up to current standards. What is wrong with the objective of the National Academy of Science?

There are two simple provisions: One that provides fundamental fairness by allowing companies that have relied on 127 years of interpretation to continue while the courts sort out whether this new interpretation is legal; and one that requires the administration to follow and comply with sound science.

We are calling for fundamental fairness and sound science. But the White House, in its single-minded determination to end the domestic mining industry, seems to have denied us both.

I certainly appreciate the support of the senior Senator from West Virginia. He has a sympathy and an understanding for the needs of the mining industry.

Unfortunately, we have seen these differences of opinion between the West and the East. But we certainly now have a common interest.

There is going to be little for the domestic mining industry to celebrate this Thanksgiving.

The White House, to serve its environmental constituency and the aspirations of, I guess, the Vice President, has abandoned the call for sound science. They are appealing to emotion.

We need fairness. We need to meet the needs of the men and women who labor in our mines.

This Nation will pay the price as coal mines in West Virginia, mining sites throughout the West, and in my State of Alaska close. Good, honest jobs that
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built this Nation will be lost. Union and nonunion workers will join the bread line that this administration will leave as its legacy for the mining industry.

I yield the floor.

I thank the President for his patience and perseverance.

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

Mr. WELLSTONE. Mr. President, my understanding is that Senator KOHL was seeking recognition. I ask unanimous consent that Senator KOHL be allowed to speak for 5 minutes after Senator KERRY.

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

Mr. WELLSTONE. I thank the Chair.

Mr. President, I come to the floor to speak about some mixed feelings because I have heard several of my colleagues, and I specifically want to talk about the remarks of Senator BYRD and Senator ROCKEFELLER for whom I have a tremendous amount of respect. I know when they speak about miners, they speak from their hearts, and they speak from their souls.

I haven’t looked at the specific wording of the amendment. But I want to raise some questions, if this amendment comes to a vote. I will look at the amendment and then decide.

But I think I heard some of my colleagues trivialize this question. Just looking at it from another very important point of view, I can say that I have spent a considerable amount of time in eastern Kentucky. That is where my wife’s family is from. I spent some time years ago with an organization called “Save Our Cumberland Mountains” in east Tennessee.

When we go to the floor and talk about this as saving some exotic species, they are not talking about what I have seen with strip mining. What I have seen with strip mining in east Tennessee and east Kentucky is a situation where, first of all, the coal mining companies came to the region and took an awful lot of the wealth, and then they left an awful lot of the people poor.

But one of the things people had was their streams, rivers, and their creeks. They had a lot outdoors, and the land they loved. I want to say to my colleagues that when you take the tops off these mountains with the strip mining as opposed to deep mining, and you let the leftover rock and earth get dumped into the adjacent valleys and bury or pollute streams, it raises a big question.

Again, I say, in deference to my colleagues, that I know what they are saying. We will have a chance to analyze this and then decide how to vote.

But I do not believe this is a trivial question at all. I have seen communities ravaged by this strip mining. I have seen courageous people who have lived in the mountains their whole lives speak up. So I want to speak up by raising this question on the floor of the Senate.

I also want to say to my colleagues, Senator BYRD—and others—who, as I said, from his heart cares about the miners, that when I hear some of my colleagues frame this debate in these terms given this broader context.

It is a difficult question. I said to Senator BYRD earlier I have not looked at the specific amendment yet. I will do that. But I don’t want any Senator to come to the floor and act as if there isn’t some question—again, the Senator can clear this up for me—as to whether or not, given section 404 of the Clean Water Act, we are or are not creating a loophole. That is a terribly important question, to resolve before a final vote on the issue.

Mr. BYRD. Will the Senator yield?

Mr. WELLSTONE. I am happy to yield to the Senator.

Mr. BYRD. The distinguished Senator has mentioned my name. The word “waste” has been used. The newspapers have repeatedly used the word “waste,” saying this amendment that I am sponsoring is to let coal companies continue to dump their waste into the streams.

As to the use of the term “waste,” the Clean Water Act, section 404, governs the disposal of “dredged and fill” materials into waters of the United States. Excess material from coal mines has always been regulated in this fashion as “dredged and fill” material under section 404 of the Clean Water Act.

Judge Hayden in West Virginia, however, determined that excess material from coal mines is “waste” and, as such, could not be disposed of in valley fills.

For 20 years, the stream buffer zone regulation has not been interpreted as preventing the disposal of excess material from coal mines into streams. Rather, Congress relied on the Clean Water Act to govern this activity.

I thank the distinguished Senator for yielding.

I ask unanimous consent Mr. SHELBY be added as a cosponsor to the amendment.

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

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired. The Senator from Massachusetts is recognized.

GRATITUDE TO JEANETTE BOONE SMITH

Mr. KERRY. Mr. President, I want to share with all of my colleagues, particularly with the citizens of Massachusetts, the deepest sense of appreciation I have for the longest serving member of my staff, someone I have been privileged to have work with me since I entered elective office in 1982. Jeanette Boone Smith is leaving my staff after serving all of that time, since 1982, both in the Lieutenant Governor’s Office of Massachusetts and in the Senate. Through the years, Jeanette has symbolized the values and the priorities I have tried to represent in the Senate. I am, indeed, extraordinarily fortunate to have had her friendship and her counsel throughout my public life.

Jeanette embodies the fight for equality and for social justice that defines the entire second half of this century. Her life is filled with stories of personal struggle, public struggle, and of triumph, of sacrifice, and of victory. She was born in Englewood, NJ, and she remained in that State throughout young adulthood. For Jeanette, public service and political action came very early. She became president of Englewood’s Fourth Ward Democratic Club, where she worked for local and national Democratic candidates. Her commitment to ensuring equality of opportunity and access to resources led her to fight tirelessly for the integration of the Englewood schools and for public housing. The success of the campaign in which she was involved opened up education and affordable housing to the whole community, and it serves as just one example of the countless times Jeanette sacrificed her time and her energy to help provide a better life to people who had traditionally been denied the full measure of the American dream.

Jeanette interviewed with me in January 1983 when I was putting my staff together for the Lieutenant Governor’s Office. From that time on, through those early years, she served as my executive assistant, performing the endless and thankless tasks that all here understand are so vital to our ability to be able to manage our schedules and our State operations. As the years passed, she took on greater responsibilities as the director of constituent services where her warm, generous,
open personality, and remarkable compassion for people in need allowed my office to advocate successfully to open and to successfully complete the work on more than 100,000 individual cases throughout Massachusetts.

As my colleagues well know, constituent services are critical in serving the people of our States, and they are sometimes the most thankless and the most difficult tasks we confront. Jeanette assembled and managed a team that continues to help people in search of housing, education opportunities, and nutritional assistance. She has also overseen many complex housing partnerships with the U.S. Department of Housing and Urban Development and State agencies, helping to bring quality, affordable housing to thousands of people throughout the State.

Jeanette is leaving to enjoy more time with her husband Perry, her son Tracey, and his sons, and the South End of Boston loves so dearly. Within the South End, she formed the Four Corners Neighborhood Association, which led to the construction of the Langham Court Apartments. This complex is a wonderful example of Jeanette’s abilities and her commitment to improving her community. It has been recognized with awards for its architecture and innovative program of mixed-income housing. She is also deeply involved in the Roxbury Presbyterian Church where she serves as an elder, a trustee, a member of the choir, and a member of the renovation committee.

These words today—and I know my colleagues will share this sense for any long-term staff person who departs—cannot fully recognize Jeanette’s contributions to the people of Massachusetts or the full extent of my personal appreciation for her time with me. Although she will do as Jeanette has done, which is to serve as a moral compass pointed toward a better world where a bright future is open and available to everyone in this country.

I am deeply grateful for her time with me, and I extend to her and Perry my very best wishes as they begin a wonderful new chapter in their lives.

I yield the floor.

Mr. DASCHLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

The Senator from Wisconsin.

THE NORTHEAST DAIRY COMPACT

Mr. KOHL. Mr. President, in the omnibus package that will be brought to the floor sometime this evening, there are two pieces of legislation on dairy that I want to spend a couple of minutes discussing today. The first thing they are unfair and very much not in the spirit of the American economic system.

One is the Northeast Dairy Compact. The Northeast Dairy Compact is an arrangement in which the New England States literally fix the price of milk in those seven States and no one can tamper with that price. It is the only price at which milk can be distributed from the farmer to the processor. In effect, it takes all the competition out of that product in that State, in all the New England States. We have never done that before in this country. It is contrary to everything that is represented by the economic system in the United States.

The reason why we have such a great country in part is because our economic system provides that anybody with a good idea to develop a product or service has an unfettered opportunity to market that product. That is what has made America great: competition. That is why we have full employment, the best economy in the world, and an economy that can compete anywhere in the world and succeed. That is because in this country we say: In order to get your share of the market, you have to be able to provide the best product at the best price and market it in the best way. There are no restrictions in the 50 States to do that. That has been true since the United States of America was originated.

The northeast dairy cartel is in contrast to that. There is nothing about the cartel that is American in terms of how we do business. There is something about that, yet I have heard this from some of the leaders in the northeast: Can’t we just have our cartel? After all, it represents only a fraction of the milk market in the country. Why can’t we just have our cartel? But, obviously, if they can have their cartel, then everybody can have a cartel.

What stops us from having a Southeast cartel or a Southwest cartel? What stops us from having a Midwest corn cartel or a Plains States wheat cartel? If a cartel makes sense in any form, then it makes sense not only in the New England States and not only for milk; it makes sense anywhere, conceivably, and for any product.

Now I ask the question: Does the Senate want to go on record as favoring this type of economic policy? I think we all know the answer is not yes. Nobody has defended this to me, even though it is coming tonight. Nobody has defended it to me. I talked with the leaders in the Senate. I asked them to explain why we should have this kind of legislation in the omnibus bill. I tell you, not a leader, not a single Senator, has explained to me and defended in any way that makes sense this which is price-fixing cartels. Yet here it comes.

I am told it is coming because promises have been made and arrangements have already occurred, and so on and so forth. On something as important as this which is price-fixing cartels, it seems to me that saying “promises have been made,” and “it has been passed in the House,” or “it is too late,” or whatever, does not make any sense. May I also say I have been in dialog with the leaders in the Senate for months on this, so this is not a surprise. So here we are with this piece of legislation.

Then we also have this milk pricing policy which, as you all know, arbitrates the prices paid to farmers. We all know, again, this was set up 50 or 60 years ago when there was no refrigeration to transport milk across the country. Why can’t we just have our cartel? But, obviously, if they can have their cartel, then everybody can have a cartel. That makes no sense.

So I suggested, and many have suggested, there be no dairy language in the omnibus; just don’t say anything on the omnibus. We should set up a new system. But before October 1, we have already occurred, and so on and so forth. On something as important as this which is price-fixing cartels, it seems to me that saying “promises have been made,” and “it has been passed in the House,” or “it is too late,” or whatever, does not make any sense. May I also say I have been in dialog with the leaders in the Senate for months on this, so this is not a surprise. So here we are with this piece of legislation.

Then we also have this milk pricing policy which, as you all know, arbitrates the prices paid to farmers.
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UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, there are a number of issues we are working on, but we have one unanimous consent request with regard to the loan guarantee for the satellite local situation we have worked out.

I ask unanimous consent that no later than March 30, 2000, if no Senate committee has reported a bill limited to providing loan guarantees to establish local television service in rural areas by satellite and other means, the Republican leader, or his designee, or the Democratic leader, or his designee, be recognized to introduce a bill limited to sections 2002, 2003, 2004, and 2006 of the conference report accompanying H.R. 1554 providing such loan guarantees, and that the Senate immediately begin consideration of the bill with relevant first-degree amendments in order and second-degree amendments that are relevant to the first-degree amendment proposed to be amended. Further, that if legislation is reported that is limited to such loan guarantees, it be considered on or before March 30 and be open to relevant amendments as provided above. That upon disposition of all amendments, the bill be read a third time and passed, with no intervening action.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I compliment the majority leader. This is the result of ongoing discussions we have had for some time. I appreciate very much the involvement and the work done by the distinguished Senator from Montana. This accomplishes much of what we hoped we could do. It is not everything. I am very hopeful we can get this done before April 1, but the majority leader has made as strong a commitment to me personally, and I am sure he is prepared to do on the record, that he will work with us to accomplish the objectives laid out in this unanimous consent agreement.

I appreciate, as well, the cooperation of the distinguished Banking Committee chairman, and I believe as a result of the effort we have been able to demonstrate in getting to this point, we will achieve our goal. We cannot leave rural America out. We will have an opportunity to provide service to them. This will give us the vehicle to make that happen. So I do not object.

Mr. BAUCUS. Reserving the right to object.

Mr. LOTT. Mr. President, before the Senator reserves the right to object, I want to add my own personal comments rather than just the dry UC that I gave.

I, too, commend and thank the other Senator from Montana, Mr. Burns, for his efforts in this area and for his tenacity. In fact, this very day, he ruined my lunch talking to me about this issue. I know Senator Baucus believes very strongly in it.

It is not just a Montana issue. This is important in South Dakota and this is important in Mississippi. This is important in all the states. This is important nationwide. If we are going to get this satellite local-to-local service in these smaller markets, we have to have this opportunity, but we want to make sure it is a loan guarantee that will work, that is actually going to do the job, that is not in some way going to improperly benefit any one individual or group of individuals, for that matter, and that it has been carefully thought through.

Again, I am absolutely determined to get this done. I will not only live up to this UC, which I have to, but I will do it with a great deal of vigor and activity.

I thank the Senator from Texas for his willingness to focus on this and get this done by a date certain and make sure he and other committees have added to it to make sure we do it right.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I earlier objected to bringing up the continuing resolution because I felt it made much more sense to include the loan guarantee along with the other provisions in the omnibus bill that will be taken up later providing for local-to-local satellite network service. I thank the Senator from Mississippi, as well as my colleague from Montana. I have been working with my colleague today to figure out some way to lock in even more having loan guarantees passed by this body and by the other body.

The other body has made a similar commitment in a colloquy about 2 hours ago to make sure this is passed so rural viewers of America have the opportunity to have local service.

I compliment my friend from Montana for working so hard on this. He has worked very hard, as well as others. I am not going to hold up the continuing resolution to shut down the Government. In the whole scheme of things, we have our own priorities and know what the priorities should be. But it is important to get this provision in here because it does make it even more certain we are going to get this loan guarantee provision passed in the next year.

I thank the majority leader. He has been very gracious in working this out, as well as the chairman of the Appropriations Committee, who I know wants to work this out as well, and my good friend from Montana. I also thank the Banking Committee chairman. He has been very helpful.

The PRESIDING OFFICER. There is a unanimous consent request before the Senator. Is there objection?

Mr. BURNS. Reserving the right to object, and I will not object, this is a compromise to facilitate the passage of this omnibus bill. We have worked a
long time on this. We are working up to a deadline where we could see some blue screens after December 31. But one cannot say that even our satellite viewers should be able to receive local broadcasts or network stations in their local areas. The only way we will ever provide any competition for the cables under the rules they live by, under must carry, and still have a viable satellite service that will compete with cables is through this method.

I appreciate the commitment of the Senator from Texas, the chairman of the Banking Committee. I thank my friend from Montana. He has worked hard on this. I thank the majority leader. Without their commitments, we would be talking a different tune now. I also commend the leadership in the House. I have not seen that from the leadership in the House. The Senate realizes the ability to receive television signals in America is critical. We passed the satellite bill in the Senate unanimously.

I want my colleagues to know, as I have said many times as this debate has evolved, I intend, by the 30th of March, to report a bill from the Banking Committee. It is my goal not only to write a bill that will deal with this problem, but I hope we can develop a prototype for the future, where we recognize that there are some social goals that are not necessarily met by market forces, and that the market by itself might not provide this service which we have deemed to be important.

The question then is: What can you do to provide this service at the lowest possible cost and in the most efficient manner? It is my goal to put together a bill that will achieve that goal and perhaps be a prototype for similar problems in the future.

So I thank my colleagues. Probably as much effort has gone into this one little issue as anything throughout this whole process. It is an important issue. It involved an important principle. I think we have reached a good conclusion. I am happy about it. I believe, when we complete it, that every Member of the Senate and every Member of Congress and, hopefully, everybody who has a satellite dish or wants one will be happy about it as well. I thank my colleagues.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that I be recognized immediately after the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from West Virginia has now brought a unanimous consent request. Is there objection? Without objection, it is so ordered.

The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I thank my colleagues. This has obviously been a very difficult issue. We passed the satellite bill in the Senate unanimously. I think every Member of the Senate realizes the ability to receive television signals in America is critically important. On Saturday, you want to watch Texas A&M. On Sunday, you want to watch the Dallas Cowboys. And one’s life is diminished if you cannot do either one of those things.

The problem we had was we passed a bill in the Senate to set up the legal structure to get that job done. They passed a bill in the House to do the same. Neither bill had any loan guarantee language in it. The conference realigned there was a problem, but in their haste to get it done, it is my opinion that we ended up with language that was as good as anybody could have written during that short period of time.

Under the agreement we have reached, we have an opportunity to have representatives of the television stations, the satellite companies, and potential Internet suppliers come in. We have the ability to look at the technology.

We have the ability to look at loan guarantees we have given in the past. We have the ability to get the input of the Secretary of the Treasury. Hopefully, we will have the ability to put together a bill that will maximize the chances that every American will have access to their local television station.

I want my colleagues to know, as I have said many times as this debate has evolved, I intend, by the 30th of March, to report a bill from the Banking Committee. It is my goal not only to write a bill that will deal with this problem, but I hope we can develop a prototype for the future, where we recognize that there are some social goals that are not necessarily met by market forces, and that the market by itself might not provide this service which we have deemed to be important.

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I thank my colleagues.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The Clerk will call the roll.

Mr. FEINGOLD. Objection is heard.

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

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 82, H.J. RES. 83, AND H.R. 3194

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

Mr. FEINGOLD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The bill clerk will continue the call of the roll.

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

Mr. FEINGOLD. Mr. President, I object until I can read this.

The PRESIDING OFFICER. Objection is heard. The bill clerk will continue the call of the roll.

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

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. I object.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded so that the Senate from Minnesota can——

Mr. WELLS’TON. Mr. President, I object until I can read this.

The PRESIDING OFFICER. Objection is heard. The bill clerk will continue the call of the roll.

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

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Mr. FEINGOLD. I object.

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The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. I object.

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

Without objection, it is so ordered.
I further ask consent that when the Senate receives H.J. Res. 83, the joint resolution be deemed agreed to and the motion to consider be laid upon the table, all without any intervening action or debate.

Finally, I ask consent that when the Senate receives the conference report to accompany H.R. 3194, the reading of the conference report commence immediately following the motion to proceed made by the majority leader, to be followed by a vote on the motion to proceed.

The PRESIDING OFFICER. Is there an objection?

Mr. WELLSTONE. Reserving the right to object, could I ask the majority leader, following the motion to proceed by the majority leader, it says "to be followed by a vote on a motion to proceed with a view to the consideration of these continuing resolutions; they have a number of options. I personally am going to vote for the Byrd amendment. I think the Senate is entitled to make his case. If they don't, it will be back in another venue in another way.

The same thing with regard to the Helms-Edwards disaster funds. An oversight occurred, as I understand it, in the final hours last night with regard to disaster funds for North Carolina. There were about three tranches of money that had been requested for disaster assistance. Two of those were included, which come to a total of around $800 million. However, $381 million, an important tranche, was not included. Hopefully, the House will accept this and hopefully the House will see fit to accept them both. I will talk to the Speaker and encourage him to do that.

I want to also emphasize, as has been the case in the past when my State has been involved, when South Dakota or North Dakota has been involved, when any place is involved in a disaster, they should get the assistance they need from a caring American people. That is the way we have been doing it for all the years I have been in the Congress. That is the way it is now and the way it should be.

If for whatever reason in this waning hour of the session this money is not made available, I am committed publicly, along with Senator DASCHLE and the chairman of the committee, that this money will be provided. It will be provided in the first available vehicle after the first of the year, and I preclude that will be supplemental because there will be a supplemental available, and with the commitment of the chairman and the commitment of the leaders and also the commitment of the American people, those funds will be available. I want to make that part of the Record at this point.

I yield the floor for others to respond.

Mr. DASCHLE. Mr. President, let me say I agree wholeheartedly with the comments made by the majority leader. I don't know if there is a State right now that is hurting as badly as North Carolina. Senator Edwards has made that point over and over and over again to me, and I know that Senator Helms has worked with Senator Edwards to try to provide the most comprehensive response to the situation as we can.

We have come a long way and made a great deal of progress in the legislation pending, the omnibus bill. As things happen when we work late into the night with a lot of different people working, there is always the possibility something will fall through the cracks. I truly believe that is what happened. I believe it was an honest mistake. As the majority leader has indicated, whether it is fixed tonight, whether it is fixed before the end of the session, or whether it is fixed immediately when we come back, I don't know how one can get a stronger commitment than the one given by the majority leader or the one I am prepared to give and the one I know the chairman will be prepared to give to accommodate North Carolina.

I appreciate their willingness to work to do this. This should resolve this matter successfully once and for all, either tonight or at some point in the not too distant future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.
considered, many of which were rejected and are not in this bill that we all considered over this last week.

I do believe, though, that Senator Byrd from North Carolina will accept that assurance. I can assure them this is an $81 million item and it is, in my judgment, small compared to the amount of money that will be in the next supplemental for the people who were affected by Hurricane Floyd anyway, so we will make up for this problem. We will make up the money, and we certainly will see to it that it is there.

I plead with the Members of the House to pass the bill tonight. In any event, we will take care of that error as quickly as we can.

Second, with regard to my good friend from West Virginia and his amendment and that of Senator McCollum, the Western Senators, I think there is a clear, growing understanding of the provisions of this amendment. I have been saying, as Senator Byrd has been saying for some time, this does not change existing law. It is an amendment to try to preserve the status quo until Congress has a chance to review the changes that would take place if decisions of the Solicitor’s Office and decisions of one Federal judge were followed, which would affect the mining industry of the whole Nation. I hope the House will certainly see fit to send that measure to the President, so we can see what the White House is going to do with that.

But for now, I hope the Senators involved will let us get on with the major bill, which is going to take some time. I again express my regret to the Senators involved that this incident has taken place, and we will do our best to see it does not happen. But the distinguished minority leader reminded me on an amendment that we had on a bill earlier this year, a similar thing happened when there were just too many things going into one bill. Our provision was left out, but it got back in the next bill. I assure you.

Mr. President, I do hope the Senators involved will give us the courtesy now of permitting the Appropriations Committee to present, at last, the omnibus appropriations bill that will fulfill our commitment to pass 13 appropriations bills this year.

Mr. LOTTT. Mr. President, I know the Senator from North Carolina might want to make a comment or ask a question at this point. I will be glad to yield the floor to him, or yield for him to do that while retaining the floor.

Mr. EDWARDS. I thank the majority leader.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, the human suffering and devastation we incurred in North Carolina is absolutely unparalleled. Our people have never suffered and struggled the way they are suffering right now. This storm has completely devastated us. Our farmers are in the worst shape they have ever been in. I appreciate very much the majority leader’s commitment, Senator Stevens’ commitment, and the minority leader’s commitment. We have talked throughout this process on a daily basis. We had an agreement, a commitment to two things, basically. One was a loan forgiveness program, which has been talked about, and, second, some language that would help the payment for structural damage on farms in North Carolina.

I appreciate very much the commitment we have received today. I do have to say I am counting on my colleagues’ commitments—the majority leader’s commitment, Senator Stevens’ commitment, Senator Bunning’s commitment—to do everything in their power to get this thing passed in this Congress; that it will be included in the CR we are discussing right now and that, when it goes to the House side, the majority leader will speak to the Speaker. We will do everything in our power, Senator HELMS and myself, to make sure that happens. But it is critical to Senator HELMS and me that we not need to rely on the commitment to do something after the first of the year, that we get this done tonight or tomorrow.

With that, I thank the majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. LOTTT. I will say on behalf of Senator HELMS, he has been following this very closely. I have spoken to him, and Senator Edwards has been in constant conversation with him, as has Senator Stevens. He understands what we’re trying to do, and we have made a commitment to him, which we certainly are going to honor, and to Senator Edwards, that we will pursue this aggressively with the other Chamber. This money is going to be available, hopefully in this CR; if not, the first available vehicle next year.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

Mr. LOTTT. Mr. President, I ask that the Chair lay before the Senate the conference report to accompany the District of Columbia Appropriations Act, 2000, conference report. Mr. LOTT. Mr. President, I ask that the Chair lay before the Senate the conference report to accompany the DC appropriations bill, H.R. 3194, and the conference report be considered as having been read.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The clerk will read the conference report.

The legislative clerk read the conference report.

The conference report is printed in the House proceedings of the RECORD of November 17, 1999.)

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

The PRESIDING OFFICER. Mr. Enzi.) Is there a sufficient second?

The yeas and nays were ordered.

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

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

Mr. LOTTT. Mr. President, I believe the regular order is for the vote to begin.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. Ashcroft), the Senator from Missouri (Mr. Bond), the Senator from Kentucky (Mr. Bunning), the Senator from Tennessee (Mr. Frist), the Senator from Washington (Mr. Gorton), the Senator from Texas (Mrs. Hutchison), the Senator from Arizona (Mr. McCain), and the Senator from Oregon (Mr. Smith) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. Boxer), the Senator from New Jersey (Mr. Lautenberg), the Senator from New York (Mr. Moynihan), and the Senator from New York (Mr. Schumer) are necessarily absent.

The result was announced—yeas 80, nays 8, as follows:

[Rollcall Vote No. 369 Leg.]

YEAS—80

Abraham

Bryan

Daschle

Akaka

Burns

DeWine

Allard

Campbell

Dodd

Baucus

Chafee, L.

Domenici

Bayh

Chambliss

Durbin

Baucus

Cheney

Edwards

Baucus

Cochran

Enzi

Baucus

Collins

Enzi

Brownback

Coverdell

Feinstein

Breaux

Craig

Graham

Brownback

Crapo

Gramm

Mr. FEINGOLD. Mr. President, I ask the Senate now proceed to the conference report, and before the clerk begins reading, I announce to my colleagues, Senator Kohl has indicated to me, following the conclusion of the reading, he will insist on the conduct of a rollcall vote on the motion to proceed to the conference report.

Therefore, a procedural rollcall vote will occur at approximately 9:30 this evening.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The clerk will read the conference report.

The legislative clerk read the conference report.

The conference report is printed in the House proceedings of the RECORD of November 17, 1999.)

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

The PRESIDING OFFICER. Mr. Enzi.) Is there a sufficient second?

The yeas and nays were ordered.

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

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

Mr. LOTTT. Mr. President, I believe the regular order is for the vote to begin.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. Ashcroft), the Senator from Missouri (Mr. Bond), the Senator from Kentucky (Mr. Bunning), the Senator from Tennessee (Mr. Frist), the Senator from Washington (Mr. Gorton), the Senator from Texas (Mrs. Hutchison), the Senator from Arizona (Mr. McCain), and the Senator from Oregon (Mr. Smith) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. Boxer), the Senator from New Jersey (Mr. Lautenberg), the Senator from New York (Mr. Moynihan), and the Senator from New York (Mr. Schumer) are necessarily absent.

The result was announced—yeas 80, nays 8, as follows:

[Rollcall Vote No. 369 Leg.]

YEAS—80

Abraham

Bryan

Daschle

Akaka

Burns

DeWine

Allard

Campbell

Dodd

Baucus

Chafee, L.

Domenici

Bayh

Chambliss

Durbin

Baucus

Cheney

Edwards

Baucus

Cochran

Enzi

Baucus

Collins

Enzi

Brownback

Coverdell

Feinstein

Breaux

Craig

Graham

Brownback

Crapo

Gramm
November 18, 1999

CONGRESSIONAL RECORD—SENATE

30595

Mr. LOTT. Therefore, at least one further vote will occur yet tonight. In addition, the Senate will convene tomorrow at 10 a.m., and hopefully process some legislative items that have been cleared and that would be considered by the House.

The Senate could also consider the Work Incentives conference report. Therefore, votes can be expected to occur during the session of the Senate on Friday. We will stay in close touch with both sides of the aisle to determine when the best time might be for that. We will try to accommodate as many Senators as possible and stack them if we need to.

The PRESIDING OFFICER. The clerk will report the joint resolution.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 82) making further continuing appropriations for the fiscal year 2000 and for other purposes.

The Senate proceeded to consider the resolution. Mr. BYRD addressed the Chair. The PRESIDING OFFICER. The Senate will please come to order.

Mr. BYRD. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. McCONNELL, Mr. ROGERS, Mr. ROHRER, Mr. ROYBAL, Mr. CRAIG, Mr. BRYAN, Mr. HATCH, Mr. BENNETT, Mr. MURkowski, Mr. CRAPO, Mr. ENZI, Mr. BURks, Mr. Kyl, Mr. BayHart, Mr. SHELBY, Mr. GRAMm, and Mr. GRAMS, proposes an amendment numbered 2780.

Mr. BYRD. Mr. President, I ask unanimous consent the reading of the amendment be waived.

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

Mr. BYRD. I ask unanimous consent the amendment be waived.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. 2. When the House convenes for the second session of the One Hundred Sixth Congress, it shall conduct no organizational or legislative business on that day and, when the House adjourns on that day, it shall stand adjourned until noon on January 27, 2000, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution.

Mr. LOTT. Therefore, at least one further vote will occur yet tonight. In addition, the Senate will convene tomorrow at 10 a.m., and hopefully process some legislative items that have been cleared and that would be considered by the House.

The Senate could also consider the Work Incentives conference report. Therefore, votes can be expected to occur during the session of the Senate on Friday. We will stay in close touch with both sides of the aisle to determine when the best time might be for that. We will try to accommodate as many Senators as possible and stack them if we need to.

The PRESIDING OFFICER. The clerk will report the joint resolution.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 82) making further continuing appropriations for the fiscal year 2000 and for other purposes.

The Senate proceeded to consider the resolution. Mr. BYRD addressed the Chair. The PRESIDING OFFICER. The Senate will please come to order.

Mr. BYRD. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. McCONNELL, Mr. ROGERS, Mr. ROHRER, Mr. ROYBAL, Mr. CRAIG, Mr. BRYAN, Mr. HATCH, Mr. BENNETT, Mr. MURkowski, Mr. CRAPO, Mr. ENZI, Mr. BURks, Mr. Kyl, Mr. BayHart, Mr. SHELBY, Mr. GRAMm, and Mr. GRAMS, proposes an amendment numbered 2780.

Mr. BYRD. Mr. President, I ask unanimous consent the reading of the amendment be waived.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. 2. DISPOSAL OF EXCESS SPOIL AND COAL MINE WASTE.

(a) IN GENERAL.—Notwithstanding any other provision of law (including any regulation or court ruling), hereafter—

(1) in rendering permit decisions for discharges of excess spoil and coal mine waste into waters of the United States from surface coal mining and reclamation operations, the permitting authority shall apply section 928 of the Federal Water Pollution Control Act (33 U.S.C. 1344) and the section 404(b)(1) guidelines pursuant to section 404(b)(1) of the
Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or the Surface Mining Control and Reclamation Act, this section shall remain in effect until—but not after—the later of—

(a) shall remain in effect until the later of—

(1) takes effect 1 day after the date of enactment of this Act; or

(2) notwithstanding any other provision of law repealing or terminating the effectiveness of this Act, shall remain in effect unless repealed by the regulations that makes specific reference to this section.

SEC. __. MILLISTES. (a) In General.—For the purposes of section 1000(a)(3) of division B of the Act enacting H.R. 3194 of the 106th Congress, in lieu of section 337 of title III of H.R. 3423 of the 106th Congress, as introduced on November 17, 1999, with respect to—

(1) MILLISTES OPINION.—No funds shall be expended by the Secretary of the Interior or the Secretary of Agriculture, for fiscal years 2000 and 2001, to limit the number or acreage of millsites based on the ratio between the number or acreage of millsites and the number or acreage of associated lode or placer claims with respect to—

(A) any patent application excluded from the operation of section 112 of the Department of the Interior Appropriations Act, 1995, by section 113 of that Act (120 Stat. 2519);

(B) any operation or property for which a plan of operations has been approved before the date of enactment of this Act; or

(C) any operation or property for which a plan of operations, or amendment or modification of an existing plan, was submitted to the Bureau of Land Management or the Forest Service before May 21, 1999.

So there it is. The amendment has been misrepresented. There has been much misinformation about this amendment. Mr. President, close by thanking those who have cosponsored this amendment with me. Their names are on the amendment.

How much time have I used?

The PRESIDING OFFICER. The 2½ minutes.

Mr. BYRD. I yield myself another minute and a half.

The PRESIDING OFFICER. The time was 6½ minutes equally divided, which is 2½ minutes.

Mr. BYRD. I ask unanimous consent that I may speak another minute and a half.

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

Mr. BYRD. I thank the Chair.

The amendment is proposed by Mr. BYRD, for himself, Mr. McCONNELL, Mr. ROCKEFELLER, Mr. BUNNING, Mr. REID, Mr. CRAIG, Mr. BRYAN, Mr. HATCH, Mr. BUNNING, Mr. MIKULSKI, Mr. CRPO, Mr. ENZI, Mr. BURNS, and Mr. KYL—I thank all those Senators who supported this amendment and others who will vote for it. Particularly I want to
I do not know why we are taking this action tonight. It is a big mistake from an environmental point of view, and I do not want to be personal, but I do believe from Kentucky, the tradeoff that he presents as to workers versus some protection for the environment and some concern about the strip mining.

I did not want to be the person to speak in opposition, but I do believe there is another perspective. I will vote no.

I yield the floor.

Mr. BYRD. Mr. President, I ask unanimous consent to speak for 3 minutes.

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

Mr. BYRD. Mr. President, I know what is in this amendment. I prepared this amendment. I have been explaining it now for weeks. And, upon my understanding that miners have undermined or undercuts the Clean Water Act or the Surface Mining Control and Reclamation Act, both of which I supported, one of which I called up as majority leader in this Senate in 1977. That is a fact known about. I have lived under a coal miner's roof, ate from a coal miner's table, slept in a coal miner's bed. I have known the joys and the sorrows of coal miners. I married a coal miner's daughter. I know what I am talking about. I haven't just made a trip into West Virginia and come back to Washington to issue a news report on the State and its people. I have lived there for many years.

I will be 82 years old the day after tomorrow. I know what those miners need. I am not misleading anybody. Let me say this to the Senator: That stay he refers to that the judge put on has no legal basis. The judge stated that it has no legal basis. He put it on, and he can lift it the day this Congress winds up its work.

I hope Senators will vote for this amendment. There were 125,000 coal miners when I went to the House of Representatives; 125,000 in West Virginia. Today there are 20,000 or less. My dad was a coal miner. My wife's sister's husband died with black lung. My wife's sister's husband's father died under a slate fall. I know the joys and the sorrows of the mining people. We have helped to carry those miners, the heavy coffins, on the steep hillsides of West Virginia. I have not just gone into those hills poking around, and then coming back, and issuing news reports about their poverty. I know what they need, because I am one of them.

Those 20,000 coal miners earn their bread in the sweat of their brow. Let's give them a vote. If the Senator from Minnesota had people who were faced with the loss of their jobs, this Senator would vote with the Senator from Minnesota and not say a word about it. I resent anything as has been said by the Senator about my State and its people.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I have 1 minute to respond.

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

Mr. WELLSTONE. Mr. President, I appreciate the words of my colleague. It is an honest difference of interpretation of the amendment.

The only thing I want to respond to is: I would not want to be personal, but I would like to say to my colleague, I do not pretend to know West Virginia like you know West Virginia and Senator Rockefeller does; that is not the position I am taking, but as to the bopping in and bopping out, I will say that I want my colleague to know I have spent quite a bit of time in eastern Kentucky. That is where my wife's family lives. Her grandparents were all coal miners. I have spent time in east Tennessee as well. I spent a lot of time with people. I have seen what the strip mining has done to those communities. I am just expressing my honest views on it.

Mr. ROBB. Mr. President, I join many others in this body in expressing my support for miners and for mining communities. In Virginia's Southwest region, mining creates the jobs that provide enough income to lift the next generation, that put the sons and daughters of miners through college, and that gives the region options other than coal.

Virginia miners have expressed deep concerns that the broad application of Judge Haden's ruling would result in the devastation of the mining industry in the Southern Appalachian coal fields. The Judge's decision is not limited to the mountain top mining that was the subject of the original suit. It would apply to the use of valley fills from other forms of mining, including underground mining. The practical effect of this ruling is a virtual moratorium on mining in mountainous regions. We need to protect the environment and we also need to protect the livelihood of those hardworking families. I had hoped we could reach a compromise on this issue that would effectively mitigate the consequences of valley fills if they were allowed to continue.

I have reviewed the Memorandum of Understanding between the federal and state agencies that could be used to mitigate the consequences of valley fills if they were allowed to continue. It was signed by the EPA, Department of the Interior, Army Corps of Engineers, and the State of West Virginia. All the signatories are sworn to protect the nation's water. I am convinced that if the MOU stood, the agencies involved would work diligently to mitigate any negative consequences from mining in the West Virginia coal fields. Nevertheless, it is imperative that we continue to be vigilant on the effects of mining.
Mr. BUNNING. Mr. President, I urge my colleagues to support the Byrd amendment.

We are scrambling around right here in the U.S. Senate to pass a stopgap spending bill to keep from shutting down a major portion of the Federal Government.

So, it is very fitting that we add an amendment to that stopgap spending bill that would help us keep a Federal judge from shutting down the coal mining industry in West Virginia and possibly other States like Kentucky as well.

This is a matter of survival for many of our coal mines. It is essential that we act now to prevent unnecessary damage to the industry—to prevent unecessary unemployment—and to prevent unnecessary economic devastation in areas which have already been bypassed by the economic boom times that have blessed much of the Nation.

A Federal district court judge in West Virginia ruled on October 21 that a well-balanced working agreement between the U.S. Environmental Protection Agency, the U.S. Department of the Interior, the U.S. Army Corps of Engineers and the West Virginia Division of Environmental Protection violated the Clean Water Act.

That arbitrary ruling which basically overrules three Federal agencies’ interpretation of the law is going to jeopardize the coal industry immediately in West Virginia and potentially in other States like my own State of Kentucky as well.

We need to pass the Byrd Amendment to stay this ruling until we have had time to get the results of a pending environmental impact statement.

It is a matter of simple fairness. The jobs and lives of many of our constituents are at stake.

I urge my colleagues to support the Byrd amendment.

Mr. LEVIN. Mr. President, I voted in support of the Byrd amendment to provide for a 2-year moratorium during which mountain top mining activities may continue under a memorandum of agreement with the Environmental Protection Agency, the Department of Interior and the Army Corps of Engineers which is in charge of implementation of the Clean Water Act, was a party to the agreement which would continue to force during the 2-year moratorium. An environmental impact study will go forward during the moratorium and regulations pursuant to the plan of implementation can be promulgated. My vote on this amendment does not commit me to support the continuation of any such moratorium beyond this 2-year period during which the courts and the regulatory agencies will more fully evaluate the impacts on both the environment and the affected coal miners and their communities.

The fact that the court has stayed the effect of its own opinion is further evidence that this legislative moratorium is both warranted and will do no damage to the underlying act.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, has all time expired.

The PRESIDING OFFICER. The time has expired.

Mr. LOTT. Mr. President, I ask unanimous consent that I be allowed to offer an amendment at this time on behalf of Senators Helms and Edwards of North Carolina with regard to funds for their disaster. And I ask unanimous consent that that vote occur in a stacked sequence, after it is debated, after the vote on the amendment by Senator Byrd and Senator McConnell, and that the first vote be just 10 minutes, and then the second vote would be 10 minutes also.

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

The PRESIDING OFFICER. The Senate from Mississippi (Mr. LOTT), for Mr. Helms and Mr. Edwards, proposes an amendment numbered 2781.

The amendment is as follows:

At the appropriate place insert:

Mr. BUNNING. Mr. President, I urge my colleagues to support the Byrd amendment.

Mr. LEVIN. Mr. President, I voted in support of the Byrd amendment to provide for a 2-year moratorium during which mountain top mining activities may continue under a memorandum of agreement with the Environmental Protection Agency, the Department of Interior and the Army Corps of Engineers which is in charge of implementation of the Clean Water Act, was a party to the agreement which would continue to force during the 2-year moratorium. An environmental impact study will go forward during the moratorium and regulations pursuant to the plan of implementation can be promulgated. My vote on this amendment does not commit me to support the continuation of any such moratorium beyond this 2-year period during which the courts and the regulatory agencies will more fully evaluate the impacts on both the environment and the affected coal miners and their communities. The fact that the court has stayed the effect of its own opinion is further evidence that this legislative moratorium is both warranted and will do no damage to the underlying act.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, has all time expired.

The PRESIDING OFFICER. The time has expired.

Mr. LOTT. Mr. President, I ask unanimous consent that I be allowed to offer an amendment at this time on behalf of Senators Helms and Edwards of North Carolina with regard to funds for their disaster. And I ask unanimous consent that that vote occur in a stacked sequence, after it is debated, after the vote on the amendment by Senator Byrd and Senator McConnell, and that the first vote be just 10 minutes, and then the second vote would be 10 minutes also.

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

The PRESIDING OFFICER. The Senate from Mississippi (Mr. LOTT), for Mr. Helms and Mr. Edwards, proposes an amendment numbered 2781.

The amendment is as follows:

At the appropriate place insert:
Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHcroft), the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. Bunning), the Senator from Tennessee (Mr. Frist), the Senator from Washington (Mr. Gorton), the Senator from Texas (Mrs. Hutchison), the Senator from Arizona (Mr. McCain), and the Senator from Oregon (Mr. Smith) are necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. Bunning) would vote “yea.”

Mr. REID. I announce that the Senator from California (Mrs. Boxer), the Senator from New Jersey (Mr. Lautenberg), and the Senator from New York (Mr. Moynihan) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 33, as follows:

[Rollcall Vote No. 370 Leg.]

YEAS—56

Abraham

Akaska

Allard

Ames

Bayh

Bennett

Baucus

Brown

Bryan

Burns

Byrd

Campbell

Cleland

CoCHRan

Conrad

Coverdell

Craig

Craco

DeWeine

Dodd

Domenici

Dorgan

Edwards

Enzi

Gramm

Hagel

Harkin

Hatch

Huntsman

Inhofe

Kohl

Kyl

Levin

Lott

Mack

McCain

Mikulski

Morawetz

Reid

Roberts

Rockefeller

Sanburn

Sessions

Smith (NH)

Smith (ND)

Snowe

Voinovich

Warner

Wynyn

Yeates

NAYS—33

Akaska

Allard

Baucus

Bayh

Bennett

Baucus

Brown

Bryan

Burns

Byrd

Campbell

Cleland

CoCHRan

Conrad

Coverdell

Craig

Craco

DeWeine

Dodd

Domenici

Dorgan

Edwards

Mikulski

Morawetz

Reid

Roberts

Rockefeller

Sanburn

Sessions

Smith (NH)

Smith (ND)

Snowe

Voinovich

Warner

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following bills, in which it requests the concurrence of the Senate:

H.R. 1167. An act to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes.

H.R. 1253. An act to authorize leases for terms of six to nine years on land held in trust for the Torres Martinez Desert Cahuilla Indians and the Guidiville Band of Pomo Indians of the Guidville Indian Rancheria.

H.R. 3051. An act to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation and the State of New Mexico, and for other purposes.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1418. An act to provide for the holding of court at Natchez, Mississippi, in the same manner as court is held at Vicksburg, Mississippi, and for other purposes.

At 6:48 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 3194, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 63. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 235. Concurrent resolution authorizing a two-hour adjournment of the first session of the One Hundred Sixth Congress.

H. Con. Res. 236. Concurrent resolution authorizing a two-hour adjournment of the second session of the One Hundred Sixth Congress.

The enrolled bills were signed subsequently by the President pro tempore (Mr. Thurmond), and Mr. Martin, Chairman of the Committee on the Judiciary, under the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The message further announced that the House agrees to the resolution (H. Res. 394) returning to the Senate the bill (S. 1232) entitled the "Federal Employees Retirement Coverage Corrections Act", in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

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–6227. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Papayas Grown in Hawaii: Increase in Assessment Rate" (FV–99–028–1 FR), received November 9, 1999, to the Committee on Agriculture, Nutrition, and Forestry.

EC–6228. A communication from the Acting Administrator, Farm Service Agency, Farm and Rural Agricultural and Forestry Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Provisions for Delinquency Farm Loan Program Borrowers of the Potential for Cross-Servicing" (RIN5660–AF88), received November 16, 1999, to the Committee on Agriculture, Nutrition, and Forestry.

EC–6229. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Poultry and Swine: Quarantine Area" (Federal Register # 58–630, received November 16, 1999, to the Committee on Agriculture, Nutrition, and Forestry.

EC–6230. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "User Fees; Agricultural Inspection Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Protection of State and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

At 7:40 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 278. An act to direct the Secretary of the Interior to convey certain lands to the county of Rio Arriba, New Mexico.

S. 382. An act to establish the Minturneman Missile National Historic Site in the State of South Dakota, and for other purposes.


S. 1358. An act to clarify certain boundaries on maps relating to the Coastal Barrier Resources System.
Lunch Program, School Breakfast Program, Child and Adult Care Food Program, Amendment to the Infant Meal Program (RIN0584–AB81), received November 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6232. 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 “Paraquat; Pesticide Tolerances for Emergency Exemptions” (FRL #6932–9), received November 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6233. 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 “Changes in EPA regulatory programs; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6234. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled “Unauthorized Use of the S. Emergency Refugee and Migration Assistance Fund for the Timor crisis and the North Caucasian crisis; to the Committee on Foreign Relations.

EC–6235. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report relative to the long-term strategy to carry out the counterterrorism responsibilities of the Department of State; to the Committee on Foreign Relations.

EC–6236. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Amuntial Corporation (Revenue Procedure 99–44)”, received November 16, 1999; to the Committee on Finance.

EC–6237. A communication from the Acting Director, Trade Regulatory Executive Office, the President, transmitting, a draft of proposed legislation entitled “Southeast Europe Trade Preference Act”; to the Committee on Finance.

EC–6238. A communication from the Acting Director, Trade Regulatory Executive Office, the President, transmitting, a draft of proposed legislation entitled “Changes in Flood Elevation Determinations; 64 FR 60706; 11/08/99”, received November 16, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6240. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Changes in Flood Elevation Determinations; 64 FR 60709; 11/08/99”, received November 16, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6241. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Comprehensive Small Business Subcontracting Plans” (DFARS Case 99–D306), received November 16, 1999; to the Committee on Armed Services.

EC–6242. A communication from the Federal Register Liaison Officer, Regulations and Legislation Division, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Safety and Soundness Standards” (RIN1550–AB27), received November 16, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6243. A communication from the Federal Register Liaison Officer, Regulations and Legislation Division, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Interagency Guidelines Exceptions for Safety and Soundness” (RIN1550–AB27), received November 16, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6244. A communication from the Managing Director, Office of the General Counsel, Federal Home Loan Finance Board, transmitting, pursuant to law, the report of a rule entitled “Allocation of Joint and Several Liability on Consolidated Obligations Among the Federal Home Loan Banks” (RIN3089–AA76), received November 17, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6245. A communication from the Assistant Attorney General, transmitting, a draft of the “Money Laundering Act of 1999”; to the Committee on Banking, Housing, and Urban Affairs.

EC–6246. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Cooperative Threat Reduction program; to the Committee on Armed Services.

EC–6247. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, a report relative to DoD purchases from foreign entities; to the Committee on Armed Services.

EC–6248. A communication from the Acting Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Debarment Investigation and Reports” (DFARS Case 99–D013), received November 16, 1999; to the Committee on Armed Services.

EC–6249. A communication from the Acting Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Comprehensive Small Business Subcontracting Plans” (DFARS Case 99–D306), received November 16, 1999; to the Committee on Armed Services.

EC–6250. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, a report relative to EPA regulatory programs; to the Committee on Environment and Public Works.

EC–6251. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the “Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Plant Lecista leucosticta (Papa bladderspot)” (RIN1018–AE54), received November 17, 1999; to the Committee on Environment and Public Works.

EC–6252. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of proposed legislation entitled “Southeast Europe Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation dated November 10, 1999; to the Committee on the Budget.

EC–6253. A communication from the Executive Office of the President, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled “Prevailing Rate Systems; Definition of Napa County, California, to a Non-appropriated Fund Wage Area” (RIN2926–AA86), received November 16, 1999; to the Committee on Governmental Affairs.

EC–6254. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6255. A communication from the Inspector General of the Corporation for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–6256. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–6257. A communication from the Inspector General, Department of Labor, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6258. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6259. A communication from the Director, Office of the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the commercial activities inventory; to the Committee on Governmental Affairs.

EC–6260. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.
EC-625. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Indian Regulatory Program" (SPATS No. IN-044-FOH), received November 18, 1999, to the Committee on Energy and Natural Resources.

EC-626. A communication from the Chairman, Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Landowner Notification, Expanded Categorical Exclusions, and Other Environmental Piling Requirements" (Docket No. RME-97-17), received November 17, 1999, to the Committee on Energy and Natural Resources.

EC-627. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Revisions to the NASA FAR Supplement on Property Reporting Requirements", received November 18, 1999, to the Committee on Commerce, Science, and Transportation.

EC-628. A communication from the Chief, Policy and Programming Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Local Competition Provision of the Telecommunications Act of 1996" (FCC 99-238) (CC Doc. 96-98), received November 17, 1999, to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES
The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with amendments and an amendment to the title:

S. 1955. A bill to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, to provide for a national awareness campaign, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS
The following bills and joint resolutions were introduced, read the first time and referred unanimously, and referred as indicated:

By Mr. DASCHLE (for himself, Mr. HARKIN, Mr. INOUYE, Mr. REID, and Mr. JOHNSON):

S. 1958. A bill to provide for the payment of compensation to the families of the Federal employees who were killed in the crash of a United States Force C-130 aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary of Commerce Ronald H. Brown and 31 others; to the Committee on Armed Services.

By Mr. KOHL:

S. 1958. A bill to amend the Child Nutrition Act of 1966 to authorize the Secretary of Agriculture to make grants for startup costs of school breakfast programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN:

S. 1959. A bill to provide for the fiscal responsibility of the Federal Government; to the Committee on Finance.

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 1960. A bill to provide for the appointment of 1 additional Federal district judge for the eastern district of Wisconsin, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON (for himself, Mr. KERRY, and Mr. WELLSTONE):

S. 1961. A bill to amend the Food Security Act of 1985 to expand the number of acres authorized for enrollment in the conservation reserve; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ASCHCROFT:

S. 1962. A bill to require the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. MCCAIN:

S. 1963. A bill to authorize a study of alternatives to the current management of certain Federal lands in Arizona; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1964. A bill to designate the United States Post Office located at 14071 Peyton Drive in Chino Hills, California, as the Joseph Ileto Post Office; to the Committee on Governmental Affairs.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1965. A bill to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation and the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HAGEL (for himself and Mr. ROBERTS):

S. 1966. A bill to provide for the immediate review by the Immigration and Naturalization Service of new employees hired by employers subject to Operation Vanguard or similar programs, and for other purposes; to the Committee on the Judiciary.

By Mr. PARROTT (for himself and Mr. LOTTY):

S. 1967. A bill to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes; to the Committee on Indian Affairs.

By Mr. ROBERTS:

S. 1968. A bill to amend the Federal securities laws to enhance oversight over certain derivatives dealers and hedge funds, reduce the potential liability of the United States to become systemic risk in the financial markets, enhance investor protections, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRAIG (for himself, Mr. MURKOWSKI, and Mr. THOMAS):

S. 1969. A bill to provide for improved management, and increased accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 1970. A bill to amend chapter 171 of title 28, United States Code, with respect to the availability of the United States for claims of military personnel for damages for certain injuries; 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. BURNS):

S. Res. 233. A resolution expressing the sense of the Senate regarding the urgent need for the department of Agriculture to resolve certain Montana civil rights discrimination cases; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. TORRICEILLI, Mrs. MURRAY, Mr. DURBIN, Mr. WELLSTONE, Mr. FEINGOLD, Mr. HARKIN, Mr. KERRY, Mrs. MIKULSKI, and Mrs. BOXER):

S. Con. Res. 76. A concurrent resolution expressing the sense of Congress regarding a peaceful resolution of the conflict in the state of Chiapas, Mexico and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS
By Mr. DASCHLE (for himself, Mr. HARKIN, Mr. INOUYE, Mr. REID, and Mr. JOHNSON):

S. 1955. A bill to allow patients access to drugs and medical devices recommended and provided by health care practitioners that are not approved by the Food and Drug Administration, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE:

S. 1956. A bill to amend title 38, United States Code, to enhance the assurance of efficiency, quality, and patient satisfaction in the furnishing of health care to veterans by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans Affairs.

By Mr. SCHUMER (for himself, Mr. RICHARDSON, and Ms. MIKULSKI):

S. 1957. A bill to provide for the payment of compensation to the families of the Federal employees who were killed in the crash of a United States Force C-130 aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary of Commerce Ronald H. Brown and 31 others; to the Committee on Armed Services.

At the outset, I want to extend my thanks to my friend Berkeley Bedell, who formerly represented the 6th District of Iowa, for first bringing this issue to my attention and for his assistance in developing this bill. Berkeley Bedell has experienced first-hand the life-saving potential of alternative treatments. His story underscores the need for the legislation I am introducing today and the importance of a national debate on ways to promote consumer choice and expand access to purchasing new medical technologies.

American consumers have already voted for expanded access to alternative treatments with their feet and
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their pocket-books. The Journal of the American Medical Association recently published a study by David Eisenberg and others that found that Americans spent nearly $27 billion on alternative therapies in 1997. Americans made more visits to alternative practitioners—a total of 629 million—than to primary care doctors. Expenditures for alternative medicine professional services increased 45.2 percent between 1999 and 2012 to $21.2 billion. Some type of alternative therapy is used by 46.3 percent of the American population.

Alternative therapies are also being incorporated into mainstream medical programs and practice. The curriculum of at least 22 of the nation’s 125 medical schools include courses on alternative medicine. The National Institutes of Health now has a Center for Complementary and Alternative Medicine where work is underway to expand our knowledge of alternative therapies and their safe and effective use.

Despite the growing reliance on many types of alternative medicine, other alternative treatments remain unavailable because they do not fit the categories already carved out by Congress for exemption from the requirement to gain FDA approval. My bill would increase access to treatments that would normally be regulated by the FDA, but have not yet undergone the expensive and lengthy process currently required to gain FDA approval. Given the popularity of alternative medicine among the American public and its growing acceptance among traditional medical practitioners, it would seem logical to remove some of the access barriers that consumers face when seeking certain alternative therapies. The time and expense currently required to gain FDA approval would increase access to treatments that would normally be regulated by the FDA, but have not yet undergone the expensive and lengthy process currently required to gain FDA approval.

Mr. President, the Access to Medical Treatment Act proposes one way to expand freedom of choice for medical consumers under carefully controlled situations. It asserts that individuals—especially those who face life-threatening afflictions for which conventional treatments are ineffective—should have the option of trying an alternative treatment, so long as they have been fully informed of the nature of the treatment, potential side effects, and given any other information necessary to meet carefully-crafted informed consent requirements. This is a choice that is rightly made by the consumer, and not dictated by the Federal government.

All treatments sanctioned by this Act must be reviewed by an authorized health care practitioner who has personally examined the patient. The practitioner must fully disclose all available information about the safety and effectiveness of any medical treatment, including questions that remain unanswered by existing research has not been conducted. Patients must be informed of any possible side effects or interactions with other drugs.

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

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

SECTION 1. SHORT TITLE.
This Act may be cited as the “Access to Medical Treatment Act”.

SEC. 2. DEFINITIONS.
In this Act:

(1) ADULTERATED.—The term “adulterated”, means any unapproved drug or medical device that in whole or part consists of any filthy, putrid, or decomposed substance that has been prepared, packed, or held under unsanitary conditions where such drug or device may have been contaminated with such filthy, putrid, or decomposed substance and be injurious to health.

(2) ADVERTISING CLAIM.—The term “advertising claim” means any representation made or suggested by statement, word, device, sound, or any combination thereof with respect to medical treatment.

(3) COSTS.—The term “costs” means a charge to patients equal to the amount necessary to recover expenses for making or obtaining an unapproved drug or medical device and providing for its transport to the health care practitioner.

(4) DANGER.—The term “danger” means an adverse reaction, to an unapproved drug or medical device, that used as directed—
(A) causes serious harm to the patient in a case in which such harm would not have otherwise occurred; or
(B) causes harm that is more serious than side effects for drugs or medical devices approved by the Federal Food and Drug Administration for the same disease or condition.

(5) DRUG.—The term “drug” has the same meaning given that term in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)).

(6) HEALTH CARE PRACTITIONER.—The term “health care practitioner” means a physician or other individual who is a provider of health care, who is authorized under the law of a State to prescribe drugs or devices.

(7) INTERSTATE COMMERCE.—The term “interstate commerce” means commerce between any State or Territory and any place outside thereof, and commerce within the District of Columbia or within any other Territory not organized with a legislative body.

(8) LEGAL REPRESENTATIVE.—The term “legal representative” means a parent or other person who qualifies as a legal guardian under State law.

(9) MEDICAL DEVICE.—The term “medical device” has the same meaning given the term “device” in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)).

(10) PATIENT.—The term “patient” means any person who seeks medical treatment from a health care practitioner for a disease or health condition.

(11) SECRETARY.—The term “Secretary” means the Secretary of the Department of Health and Human Services.

(12) UNAPPROVED DRUG OR MEDICAL DEVICE.—The term “unapproved”, with respect to a drug or medical device, means a drug or medical device that is not approved or authorized for manufacture, sale, and distribution in interstate commerce under section 505, 515, or 516 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355, 360c, and 360e) or under section 351 of the Public Health Service Act (42 U.S.C. 201).

SECTION 3. REGISTRATION AND REPORTS.

(1) REGISTRATION.—Every health care practitioner shall register with the Secretary before prescribing, dispensing, or administering any unapproved drug or medical device.

(2) REPORTS.—Health care practitioners who prescribe, dispense, or administer an unapproved drug or medical device shall make reports to the Secretary as required by this Act.

(3) SANCTIONS.—Health care practitioners who violate this Act shall be subject to the sanctions provided by law, including but not limited to, fines, imprisonment, or both.

SECTION 4. PROHIBITIONS ON DEVICES AND DRUGS.

(1) PROHIBITIONS ON DEVICES AND DRUGS.—No person shall manufacture, distribute, or sell any unapproved drug or medical device, or any unapproved drug or medical device in violation of this Act.

(2) PROHIBITIONS ON DEVICES AND DRUGS.—No person shall engage in any activity prohibited by this Act.

(3) PROHIBITIONS ON DEVICES AND DRUGS.—No person shall violate any provision of this Act.

SECTION 5. PENALTIES.

(1) PENALTIES.—Any person who violates this Act shall be subject to the penalties provided by law, including but not limited to, fines, imprisonment, or both.

(2) PENALTIES.—Any person who violates this Act shall be subject to the penalties provided by law, including but not limited to, fines, imprisonment, or both.

(3) PENALTIES.—Any person who violates this Act shall be subject to the penalties provided by law, including but not limited to, fines, imprisonment, or both.

(4) PENALTIES.—Any person who violates this Act shall be subject to the penalties provided by law, including but not limited to, fines, imprisonment, or both.

(5) PENALTIES.—Any person who violates this Act shall be subject to the penalties provided by law, including but not limited to, fines, imprisonment, or both.

(6) PENALTIES.—Any person who violates this Act shall be subject to the penalties provided by law, including but not limited to, fines, imprisonment, or both.

(7) PENALTIES.—Any person who violates this Act shall be subject to the penalties provided by law, including but not limited to, fines, imprisonment, or both.

(8) PENALTIES.—Any person who violates this Act shall be subject to the penalties provided by law, including but not limited to, fines, imprisonment, or both.

(9) PENALTIES.—Any person who violates this Act shall be subject to the penalties provided by law, including but not limited to, fines, imprisonment, or both.

(10) PENALTIES.—Any person who violates this Act shall be subject to the penalties provided by law, including but not limited to, fines, imprisonment, or both.

(11) PENALTIES.—Any person who violates this Act shall be subject to the penalties provided by law, including but not limited to, fines, imprisonment, or both.

(12) PENALTIES.—Any person who violates this Act shall be subject to the penalties provided by law, including but not limited to, fines, imprisonment, or both.
SEC. 3. ACCESS TO MEDICAL TREATMENT.

(a) IN GENERAL.—Notwithstanding sections 501(a)(2)(B), 501(e) through 501(h), 502(f)(1), 505, 510, 515, 516, 517, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, and 532 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351(a)(2)(B), 351(e) through 351(h), 352(f)(1), 355, 360c, and 360b) and section 551 of the Public Health Service Act (42 U.S.C. 201) or any other provision of Federal law, a patient may receive, and a health care practitioner may provide or administer, any unapproved drug or medical device that the patient desires or the health care practitioner believes is appropriate to the patient’s condition. The patient may terminate the use of an unapproved drug or medical device at any time.

(b) REQUIREMENTS.—A health care practitioner may recommend, provide or administer any unapproved drug or medical device for a patient, pursuant to subsection (a), if that practitioner—

(1) does not violate State law by providing or administering the unapproved drug or medical device;

(2) does not violate the Controlled Substances Act (21 U.S.C. 801 et seq.) by providing or administering the unapproved drugs;

(3) has concluded based on generally accepted principles and current information that the unapproved drug or medical device, when used as directed, will not cause a danger to the patient;

(4) provides the recommendation under circumstances that give the patient sufficient opportunity to consider whether or not to use such a drug or medical device and that minimize the possibility of coercion or undue influence by the health care practitioner;

(5) discloses to the patient any financial interest that such a practitioner may have in the drug or medical device;

(6) has informed the patient in writing, prior to providing drug, providing, or administering the unapproved drug or medical device—

(A) that the unapproved drug or medical device is not approved by the Secretary as safe and effective for the condition of the patient and is considered experimental;

(B) of the foreseeable risks and benefits of the unapproved drug or medical device, including any risk to an embryo or fetus, and expected possible side effects or discomforts that the patient may experience and any medical treatment available if side effects occur;

(C) of any alternative procedures or courses of treatment (including procedures or courses of treatment that may involve the use of a drug or medical device that has been approved by the Food and Drug Administration), if any, that may be advantageous for the patient’s condition;

(D) of any interactions the unapproved drug or medical device may have with other drugs, if any;

(E) of the active and inactive ingredients of the unapproved drug and the mechanism of action of the medical device, if known;

(F) of the condition for which the unapproved drug or medical device is recommended, the method of administration that will be used, and the unit dose;

(G) of the procedures that will be employed by the health care practitioner in using such a drug or medical device;

(H) of the extent, if any, to which confidentiality of records identifying the patient will be maintained; and

(I) for use of such a drug or medical device involving more than minimal risk, of the treatments available if injury occurs, what such treatments are and where additional information regarding such treatments may be obtained;

(J) of any anticipated circumstances under which the patient may suspend or terminate use of the unapproved drug or medical device that may be terminated by the health care practitioner without regard to the patient’s consent;

(K) that the use of an unapproved drug or medical device is voluntary and that the patient may suspend or terminate treatment at any time;

(L) of the consequences of a patient’s decision to withdraw from the use of such a drug or medical device;

(M) any information described in subparagraph (A) that cannot be provided by the health care practitioner because such information is not known at the time the practitioner provides or administers such drug or medical device, that such information cannot be provided by the practitioner; and

(N) of any other information or disclosures required by applicable State law for the administration of experimental drugs or medical devices to human subjects;

(7) has not made, except as provided in subsection (a), any advertising claims for the unapproved drug or medical device;

(8) does not impose a charge for the unapproved drug or medical device in excess of costs;

(9) complies with requirements for reporting a danger in section 4; and

(10) has received a signed affidavit from the patient or the patient’s legal representative confirming that the patient or the legal representative—

(A) has received the written information required by this subsection and understands it; and

(B) desires treatment with the unapproved drug or medical device as recommended by the health care practitioner;

(c) MANDATORY DISCLOSURE.—Any manufacturer of an unapproved drug or medical device shall disclose, to any health care practitioner that has received such drug or medical device from such manufacturer, all information available to such manufacturer regarding such drug or medical device to enable such practitioner to comply with the requirements of subsection (b)(3) and make a determination regarding the danger posed by such drug or medical device. Compliance with this subsection shall not constitute a violation of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(d) ADVERSE EVENTS EXCEPTION.—Subsection (b)(7) shall not apply to a health care practitioner’s dissemination of information by the results of the practitioner’s administration of the unapproved drug or medical device in a peer-reviewed journal, through academic or professional forums, or through statements by or to the patient.

(e) Subsection (b)(7) shall not apply to any accurate and truthful statement made in person by a health care practitioner to an individual or a prospective patient.

SEC. 4. CESSATION OF USE, AND REPORTING OF, DANGEROUS DRUGS AND MEDICAL DEVICES.

(a) DUTY TO PROTECT PATIENT.—If a health care practitioner discovers that an unapproved drug or medical device causes a danger to a patient, the practitioner shall immediately cease use and recommendation of the unapproved drug or medical device and provide to the manufacturer of the unapproved drug or medical device the Director of the Centers for Disease Control and Prevention—

(1) a written evaluation of the adverse reaction that has been administrated by the unapproved drug or medical device;

(2) a written evaluation of the adverse reaction that has been administrated by the unapproved drug or medical device;

(3) a description of the unapproved drug or medical device;

(4) a description of the circumstances that gave the patient sufficient opportunity to consider whether or not to use such a drug or medical device;

(5) a description of the consequences of a patient’s decision to withdraw from the use of such a drug or medical device;

(6) information regarding such drug or medical device to enable such practitioner to comply with the requirements of subsection (a), including a determination regarding the danger posed by such drug or medical device; and

(7) any other information or disclosures required by applicable State law for the administration of experimental drugs or medical devices to human subjects;

(b) MANUFACTURER’S DUTY TO REPORT.—Any manufacturer of an unapproved drug or medical device that receives information provided under subsection (a) shall immediately—

(1) cease sale and distribution of the unapproved drug or medical device and provide to the manufacturer of the unapproved drug or medical device the information provided under subsection (a); and

(2) report to the Secretary in writing that an unapproved drug or medical device (identified by name, known method of operation, expected possible side effects or discomforts, and intended indications) manufactured by a manufacturer provided to a health care practitioner for administration under this Act has been reported to be a danger to a patient and that the manufacturer—

(A) has ceased sale and distribution of the unapproved drug or medical device pending completion of an investigation to determine the actual cause of the danger;

(B) has notified health care practitioners to whom the manufacturer has provided the unapproved drug or medical device of the information provided to the manufacturer under subsection (a); and

(c) INVESTIGATION.—

(1) IN GENERAL.—The Director of the Centers for Disease Control and Prevention shall—

(A) determine whether a health care practitioner who has received an unapproved drug or medical device has determined to cause a danger to a patient in order to make a determination of the actual cause of such danger.

(B) make a determination as to whether the actual cause of such danger.

(c) REPORT TO SECRETARY.—The Director of the Centers for Disease Control and Prevention shall prepare and submit a report to the Secretary concerning whether the actual cause of such danger.

(d) DUTY TO PROVIDE INFORMATION.—Upon receipt of the report described in paragraph (2), the Secretary shall—
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(A) if the Director of the Centers for Disease Control and Prevention determines that the cause of such danger is the unapproved drug or medical device, direct the manufacturer of such drug or medical device to—
(i) cease manufacture, sale, and distribution of the drug or medical device; and
(ii) notify all health care practitioners to whom the manufacturer has provided such drug or medical device to cease using or recommending such drug or medical device, and to return such drug or medical device to the manufacturer as part of a complete recall;
(b) if the Director of the Centers for Disease Control and Prevention determines that the cause of such danger is not such drug or medical device, direct the manufacturer of such drug or medical device to inform all health care practitioners to whom the manufacturer has provided such drug or medical device of such a determination; and
(C) if the Director of the Centers for Disease Control and Prevention cannot determine the cause of the danger, direct the manufacturer of the drug or medical device to inform all health care practitioners to whom the manufacturer has provided such drug or medical device of such a determination.

(d) SECRETARY’S DUTY TO INFORM.—Upon receipt of the information described in subsection (b)(3), the Secretary shall promptly disseminate information concerning the danger to all health care practitioners in the United States, to the Director of the National Center for Complementary and Alternative Medicine, and to agencies of the States that have responsibility for regulating unsafe or adulterated medical devices.

SEC. 5. REPORTING OF RESULTS OF UNAPPROVED DRUGS AND MEDICAL DEVICES.

(a) REPORTS OF RESULTS.—If a health care practitioner provides or administers an unapproved drug or medical device, in the opinion of the health care practitioner, produces results that are more beneficial than results produced from any drug or medical device approved by the Food and Drug Administration, or produces other results regarding the effectiveness of the treatment relative to treatments approved by the Food and Drug Administration for the same condition, the practitioner shall provide to the manufacturer—
(1) the results of the administration of the drug or device;
(2) a written evaluation of the patient’s medical condition before and after administration of the unapproved drug or medical device;
(3) the name, occupation, business address, and business telephone number of the physician;
(4) the name of the unapproved drug or medical device and a description of the method of operation and administration, dosing, and duration of treatment; and
(5) an affidavit pursuant to section 774A of title 21, United States Code, confirming that all statements made to the manufacturer are accurate.

(b) MANUFACTURER’S DUTY TO REPORT.—Any manufacturer of an unapproved drug or medical device receives information under subsection (a) shall provide to the Director of the National Center for Complementary and Alternative Medicine—
(1) a complete copy of the information;
(2) the name, business address, and business telephone number of the manufacturer;
(3) the name, business address, and business telephone number of the health care practitioner who supplied information to the manufacturer;
(4) the name of the unapproved drug or medical device;
(5) the known method of operation and administration of the unapproved drug or medical device;
(6) the per unit dose; and
(7) the intended use of the unapproved drug or medical device.

(c) DIRECTOR’S DUTY TO MAKE PUBLIC.—The Director of the National Center for Complementary and Alternative Medicine shall—
(1) establish guidelines and criteria for determining whether and the extent to which the information received pursuant to subsection (b) about an unapproved drug or medical device shall be made public on an Internet website and in writing upon request by any individual, an annual review of the analysis of the information, and include a statement that such drug or medical device is not approved by the Food and Drug Administration.

SEC. 6. OTHER LAWS NOT AFFECTED BY THIS ACT.

This Act shall not be construed to have any effect on section 363A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333a) nor does this Act supersede any law of a State or political subdivision of a State, including any laws or duties among health care practitioners and patients. This Act shall also not apply to statements or claims permitted or authorized under sections 333(a)(3)(B) and (D) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343, 343-2). This Act shall not in any way adversely affect the distribution and marketing of vitamins and supplements.

SEC. 7. AUTHORIZED ACTIVITIES OF HEALTH CARE PRACTITIONERS.

(a) INTRODUCTION IN INTERSTATE COMMERCE.—To the extent necessary to comply with this Act, a health care practitioner may—
(1) introduce an unapproved drug or medical device into interstate commerce;
(2) deliver an unapproved drug or medical device for introduction into such commerce;
(3) transport an unapproved drug or medical device in such commerce;
(4) receive an unapproved drug or medical device in such commerce and deliver the unapproved drug or medical device; and
(5) hold an unapproved drug or medical device for sale and for introduction into interstate commerce.

(b) RULE OF CONSTRUCTION.—This Act shall not be construed to limit or interfere with the authority of a health care practitioner to prescribe, recommend, provide or administer to a patient for any condition or disease any unapproved drug or medical device lawful under the law of the State or States in which the health care practitioner practices.

SEC. 8. PENALTY.

A health care practitioner or manufacturer found to have knowingly violated this Act shall be denied coverage under this Act.

Mr. HARKIN. Mr. President, I am pleased to join Senator HATCH today for the introduction of the Access to Medical Treatment Act. This bill will allow greater freedom of choice and increased access in the realm of medical treatments, while preventing abuses of our health care system. The Access to Medical Treatment Act allows individual patients and their properly licensed health care provider to use certain alternative and complementary therapies not approved by the Food and Drug Administration.

Mr. President, we have made several important changes to the legislation from last Congress.

We have improved the informed consent protections for patients by modeling them after the NIH’s human subjects protection regulations. The patient must be fully informed, orally and in writing of: the nature, content and methods of the medical treatment; that the treatment is not approved by the FDA; the anticipated benefits AND risks of the treatment; any reasonably foreseeable side effects that may result; the results of past applications of the treatment by the health care provider and others; the comparable benefits and risks of any available FDA-approved treatment conventionally used for the patient’s condition; and any financial interest the provider has in the product.

Providers and manufacturers are required to report to the Centers for Disease Control and Prevention any adverse effects, and must immediately cease use and manufacture of the product, pending a CDC investigation. The CDC is required to conduct an investigation of any adverse effects, and if the product is shown to cause any danger to patients, the physician and manufacturers are required to immediately inform all providers who have been using the product of the danger.

Our legislation ensures the public’s access to reliable information about complementary and alternative therapies by requiring providers and manufacturers to report the results of the use of their product to the National Center for Complementary and Alternative Medicine at NIH, which is then required to compile and analyze the information for an annual report.

In addition, the provider and manufacturer may make no advertising claims regarding the safety and effectiveness of the treatment of therapy, and the provider has the duty to determine that the labeling of the treatment is not false or misleading.

Mr. President, this legislation preserves the consumer’s freedom to choose alternative therapies while addressing the fundamental concern of protecting patients from dangerous treatments and those who would advocate unsafe and ineffective therapies.

It wasn’t long ago that William Roentgen was afraid to publish his discovery of X-rays because he refused to accept the germ theory of disease. I think we can all be thankful the medical profession has resisted basic antiseptic techniques as quackery because they refused to accept the germ theory of disease. I think we can all be thankful the medical profession has resisted basic antiseptic techniques as quackery because they refused to accept the germ theory of disease. I think we can all be thankful the medical profession has resisted basic antiseptic techniques as quackery because they refused to accept the germ theory of disease. I think we can all be thankful the medical profession has resisted basic antiseptic techniques as quackery because they refused to accept the germ theory of disease. I think we can all be thankful the medical profession has resisted basic antiseptic techniques as quackery because they refused to accept the germ theory of disease. I think we can all be thankful the medical profession has resisted basic antiseptic techniques as quackery because they refused to accept the germ theory of disease. I think we can all be thankful the medical profession has resisted basic antiseptic techniques as quackery because they refused to accept the germ theory of disease. I think we can all be thankful the medical profession has resisted basic antiseptic techniques as quackery because they refused to accept the germ theory of disease. I think we can all be thankful the medical profession has resisted basic antiseptic techniques as quackery because they refused to accept the germ theory of disease.
is little evidence that has changed in the past two decades.

Today's consumers want alternatives. They want less invasive, less expensive preventive options. Americans want to stay healthy. And they are speaking with their feet and their pocketbooks. Mr. President, Americans spend $30 billion annually on unconventional therapies. According to a recent survey published in the Journal of the American Medical Association (JAMA), nearly one-half of Americans use some kind of complementary and alternative medicine. These practices, which range from acupuncture, to chiropractic care to naturopathic, herbal and homeopathic remedies, are not simply complementary and alternative, but integral to how millions of Americans manage their health and treat their illnesses.

This legislation simply provides patients the freedom to use—with strong consumer protections—the complementary and alternative therapies and treatments that have the potential to relieve pain and cure disease. I thank Senator Daschle for his leadership on this issue, and urge my colleagues to cosponsor this bill.

By Ms. SNOWE:

S. 1956. A bill to amend title 38, United States Code, to enhance the assurance of efficiency, quality, and patient satisfaction in the furnishing of health care to veterans by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

THE VETERANS HEALTH CARE QUALITY ASSURANCE ACT

Ms. SNOWE. Mr. President, I rise today to introduce the Veterans Health Care Quality Assurance Act of 1999.

This legislation contains a number of proposals designed to ensure that access to high quality medical services for our veterans is not compromised as the Department of Veterans Affairs—the VA—strives to increase efficiency in its nationwide network of veterans hospitals.

Mr. President, the VA administers the largest health care network in the U.S., including 172 hospitals, 73 home care programs, over 100 community-based outpatient clinics, and numerous other specialized care facilities.

Moreover, there are approximately 25 million veterans in the U.S., including approximately 19.3 million wartime veterans, and the number of veterans seeking medical care in VA hospitals is increasing. The FY99 VA medical care caseload was projected to increase by 160,000 veterans over the FY98 level, and is projected to increase by an additional 54,000 in FY00, reaching a total of 3.6 million veterans, an increase from 2.7 million in FY97. In FY00, outpatient visits at VA medical facilities were projected to increase by 2.5 million to 38.3 million. The average age of veterans is increasing as well, and this is expected to result in additional demands for health care services, including more frequent and long-term health needs.

The VA is attempting to meet this unprecedented demand for health care services without substantial increases in funding, largely through efforts to increase efficiency. Not surprisingly, these seemingly competing objectives are generating serious concerns about the possibility that quality of care and patient satisfaction are being sacrificed.

Mr. President, many VA regional networks and medical center directors report that timely access to high quality health care is being jeopardized, and that is why I am introducing the Veterans Health Care Quality Assurance Act. The VA must ensure that no veteran's hospital is targeted unfairly for cuts, and that efforts to "streamline" and increase efficiency are not followed by the unintended consequence of undermining quality of care or patient satisfaction. This office will collect and disseminate information on efforts that have proven to successfully increase efficiency and resource utilization without undermining quality or patient satisfaction.

I believe that all veterans hospitals should be held to the same equitable VA-wide standards, and that quality and satisfaction must be guaranteed. Toward that end, the Veterans Health Care Quality Assurance Act calls for audits of every VA hospital every three years. This will ensure that each facility is subject to an outside, independent review of its operations on a regular basis, and each audit will include findings on how to improve services to our veterans.

The legislation will also establish an Office of Quality Assurance within the VA to ensure that steps taken to increase efficiency in VA medical programs will not sacrifice quality or patient satisfaction. This office will collect and disseminate information on efforts that have proven to successfully increase efficiency and resource utilization without undermining quality or patient satisfaction.

The director of this new Office of Quality Assurance should be an advocate for veterans and would be placed in the appropriate position in the VA command structure to ensure that he or she is consulted by the VA Secretary and Under Secretary for Veterans Health on matters that impact quality or satisfaction.

The bill would require an initial report to Congress within six months of enactment, which would include a survey of each VA regional network and a report on each network's efforts to increase efficiency, as well as an assessment of the extent to which each network and VA hospital is or is not implementing the same uniform, VA-wide policies to increase efficiency.

Not surprisingly, reporting requirements, the VA would also be required to publish—annually—an overview of VA-wide efficiency goals and quality/satisfaction standards that each veterans facility should be held to. Further, the VA would be required to report to Congress on each hospital's standing in relation to efficiency, quality, and patient satisfaction criteria, and how each facility compares to the VA-wide average.

In an effort to encourage innovation in efforts to increase efficiency within the agency, the bill would encourage the dissemination and sharing of information throughout the VA in order to facilitate implementation of uniform, equitable efficiency standards.

Finally, Mr. President, the bill includes provisions calling for sharing of information on efforts to maximize resources and increase efficiency without compromising quality of care and patient satisfaction; exchange and mentoring initiatives among and between networks in order to facilitate sharing of ideas and programs; networks to increase efficiency and meet uniform quality/patient satisfaction targets; and formal oversight by the VA to ensure that all networks are meeting uniform efficiency criteria and that efforts to increase efficiency are equitable between networks and medical facilities.

Last week America celebrated Veterans Day 1999—81 years after the Armistice was signed in France that silenced the guns and ended the carnage of World War I. World War I was supposed to be "the war to end all wars"... the war that made the world safe for democracy. Sadly, that was not to be, and America has been repeatedly reminded that the defense of democracy is an on-going duty.

I consider it a great honor to represent veterans, these brave Americans. So many of them continue to make contributions in our communities upon their transition from military to civilian life—through youth activities and scholarship programs, homeless assistance initiatives, efforts to reach out to fellow veterans in need, and national leadership on issues of importance to veterans and all Americans. The least we can do is make good on our promise, such as the promise of access to high quality health care.

I have nothing but the utmost respect for those who have served their country, and this legislation is but a small tribute to the men and women who have served this country with courage, honor and distinction. They answered the call to duty when their country needed them, and this is a component of my on-going
CONGRESSIONAL RECORD—SENATE

November 18, 1999

Mr. KOHL. Mr. President, I rise to introduce legislation that will go far in helping children start their school day ready to learn.

The relationship between a healthy breakfast and better behavior and academic achievement has been documented by a number of studies. Fortunately, participation of schools in the School Breakfast program has increased steadily since the program was made permanent in 1975. According to the School Breakfast Scorecard, a report recently released by the Food Research and Action Center (FRAC), a record number of schools—70,000—provided breakfast to school children last year. And nearly half of our states have 50 percent or more of their schools serving both lunch and breakfast under the National School Lunch and School Breakfast programs.

That's good news. The bad news is that the gap between states with the highest rates of school participation in breakfast and those with the lowest is wide. 20 percent of our states have fewer than 55 percent of their schools participating in both breakfast and lunch; that's a full 20 points below the national average in my home state of Wisconsin, only 30 percent of the schools that serve lunch also serve breakfast.

By another measure—participation of low-income children in both school lunch and breakfast—the results from the Scorecard are equally concerning. Nationally, only 42 percent of the kids receiving a free or reduced price lunch are also receiving breakfast; some states have fewer than 25 percent of kids receiving a free or reduced price lunch also receiving school breakfast.

The bill I am introducing today would help states provide an additional financial incentive for schools to participate in the school breakfast program. While there are a number of reasons that schools do not offer their children a school breakfast, certainly the barrier most difficult to overcome is the cost of the meals throughout the year. In short, the cost of the school breakfast program may simply be too high for some schools and school districts.

My bill authorizes, subject to appropriations, grants from the U.S. Department of Agriculture (USDA) to allow states to provide schools with an additional five cents per meal reimbursement in the first year in which they provide the school breakfast program. This additional reimbursement may be used to supplement both the existing federal per meal reimbursement and any additional per meal reimbursement provided by the state. To encourage that the grants are effective as possible they are targeted to those states with poor school breakfast participation rates and that also have a program in place to promote school breakfast participation. State educational agencies will have the discretion to determine, based on participation rates, which schools or school districts will receive the supplemental assistance.

Providing a nutritious breakfast is the first step in ensuring that kids are ready to learn when they sit down at their desks each morning. The legislation I am introducing will go far in helping states and schools reach that goal and I encourage my colleagues to support it.

Mr. President, I ask unanimous consent that the text of this legislation and letters of support for my bill from Wisconsin State Superintendent John Benson and Wisconsin School Food Service Association President Renee Slotten-Beauchamp be printed in the RECORD.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. FINANCIAL INCENTIVE GRANTS FOR SCHOOL BREAKFAST PROGRAMS. Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) is amended by adding at the end the following:

"(4) STARTUP GRANTS FOR SCHOOL BREAKFAST PROGRAMS.—

"(1) DEFINITION OF ELIGIBLE SCHOOL.—In this subsection, the term 'eligible school' means a school that agrees to operate the school breakfast program established with the assistance provided under this subsection for a period of not less than 3 years.

"(2) GRANTS.—The Secretary may make grants to State educational agencies, from funds made available to the Secretary, for a fiscal year, to assist eligible schools in initiating school breakfast programs.

"(3) PAYMENT RATES.—A State educational agency shall use grants made available under this subsection for academic based on the percentage of children not participating in the school breakfast program, as determined by the State educational agency.

"(4) MAINTENANCE OF EFFORT.—The expenditure of funds from State and local sources for the maintenance of the school breakfast program shall not be diminished as a result of grants made available under this subsection.

STATE OF WISCONSIN,

DEPARTMENT OF PUBLIC INSTRUCTION,

Madison, WI, November 5, 1999.

Hon. Herb Kohl,
US Senator, Washington, DC.

DEAR SENATOR KOHL:

This letter is in support of your proposed amendment for Startup Grants for School Breakfast Programs. I believe this legislation will provide an essential incentive for schools to implement a School Breakfast Program (SBP). Understanding that breakfast is an important component of academic achievement as well as the health of our nation's children, I am very concerned with Wisconsin's low participation in the SBP.”

The federal startup grants for SBP will enhance the many public and private efforts within our state to increase the number of schools offering breakfast. Our state legislature has supported my budget initiatives for a ten cents per breakfast reimbursement, effective in fiscal year 2001. Statewide public
and nonpublic collaborative initiatives to promote once of breakfast include the Good Breakfast for Good Learning Breakfast Awareness Campaign, now in its third year. Public and private hunger prevention coalitions are actively promoting school breakfast. Professional organizations, such as the Wisconsin School Food Service Association and the Wisconsin Dietetic Association, are taking steps to expand school breakfast promotion efforts.

However, the bottom line is that schools cannot afford to lose in the Child Nutrition Programs. Fear that the SBP will have a negative impact on the school district's general fund has been detrimental to the promotional efforts identified above. The startup grants for SBP will help alleviate those fears and allow the children in this state to have access to a nourishing breakfast at the start of the school day.

I would like to commend your efforts to help the children in this state and the nation reach their full potential through promotion of School Breakfast Programs. Sincerely,

JOHN T. BENSON, 
State Superintendent.

WISCONSIN SCHOOL FOOD SERVICE ASSOCIATION,
November 17, 1999.

Hon. HERB KOHL,
U.S. Senate, Washington DC.

DEAR SENATOR KOHL:

This letter is in support of your proposed amendment for Startup Grants for School Breakfast Programs. The Wisconsin School Food Service Association with its 1700 members, along with other allied associations have been working to increase the number of schools in Wisconsin offering breakfast. We understand the connection between good nutrition at breakfast and academic achievement. We see firsthand how difficult it is for a hungry child to concentrate on learning.

The federal startup grants for School Breakfast Programs will help our efforts to expand school breakfast participation. A real concern for many school districts is the cost of implementing and maintaining the program. During the 1997-98 school year Wisconsin spending breakfast. We understand the connection between good nutrition at breakfast and academic achievement. We see firsthand how difficult it is for a hungry child to concentrate on learning.

The federal startup grants for School Breakfast Programs will help our efforts to expand school breakfast participation. A real concern for many school districts is the cost of implementing and maintaining the program. During the 1997-98 school year Wisconsin spent an average of $0.23 per breakfast served. Our association believes school food and nutrition programs deserve adequate funding and reasonable regulations to help maintain financial integrity and the nutritional quality of meals. As a commitment to the children of Wisconsin we made state funding for school Breakfast Programs a high legislative priority this year. Our state legislature recently supported a ten-cent per breakfast reimbursement, which will be in effect for the fiscal year 2001. Federal Startup Grants would help districts implement School Breakfast Programs. The Wisconsin School Food Service Association feels the children of Wisconsin and the nation deserve every educational opportunity to reach their full potential. School breakfast is one of those opportunities.

We applaud your efforts to expand School Breakfast.

Sincerely,

RENEE SLOTTON-BEAUCHAMP R.D., D.C.
President.

By Mr. HARKIN:

S. 1959. A bill to provide for the fiscal responsibility of the Federal Government; to the Committee on Finance.

THE FISCAL RESPONSIBILITY ACT

Mr. HARKIN. Mr. President, today as we are debating how to protect Social Security and Medicare while making necessary investments in our nation's future, I am introducing legislation designed to reduce the growth of federal spending. In an effort to promote greater fiscal responsibility within the federal government, "The Fiscal Responsibility Act" would eliminate special interest tax loopholes, reduce corporate welfare, eliminate options for reducing spending, and replace wasteful spending, enhance government efficiency and require greater accountability.

The reforms contained in this bill would result in savings of up to $20 billion this year and up to $140 billion over the next five years. These savings could be used to pay down the federal debt, shore up Social Security and Medicare, provide middle-class tax relief, and/or pay for needed investment in education, health care and other priorities.

While I recognize that everyone won't agree on each of the provisions of this measure, I believe it is important for us to put forward options to be considered. I hope that we can work together on a bipartisan basis to produce a set of reforms such as these to lay a path of fiscal responsibility as we move into the next century.

The following is a summary of the bill's major provisions:

Elimination of Unnecessary Government Programs.

A number of outdated or unnecessary programs would be eliminated, including Radio Marti, TV Marti and certain nuclear energy research initiatives. These changes would save over $150 million this year.

Reduction of Wasteful Spending and Government Efficiency Improvements.

$13 billion a year is lost to Medicare waste and abuse. This would be substantially reduced through a series of comprehensive reforms. In addition, expenditures in support of certain nuclear energy lobbying activities would be eliminated.

A number of common sense steps would be implemented to improve the efficiency of government activities.

Spending by government agencies on travel, printing, supplies and other items would be frozen at 1998 levels. This change would save $2.3 billion this year and about $12 billion over 5 years. Pentagon spending would be tied to the rate of inflation. This would force the Pentagon to reduce duplication and other inefficiencies identified by government auditors and outside experts. This change would save taxpayers $9.2 billion this year and approximately $50 billion over the next 5 years.

Enhancing the government's ability to collect student loan defaults would save taxpayers $892 million this year and $1 billion over five years.

Eliminating Special Interest Tax Loopholes and Give-Aways.

Tobacco use causes 400,000 deaths a year and costs taxpayers billions in preventable health care costs. And, yet, taxpayers are forced to cough up about $2 billion a year to subsidize the addition and marketing of a deadly product. The tax deductibility of tobacco promotion would be ended and these funds would be saved.

A loophole that allows estates valued above $10 million to elude taxation would be closed. The federal government allows mining companies to extract minerals from federally-owned lands at an actual cost of pennies on the dollar. This special interest giveaway would be ended, saving taxpayers $750 million over the next five years.

American citizens temporarily working in foreign countries can earn up to $70,000 without paying any U.S. taxes. This unfair provision would be eliminated, bringing in an estimated $15.7 billion over the next 5 years. A foreign tax credit that allows oil and gas companies to escape paying their fair share for royalties would be limited. This common sense change would generate $3.3 billion over 5 years to reduce the debt our kids and grandkids will inherit.

Increased Accountability.

Tobacco companies hook 3,000 children a day on their deadly products. One in three of these kids will be sentenced to an early death. Tobacco companies should be held accountable. Accordingly, a goal of reducing teen smoking by at least 15 percent each year would be set. If tobacco companies fail to meet this goal, they would have to pay a penalty. Such a system would generate approximately $6 billion this year and $20 billion over the next 5 years. It would also significantly reduce the number of young children who become addicted to tobacco.

I urge my colleagues to review the provisions in this bill and look forward to moving forward next year on a fiscally responsible budget plan.

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 1960. A bill to provide for the appointment of 1 additional Federal district judge for the eastern district of Wisconsin, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL JUDGESHIP FOR NORTHEASTERN WISCONSIN ACT

Mr. KOHL. Mr. President, I rise today to introduce the Federal Judgeship for Northeastern Wisconsin Act of 1999. This bill would create one additional judgeship in the eastern district of Wisconsin and seat it in Green Bay, at the center of a region in desperate need of a district court. Let me explain how an additional judgeship could alleviate the stress that our system places on business, law enforcement agents, witnesses, victims and individual litigants in northeastern Wisconsin.
November 18, 1999

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30609

First, while the four full-time district court judges for the eastern district of Wisconsin currently preside in Milwaukee—litigation there is heavy in this northern part of the State lacks a Federal court. Mr. President, this hurts businesses not only in Wisconsin, but across the entire Midwest.

Fifth, the creation of an additional judgeship in the Eastern District of Wisconsin is justified based on case-load. The Judicial Conference, the administrative and statistical arm of the Federal judiciary, makes biannual recommendations to Congress regarding the necessity of additional judgeships using a system of weighted filings—that is, the total number of cases modified by the average level of case complexity. In the Judicial Conference's most recent recommendations, new positions were justified where a district's workload exceeded 435 weighted filings per judge. Such high caseloads are common in the eastern district of Wisconsin, and result in overwhelming 435 weighted filings. On this basis, an additional judgeship for the eastern district of Wisconsin is warranted.

Mr. President, our legislation is simple, effective and straightforward. It creates an additional judgeship for the eastern district, requires that one judge hold court in Green Bay, and gives the chief judge of the eastern district flexibility to designate which judge holds court there. This legislation would increase the number of Federal district judges in Wisconsin for the first time since 1978. During that period, nearly 150 new Federal district judgeships have been created nationwide, but not a single one in Wisconsin. And don't take my word for it. Mr. President, ask the people who would be most affected: since 1994, each and every sheriff and district attorney in northeastern Wisconsin has urged me to create a Federal district court in Green Bay.

Mr. President, I ask unanimous consent that a letter from these law enforcement representatives of the United States of America in Congress assembled, be printed in the RECORD.

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

S. 1960

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 “Federal Judgeship for Northeastern Wisconsin Act of 1999”.

SEC. 2. ADDITIONAL FEDERAL DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WISCONSIN.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the eastern district of Wisconsin.

(b) TABLES.—In order that the table contained in section 133(a) of title 28, United States Code, reflects the total number of permanent district judgeships authorized under subsection (a), such table is amended by adding the item relating to Wisconsin to read as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wisconsin</td>
<td>5</td>
</tr>
<tr>
<td>&quot;Western&quot;</td>
<td>2</td>
</tr>
</tbody>
</table>

(c) HOLDING OF COURT.—The chief judge of the eastern district of Wisconsin shall designate 1 judge who shall hold court for such district in Green Bay, Wisconsin.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized such sums as may be necessary to carry out this Act, including such sums as may be necessary to provide appropriate space and facilities for the judicial position created by this Act.

August 8, 1994.

U.S. Senator Herb Kohl,  
Hart Senate Office Building, Washington, DC.

Dear Senator Kohl: We are writing to urge your support for the creation of a Federal District Court in Green Bay. The eastern district of Wisconsin includes the 28 eastern-most counties from Forest and Florence Counties in the north to Kenosha and Washington Counties in the south.

Green Bay is central to the northern part of the district which includes approximately one third of the district’s population. Currently, all Federal District Judges hold court in Milwaukee. A federal court in Green Bay would make federal proceedings much more accessible to the people of northeastern Wisconsin and would alleviate many problems for citizens and law enforcement. Travel time of 3 or 4 hours each way makes it difficult and expensive for witnesses and officers to go to court in Milwaukee. Citizen witnesses are often reluctant to travel back and forth to Milwaukee.
It often takes a whole day to travel to come to court and testify for a few minutes. Any lengthy testimony requires an inconvenient and costly overnight stay in Milwaukee. Sending officers is costly and takes substantial amounts of travel time, thereby reducing the number of officers available on the street. Many cases are simply never referred to federal court because of this cost and inconvenience.

In some cases there is no alternative. For example, the Federal government has the obligation to prosecute all felony offenses committed by Indians on the Menominee Reservation. Yet the Reservation’s distance from the Federal Courts and prosecutors in Milwaukee poses serious problems. Imagine the District Attorney of Milwaukee being located in Keshena or Green Bay or Marinette and trying to coordinate witness interviews, case preparation, and testimony.

As local law enforcement officials, we try to work closely with other local, state and federal agencies, and we believe establishing a Federal District Court in Green Bay will measurably enhance these efforts. Most important, a Federal Court in Green Bay will make these courts substantially more accessible to the citizens who live here. We urge quick passage of support legislation to create and fund an additional Federal District Court in Green Bay.

Gary Robert Bruno, Shawano and Menominee County District Attorney
Jay Conley, Oconto County District Attorney
John DesJardins, Outagamie County District Attorney
Douglas Drexler, Florence County District Attorney
Guy Dutcher, Waushara County District Attorney
E. James FitzGerald, Manitowoc County District Attorney
Kenneth Kratz, Calumet County District Attorney
Jackson Main, Jr., Kewaunee County District Attorney
David Miron, Marinette County District Attorney
Joseph Paulus, Winnebago County District Attorney
Gary Schuster, Door County District Attorney
John Snider, Waupaca County District Attorney
Ralph Ullike, Langlade County District Attorney
Demetrio Verich, Forest County District Attorney
John Zakowski, Brown County District Attorney
William Aschenbrener, Shawano County Sheriff
Charles Brann, Door County Sheriff
Todd Chaney, Kewaunee County Sheriff
Michael Donart, Brown County Sheriff
Patrick Fox, Waushare County Sheriff
Bradley Gehring, Outagamie County Sheriff
Daniel Gillis, Calumet County Sheriff
James Kanikula, Marinette County Sheriff
Norman Knoll, Forest County Sheriff
Thomas Kocourek, Manitowoc County Sheriff
Robert Kraus, Winnebago County Sheriff
William L. Waupaca County Sheriff
Jeffrey Rickaby, Florence County Sheriff
David Steger, Langlade County Sheriff
Kenneth Woodworth, Oconto County Sheriff
Richard Awonhopay, Chief of Police, Menominee Tribal Police

Richard Brey, Chief of Police, Manitowoc
Patrick Campbell, Chief of Police, Kaukauna
James Danforth, Chief of Police, Oneida
Donald Forney, Chief of Police, Neenah
David Gorski, Chief of Police, Appleton
Robert Langan, Chief of Police, Green Bay
Michael Lien, Chief of Police, Two Rivers
Mike Nordin, Chief of Police, Sturgeon Bay
Patrick Ravet, Chief of Police, Marinette
Robert Stanke, Chief of Police, Menasha
Jim Thaw, Chief of Police, Oshkosh

U.S. DEPARTMENT OF JUSTICE
Milwaukee, WI, August 9, 1994.
To: The District Attorney’s, Sheriffs and Police Chiefs Urging the Creation of a Federal District Court in Green Bay.

From: Thomas P. Schneider, United States Attorney, Eastern District of Wisconsin.

Thank you for your letter of August 8, 1994, urging the creation of a Federal District Court in Green Bay. You point out a number of facts in your letter:

1. Although 1/3 of the population of the Eastern District of Wisconsin is in the northern part of the district, the Federal District Courts are located in Milwaukee.

2. A federal court in Green Bay would be more accessible to the people of northern Wisconsin. It would substantially reduce witness travel time and expenses, and it would make federal court more accessible and less costly for local law enforcement agencies.

3. The federal government has exclusive jurisdiction over most felonies committed on the Menominee Reservation, located approximately 3 hours from Milwaukee. The distance to Milwaukee is a particular problem for victims, witnesses, and officers from the Reservation.

I have discussed this proposal with the chiefs of the federal law enforcement agencies in the Eastern District of Wisconsin, including the Federal Bureau of Investigation, Federal Drug Enforcement Administration, Bureau of Alcohol, Tobacco, and Firearms, Secret Service, U.S. Marshal, U.S. Customs Service, and Internal Revenue Service-Criminal Investigation Division. All express support for such a court, and give additional reasons why it is needed.

Over the past several years, the FBI, DEA, and IRS have initiated a substantial number of investigations in the northern half of the district. In preparation for indictments and trials, and when needed to testify before the Grand Jury or in court, officers regularly travel to Milwaukee. Each trip requires 4 to 6 hours of round trip travel per day, plus the actual time in court. In other words, the agencies’ already scarce resources are severely taxed. Several federal agencies report that many cases which are appropriate for prosecution are simply not charged federally because local law enforcement agencies do not have the resources to bring these cases and officers back and forth to Milwaukee.

Nevertheless, there has been a substantial number of successful federal investigations and prosecutions from the Fox Valley area and other parts of the Northern District of Wisconsin including major drug organizations, bank frauds, tax cases, and weapons cases.

It is interesting to note that the U.S. Bankruptcy Court in the Eastern District of Wisconsin holds hearings in Green Bay, Manitowoc, and Oshkosh, all in the northern half of the district. For the past four years approximately 29 percent of all bankruptcy filings in the district were in these three locations.

In addition, we continue to prosecute most felonies committed on the Menominee Reservation. Yet, the Reservation’s distance from the federal courts in Milwaukee poses serious problems. A federal court in Green Bay is critically important if the federal government is to live up to its moral and legal obligation to enforce the law on the Reservation.

In summary, I appreciate and understand your concerns and I join you in urging the creation of a Federal District Court in Green Bay.

THOMAS P. SCHNEIDER,
United States Attorney,
Eastern District of Wisconsin.
CONGRESSIONAL RECORD—SENATE
November 18, 1999

THE SOCIAL SECURITY AND MEDICARE SAFE DEPENDENCY BOX ACT

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

S. 1962

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 ‘‘Social Security and Medicare Safe Deposit Box Act of 1999’’.

SEC. 2. PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.

(a) MEDICARE SURPLUSES OFF-BUDGET.—Notwithstanding any other provision of law, the net surplus of any trust fund for Part A of Medicare shall not be counted as a net surplus for purposes of—

(1) the budget of the United States Government as submitted by the President;

(2) the congressional budget; or

(3) the Balanced Budget and Emergency Deficit Control Act.

(b) POINTS OF ORDER TO PROTECT SOCIAL SECURITY AND MEDICARE SURPLUSES.—

SEC. 312 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

‘‘(g) POINTS OF ORDER TO PROTECT SOCIAL SECURITY AND MEDICARE SURPLUSES.—

‘‘(1) Concurrent resolutions on the budget.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would set forth an on-budget deficit for any fiscal year.

‘‘(2) Subsequent legislation.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

‘‘(A) the enactment of that bill or resolution as reported;

‘‘(B) the adoption and enactment of that amendment; or

‘‘(C) the enactment of that bill or resolution in the form recommended in that conference report, would cause or increase an on-budget deficit for any fiscal year.

‘‘(3) Definition.—For purposes of this section, the term ‘on-budget deficit’, when applied to a fiscal year, means the deficit in the budget as set forth in the most recently agreed to concurrent resolution on the budget pursuant to section 301(a)(3) for that fiscal year.

‘‘(4) Content of concurrent resolution on the budget.—Section 301(a) of the Congressional Budget Act of 1974 is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (5) the following new paragraph:

‘‘(6) the receipts, outlays, and surplus or deficit in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, established by title II of the Social Security Act;’’.

(d) SUPER MAJORITY REQUIREMENT.—

(1) Point of order.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting ‘‘312(g),’’ after ‘‘312(d)(2),’’.

(2) Waiver.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting ‘‘312(g),’’ after ‘‘312(d)(2),’’.

SEC. 3. PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.

(a) IN GENERAL.—Chapter 11 of subtitle II of title 31, United States Code, is amended by adding before section 1101 the following:

‘‘1106. Protection of social security and medicare surpluses.

‘‘The budget of the United States Government submitted by the President under this chapter shall not recommend an on-budget deficit for any fiscal year covered by that budget.’’.

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 31, United States Code is amended by adding before the item for section 1101 the following:

‘‘1106. Protection of Social Security and Medicare Surpluses.’’.

SEC. 4. EFFECTIVE DATE.

This Act shall take effect upon the date of its enactment and the amendments made by this Act shall apply to fiscal year 2001 and subsequent fiscal years.

By Mr. McCAIN:

S. 1963. A bill to authorize a study of alternatives to the current management of certain Federal lands in Arizona; to the Committee on Energy and Natural Resources.

ALTERNATIVE LAND MANAGEMENT STUDY FOR THE BARRY GOLDWATER MILITARY TRAINING RANGE

Mr. McCAIN. Mr. President, I rise today to introduce legislation that will require a comprehensive study of alternative land management options for areas comprising the Barry Goldwater military training range and Organ Pipe National Monument in Arizona.

Earlier this year, the Congress finalized the Department of Defense Authorization Act for fiscal year 2000 which included language to renew a land-withdrawal for the Barry Goldwater training range for an additional twenty-five years to the year 2024. The final proposal for the management of the natural and cultural resources within the range to the Air Force and the Navy, a decision that was fully supported by both the Interior Department and the President’s Council on Environmental Quality.

In practical effect, the Air Force and Marine Corps have been performing the management functions at the Goldwater range for many years, and doing a very good job of it, according to most observers. In fact, the Department of Defense already dedicates significant resources to land and natural resource management of the Range. The decision to formally transfer management recognizes the superior fiscal and manpower resources available to the military services, who also have the most compelling interest in maintaining future training access to the range, which can only be accomplished by effectively addressing environmental concerns regarding its use.

The introduction of the legisla-
tive environmental impact statements and subsequent renewal proposals, no one disagreed that essential military training should continue on the range.

By Mr. ASHCROFT:

S. 1962. A bill to amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have 30 days to report or be discharged.

By Mr. HARKIN in seeing this legislation move forward.

The unpredictable forces of weather. Moreover, it often requires more than one growing season for new grass species to take root and establish adequate cover in order to protect habitat. That said, both producers and conservationists have expressed concern to me that this requirement may place habitat protection in a precarious position in some instances. Finally, the costs of seed varieties called for in the EBI, especially for native grass species, have skyrocketed to a point here it is often times cost-prohibitive for producers to meet the requirements of establishing a new grass stand. These and other matters I plan to address with the input of all interested parties as we proceed with the legislation.

However, on the whole CRP remains a very popular program in my home state of South Dakota and across the country. Since the twelve signups held between 1986 and 1992, 36.4 million acres were enrolled in CRP. USDA estimates that the average erosion rate on enrolled acres was reduced from 21 to less than 2 tons per acre per year. Retiring these lands also expanded wildlife habitat, provided enhanced water quality, and restored soil. The annual value of these benefits has been estimated from less than $1 billion to more than $1.5 billion; some estimates of these benefits approach or exceed annual costs, especially in areas of heavy participation. While major changes cannot occur to CRP until we undertake a renewed effort to change the Farm Bill, I am hopeful that Congress reconsider the current Farm Bill in 2000.

In addition to supporting CRP, I have co-sponsored S. 1426, the Conservation Security Act of 1999. This bill creates a voluntary incentive program to encourage conservation activities by landowners. This bill includes a variety of solid conservation practices that landowners may choose from in order to qualify for certain incentives. Some of the conservation practices include conservation tillage, runoff control, buffer strips, wetland restoration, and wildlife management.

I believe the Conservation Security Act is a strong piece of legislation that would benefit agriculture producers, wildlife, and the environment. I will continue to support and work with Senator HARKIN in seeing this legislation move forward.

The social security and medicare safe dependency box act

Mr. ASHCROFT.

S. 1962. A bill to amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have 30 days to report or be discharged.
However, several environmental groups registered concerns about the Administration's proposal for DOD management of the Range and expressed apprehension about proper land management. I took personal interest in these expressed concerns and advocated for the strongest possible language in the final withdrawal bill to redress any potential problems should the land management of these areas ever be jeopardized under primary military authority.

However, in response to continuing apprehension about proper land management in the newly passed withdrawal package, I worked with the concerned individuals to develop language directing the Department of the Interior to study and make recommendations for alternative land management scenarios for the range. Such a comprehensive study would provide information to guide the Administration and the Congress in taking appropriate future action to ensure that the cultural and natural resources on the Range will continue to be preserved and protected in future years.

Although I was unable to convince my colleagues that studying various land management options should be added to the Defense authorization package, I am continuing to explore appropriate land management options for the long-term. I do so because it is important that we assure that the best possible protection will be provided to the unique natural and cultural resources of these areas, consistent with the primary purpose of the range.

While the Barry Goldwater Range will continue to serve its vital purpose, we have an obligation to ensure proper stewardship of our natural resources. This will largely provide us with the critical information necessary to fulfill that obligation. Once an alternative management study is completed, I will ensure that any recommendations for improved management of the Goldwater Range are considered and acted on, as necessary, by the Congress.

I strongly urge my colleagues to work with me to pass this legislation to ensure that the Goldwater Range is managed by the agency most qualified to ensure that the military Services would be inappropriate and ineffective natural resources managers. I took personal interest in these expressed concerns and advocated for the strongest possible language in the final withdrawal bill to redress any potential problems should the land management of these areas ever be jeopardized under primary military authority.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, 2006.

SEC. 1. DESIGNATION OF JOSEPH ILETO POST OFFICE.

The United States Post Office located at 14071 Peyton Drive in Chino Hills, California, as the "Joseph Ileto Post Office".

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1964. A bill to designate the United States Post Office located at 14071 Peyton Drive in Chino Hills, California, as the Joseph Ileto Post Office; to the Committee on Governmental Affairs.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the post office referred to in section 1 shall be deemed to be a reference to the Joseph Ileto Post Office.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1965. A bill to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.
There being no objection, the matter was ordered to be printed in the RECORD, as follows:

S. 8. 1965

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assem-
bled.

SECTION 1. FINDINGS. Congress finds that—
(1) there are major deficiencies with regard to ade-
tquate and sufficient water supplies available to resi-
dent of the Jicarilla Apache Reservation, the
(2) the existing municipal water system that serves the Jicarilla Apache Reservation is under the ownership and control of the Bu-
reau of Indian Affairs and is outdated, dilapi-
dated, and cannot adequately and safely serve the existing and future growth needs of the Jicarilla Apache Tribe;
(3) the federally owned municipal water system on the Jicarilla Apache Reservation has been unable to meet the minimum Fed-
eral water requirements necessary for dis-
posal of raw into a public water-
course and has been operating without a Federal discharge permit;
(4) the federally owned municipal water system that serves the Jicarilla Apache Res-
ervation has been cited by the United States Environ-
mental Protection Agency for viola-
tions of Federal safe drinking standards and
poses a threat to public health and safety both on and off the Jicarilla Apache Reserva-
tion;
(5) the lack of reliable supplies of potable water impedes economic development and has detrimental effects on the quality of life and economic self-sufficiency of the Jicarilla Apache Tribe;
(6) due to the severe health threats and im-
pediments to economic development, the Jicarilla Apache Tribe has authorized and expended $4,500,000 of tribal funds for the re-
pair and replacement of the municipal water system on the Jicarilla Apache Reservation;
(7) the United States has a trust responsi-
bility to ensure that adequate and safe water supplies are available to meet the economic, environmental, water supply, and public health needs of the Jicarilla Apache Indian Reservation.

SEC. 2. AUTHORIZATION. 
(a) AUTHORIZATION.—Pursuant to reclama-
tion laws, the water resources of the Jicarilla Apache Reservation, and is authorized by Article XI, Section 1 of the Revised Consti-

tution of the Jicarilla Apache Tribe, to enact ordinances to promote the peace, safety, property, and gen-

eral welfare of the people of the Reservation and is authorized by Article X of the Revised Constitution to enact ordinances and resolu-
tions on matters of permanent interest to the members of the tribe and on matters re-

lating to particular individuals, officials or circumstances; and

(b) REPORT.—Not later than 1 year after funds are appropriated to carry out this Act, the Secretary of the Interior shall transmit to Congress a report containing the results of the feasibility study required by subsection (a).

SEC. 3. AUTHORIZATION OF APPROPRIATIONS. 
There are authorized to be appropriated $200,000 to carry out this Act.

THE JICARILLA APACHE TRIBE—RESOLUTION
Be it enacted by the Tribal Council pursuant to Article XI, Section 1 of the Revised Constitu-
tion of the Jicarilla Apache Tribe, and

WHEREAS, the Jicarilla Apache Tribe is a federally recognized Indian tribe organized under Section 17 of the Indian Reorganiza-
tion Act of 1934, 25 U.S.C. § 476 (1988); and

WHEREAS, the water treatment fa-
cilities and the upgrade and rehabilitation of the water delivery infrastructure; and

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November 18, 1999

We want to help the Jicarilla Apaches end their water crisis, and se-
cure congressional authorization for the necessary studies the Bureau of Reclama-
tion has the expertise to con-
duct. I ask unanimous consent that our proposed legislation and the Jicarilla Apache Council Resolution be printed in the RECORD.

We wish to help the Jicarilla Apache end their water crisis, and see-
cure congressional authorization for the necessary studies the Bureau of Reclama-
tion has the expertise to con-
duct. I ask unanimous consent that our proposed legislation and the Jicarilla Apache Council Resolution be printed in the RECORD.
Whereas, Congress amended the Safe Drinking Water Act in 1996 and found, among other things, that:

(1) safe drinking water is essential to the protection of public health;

(2) to bring requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.) now exceed the financial and technical capacity of some public water systems, especially many small public water systems, the Federal Government needs to provide assistance to communities to help the communities meet Federal drinking water requirements;

(3) more effective protection of public health requires prevention of drinking water contamination through well-trained system operators, water systems with adequate managerial, technical and financial capacity and enhanced protection of source waters of public water systems;

(4) compliance with the requirements of the Safe Drinking Water Act continues to be a concern at public water systems experiencing technical and financial limitations and Federal local governments need more resources and more effective authority to attain the objectives of the Safe Drinking Water Act;

(5) Federal health services to maintain and improve the health of the Indians are consistent with and required by the Federal Government’s trust relationship with the American Indians;

Whereas, the repair and replacement authority by the Tribal Council is consistent with the Congressional purposes of ensuring safe drinking water to the public; and

Whereas, Indian tribes are recognized as domestic nations under the protection of the United States Constitutions and possessed with the inherent powers of government; and

Whereas, pursuant to the Federal trust relationship between the Federal government and Indian tribes arising from the United States Constitution, United States Supreme Court caselaw, numerous treaties, statutes, and regulations, the Federal government had fiduciary trust responsibilities to Indian tribes to protect the tribal self-government and to provide and ensure adequate and safe drinking water; and

Whereas, in accordance with the Federal policy of Indian Self-Determination the Federal government has pledged to assist Indian tribes in making reservations permanent homes from Indian people; and

Whereas, The Federal Indian policy of Self-Determination and the Federal trust responsibility to Indian tribes requires that the Federal government conduct government-to-government consultations with Indian tribes on matters affecting tribal interests and to promote tribal economic development, tribal governments, tribal self-sufficiency, which includes proper and adequate and safe drinking water facilities.

Now, Therefore, Be It Resolved, by the Tribal Council of the Jicarilla Apache Tribe that the Tribal Council hereby declares that the Jicarilla Apache Reservation is in a state of critical emergency due to the continued operation of the unsafe water systems that serve the Jicarilla Apache Reservation.

Be It Further Resolved, by the Tribal Council of the Jicarilla Apache Tribe that the Tribal Council, hereby authorizes the Vice-President and his staff to do all things immediate and necessary to address this emergency, including but not limited to, executing contracts, consulting on a government-to-government basis with federal officials and tribal members and the Executive Branch, including the Federal agencies and the White House and lobbying for congressional appropriations.

And Be It Further Resolved, by the Tribal Council of the Jicarilla Apache Tribe that the Jicarilla Apache Tribe calls upon the United States Congress and the United States Department of Interior’s Bureau of Indian Affairs and Bureau of Reclamation, the Department of Health and Human Services, and the United States Environmental Protection Agency, to exercise their Federal Trust Responsibility and work with the Jicarilla Apache Tribe on a government-to-government basis to address this emergency.

By Mr. COCHRAN (for himself and Mr. LOTT):

S. 1967. A bill to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes; to the Committee on Indian Affairs.

Mr. COCHRAN. Mr. President, today I am introducing a bill to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, and to take certain land into trust for the Band.

Mr. President, the lands involved in this bill are lands currently owned by the tribe. Over the last 20 years, the tribe has attempted to transfer the land to reservation land, through the regular procedures of the Department of Interior and the Bureau of Indian Affairs. The land transfer applications have the support of the State of Mississippi and the United States Constitution and the local neighboring governments.

Countless times over the years, the tribe has been told by the Department that land transfer applications have been lost and that action would occur soon.

Housing a school and a medical clinic are among the construction plans that are detained because of the inaction by the Department and BIA. Mr. President, this tribe is simply out of time. The school waiting to be replaced has over two pages of safety violations over the years. The medical clinic will not pass its next inspection. Thousands of Mississippi Choctaw citizens have substandard living conditions because of the lack of available housing.

Mr. President, the Choctaws are held up as the best example of self-determination. Yet, the federal government seems determined to throw obstacles in the course of their success. The history of these land acquisition applications and the treatment of the tribe is intolerable.

The Congressional Budget Office has reviewed the bill and advises it has no budgetary impact. I urge the Senate to pass this bill.

By Mr. CRAIG (for himself, Mr. MURKOWSKI, and Mr. THOMAS):

S. 809. A bill to provide for improved management of, and increases account

ability for, outfitted activities by which the public gains access to and occupancy and use of Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

The Outfitter Policy Act of 1999

Mr. CRAIG. Mr. President, I am pleased to introduce today in conjunction with my colleagues Senator Murkowski and Senator Thomas the Outfitter Policy Act of 1999.

This legislation is very similar to legislation I introduced in the past congress. As that legislation did, this bill would put into law many of the management practices by which federal land management agencies have successfully managed the outfitter and guide industry on National Forests, National Parks and other federal lands over many decades.

The bill recognizes that many Americans want to seek the skills and experience of commercial outfitters and guides to help them enjoy a safe and pleasant journey through our forests, deserts and rivers and lakes that are the spectacular destinations for many visitors to our federal lands.

The Outfitter Policy Act would assure the public continued opportunities for reasonable and safe access to the special areas found throughout our public lands. It establishes high standards that will be met for the health and welfare of visitors who choose outfitted services. It will help guarantee that quality professional services. It will help the outfitter and guide industry on National Forests, National Parks, and other federal lands over many decades.

The bill recognizes that many Americans want to seek the skills and experience of commercial outfitters and guides to help them enjoy a safe and pleasant journey through our forests, deserts and rivers and lakes that are the spectacular destinations for many visitors to our federal lands.

This legislation is needed because the management of outfitted and guiding services by this Administration had created problems that threaten to destabilize many of these typically small, independent outfitter and guide businesses. In addressing these problems, this legislation relies heavily on practices that have historically worked well for outfitters, visitors, and other users groups, as well as for federal land managers in the field. When the bill is enacted, it will assure that these past levels of service are continuing and enhanced.

Previous hearings and discussions on prior versions of this legislation helped to refine the bill I am introducing today. This process provided the intended opportunity for discussion. It allowed for the examination of the historical practices that have offered consistent, reliable outfitter services to the public. The legislation I am now introducing is a result of that process.

I look forward to considering this legislation in the coming session of the 106th Congress.

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:
SEC. 4. DEFINITIONS.

In this Act—

(1) ACTUAL USE.—The term "actual use" means the portion of a principal allocation of outfitter use that an authorized outfitter uses in conducting commercial outfitted activities during a period, for a type of use, for a location, or in terms of other measurement of the term or outfitted activities covered by an outfitter permit.

(2) ALLOCATION OF USE.—

(A) IN GENERAL.—The term "allocation of use" means a method or measurement of access to, occupancy and use of Federal land by visitors who require or desire the assistance of an authorized outfitter; and

(B) DETERMINATION OF USE.—An allocation of use is determined by a Federal agency.

(3) AUTHORIZED OUTFITTER.—

(A) IN GENERAL.—The term "authorized outfitter" means a person that conducts a commercial outfitted activity on Federal land under an outfitter authorization.

(B) DETERMINATION OF USE.—

(i) The determination of use is made by the Department of the Interior; and

(ii) such determination and any enforcement thereof is made in accordance with section 3.

(4) COMMERCIAL OUTFITTED ACTIVITY.—

(A) IN GENERAL.—The term "commercial outfitted activity" means a commercial outfitted activity on Federal land under an outfitter authorization.

(B) DETERMINATION OF USE.—

(i) Such determination and any enforcement thereof is made in accordance with section 3.

(C) FEDERAL LAND.—

(A) IN GENERAL.—The term "Federal land" means—

(i) the national forests; and

(ii) any other land under the jurisdiction of the Secretary of the Interior, acting through the Director of the Bureau of Land Management, including planning process rules and any additional administrative allocation, by a commercial or authorized outfitter, shall conduct a commercial outfitted activity on Federal land.

(5) FEDERAL AGENCY.—The term "Federal agency" means—

(A) the Department of Agriculture; or

(B) the Department of the Interior.

(6) FEDERAL LAND.—

(A) IN GENERAL.—The term "Federal land" means—

(i) any land under the jurisdiction of the Secretary of the Interior, acting through the Director of the Bureau of Land Management; and

(ii) any other land under the jurisdiction of the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(7) INSTITUTIONAL RECREATION PROGRAM.—

(A) IN GENERAL.—The term "institutional recreation program" means a program of recreational activities conducted in a manner that is not inconsistent with or incompatible with an approved resource management plan; and

(iii) is calibrated in terms of amount of use, type of use, or location of a commercial outfitted activity on Federal land.

(B) DETERMINATION OF USE.—

(i) Such determination and any enforcement thereof is made in accordance with section 3.

(8) INCOME.—The term "income" means the portion of a principal allocation of use to an authorized outfitter for the purpose of facilitating their use and enjoyment of recreational or educational opportunities on Federal land.

(9) OUTFITTER.—A term that is defined under section 3.

(10) OUTFITTED ACTIVITY.—

(A) IN GENERAL.—The term "outfitted activity" means the portion of a principal allocation of use to an authorized outfitter, shall conduct a commercial outfitted activity on Federal land under an outfitter authorization.

(B) DETERMINATION OF USE.—

(i) Such determination and any enforcement thereof is made in accordance with section 3.

(C) INSTITUTIONAL RECREATION PROGRAM.—

(i) Such determination and any enforcement thereof is made in accordance with section 3.

(11) OUTFITTED VISITOR.—The term "outfitted visitor" means a member of the public that relies on an authorized outfitter for access to and occupancy and use of Federal land.

(12) OUTFITTER.—The term "authorized outfitter" means a person that conducts a commercial outfitted activity, including a person that, by local custom or tradition, is known as a "guide".

(13) OUTFITTER AUTHORIZATION.—The term "outfitter authorization" means—

(A) an outfitter permit; or

(B) a limited outfitter authorization.

(14) OUTFITTER PERMIT.—The term "outfitter permit" means—

(A) an outfitter permit issued to an authorized outfitter for the purpose of facilitating their use and enjoyment of recreational or educational opportunities on Federal land, or

(B) such determination and any enforcement thereof is made in accordance with section 3.

(15) OUTFITTER'S PERMIT.—The term "outfitter's permit" means a permit issued to a qualified outfitter for the purpose of facilitating their use and enjoyment of recreational or educational opportunities on Federal land.

(16) OUTFITTER'S PERMIT.—The term "outfitter's permit" means a permit issued to an authorized outfitter for the purpose of facilitating their use and enjoyment of recreational or educational opportunities on Federal land.

(17) OUTFITTER'S PERMIT.—The term "outfitter's permit" means—

(A) in the case of a resource area for which a principal allocation of use is granted by the Secretary to an authorized outfitter for the purpose of facilitating their use and enjoyment of recreational or educational opportunities on Federal land; and

(B) in the case of an area subject to a restriction by the United States or a State or local government that includes the designation of a geographic area, zone, or district in which a limited number of authorized outfitters are authorized to operate.

(18) OUTFITTER'S PERMIT.—The term "outfitter's permit" means—

(A) an outfitter permit; or

(B) a limited outfitter authorization.

(C) Renewal of outfitter permits based on a determination of use.

SEC. 5. NONOUTFITTER USE AND ENJOYMENT.

Nothing in this Act enlarges or diminishes the right or privilege of occupancy and use of Federal land under any applicable law (including planning process rules and any administrative allocation), by a commercial or institutional individual or entity that is not an authorized outfitter or outfitted visitor.

SEC. 6. OUTFITTER AUTHORIZATIONS.

(A) IN GENERAL.—

(i) Sch determination and any enforcement thereof is made in accordance with section 3.

(II) The term "outfitter authorization" means—

(i) such determination and any enforcement thereof is made in accordance with section 3.

(11) OUTFITTER.—A term that is defined under section 3.
(2) CONDUCT OF OUTFITTED ACTIVITIES.—An authorized outfitter shall not conduct an outfitted activity on Federal land except in accordance with an outfitter authorization.

(3) SPECIAL RULE FOR ALASKA.—With respect to a commercial outfitted activity conducted in the State of Alaska, the Secretary shall not establish or impose a limitation on access by an authorized outfitter that is inconsistent with the access assured under subsections (a) and (b) of section 1101 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3170).

(b) TERMS AND CONDITIONS.—An outfitter authorization shall specify—

(1) the rights and obligations of the authorized outfitter and the Secretary; and

(2) other terms and conditions of the authorization.

(c) CRITERIA FOR AWARD OF AN OUTFITTER PERMIT.—The Secretary shall establish criteria for award of an outfitter permit that—

(1) identify skilled, experienced, and financially capable persons or entities with knowledge of the resource area to offer and conduct outfitted activities; and

(2) provide a stable regulatory climate in accordance with this Act and other law (including regulations) that encourages a qualified person to provide, and to continue to invest in the ability to provide, commercial outfitted activities;

(3) offer a reasonable opportunity for an authorized outfitter to realize a profit; and

(4) subordinate considerations of revenue to the United States to the objectives of—

(A) providing recreational or educational opportunities for the outfitted visitor;

(B) providing for the health and welfare of the public; and

(C) conserving resources.

(1) IN GENERAL.—The Secretary may award an outfitter permit under this Act if—

(A) the commercial outfitted activity to be authorized is not inconsistent with or incompatible with an approved resource management plan applicable to the resource area in which the commercial outfitted activity is to be conducted; and

(B) the authorized outfitter meets the criteria established under subsection (c)(1).

(2) USE OF COMPETITIVE PROCESS.—

(A) IN GENERAL.—Except as otherwise provided by this Act, the Secretary shall use a competitive process to select an authorized outfitter to which an outfitter permit is to be awarded.

(B) EXCEPTION FOR CERTAIN ACTIVITIES.—The Secretary may award an outfitter permit to an applicant without conducting a competitive selection process if the Secretary determines that—

(i) the applicant meets criteria established by the Secretary under subsection (c) and (ii) there is no competitive interest in the commercial outfitted activity to be conducted.

(C) EXCEPTION FOR RENEWALS AND TRANSFERS.—The Secretary shall award an outfitter permit to an applicant without conducting a competitive selection process if the authorization is a renewal or transfer of an outfitter permit to an applicant without conducting a competitive selection process if the term of an outfitter permit shall be specified in the outfitter permit.

(6) REISSUANCE OR RENEWAL.—A limited outfitter authorization may be reissued or renewed at the discretion of the Secretary.

SEC. 7. AUTHORIZATION FEES.

(a) AMOUNT OF FEE.—

(1) IN GENERAL.—An outfitter permit shall provide for payment to the United States of a fee charged for 1 full user day.

(2) TERM.—A limited outfitter authorization shall be issued for a term of not less than 5 years.

(3) REISSUANCE OR RENEWAL.—A limited outfitter authorization may be reissued or renewed at the discretion of the Secretary.

(4) ADJUSTMENT OF FEES.—The amount of the authorization fee paid to the United States for the term of an outfitter permit shall be specified in the outfitter permit.

(b) REQUIREMENTS.—The amount of the authorization fee—

(A)(i) shall be expressed as—

(1) a simple charge per day of actual use; or

(ii) an annual or reasonable flat fee.

(ii) if calculated as a percentage of revenue, shall be determined based on adjusted gross receipts; or

(iii) with respect to a commercial outfitted activity conducted in the State of Alaska, shall be based on a simple charge per user day;

(C) shall be subordinate to the objectives of—

(i) conserving resources;

(ii) protecting the health and welfare of the public; and

(iii) providing reliable, consistent performance in conducting outfitted activities; and

(C) shall be required to be paid by an authorized outfitter to the United States on a reasonable schedule during the operating season.

(2)(A), the sum of authorization fees proportionately assessed per outfitter visitor in a single calendar day for commercial outfitted activities at more than 1 resource area shall not be greater than the equivalent fee charged for 1 full user day.

(c) ECONOMIC CONDITIONS.—In determining the amount of an authorization fee, the Secretary shall take into consideration—

(A) the obligations of the outfitter under the outfitter permit;

(B) the provision of a reasonable opportunity for net profit in relation to capital invested; and

(C) economic conditions.

(d) ESTABLISHMENT OF AMOUNT APPLICABLE TO AN OUTFITTER PERMIT.—

(1) IN GENERAL.—The amount of the authorization fee paid to the United States for the term of an outfitter permit shall be specified in the outfitter permit.

(2) REQUIREMENTS.—The amount of the authorization fee—

(A)(i) shall be expressed as—

(1) a simple charge per day of actual use; or

(ii) an annual or reasonable flat fee.

(ii) if calculated as a percentage of revenue, shall be determined based on adjusted gross receipts; or

(iii) with respect to a commercial outfitted activity conducted in the State of Alaska, shall be based on a simple charge per user day;

(D) shall be subordinate to the objectives of—

(i) conserving resources;

(ii) protecting the health and welfare of the public; and

(iii) providing reliable, consistent performance in conducting outfitted activities; and

(C) shall be required to be paid by an authorized outfitter to the United States on a reasonable schedule during the operating season.

(2)(A)(i), the sum of authorization fees proportionately assessed per outfitter visitor in a single calendar day for commercial outfitted activities at more than 1 resource area shall not be greater than the equivalent fee charged for 1 full user day.

(3)(A) TO A LIMITED OUTFITTER AUTHORIZATION.—

(1) IN GENERAL.—The amount of the authorization fee paid to the United States for the term of an outfitter permit shall be specified in the outfitter permit.

(2) REQUIREMENTS.—The amount of the authorization fee—

(A)(i) shall be expressed as—

(1) a simple charge per day of actual use; or

(ii) an annual or reasonable flat fee.

(ii) if calculated as a percentage of revenue, shall be determined based on adjusted gross receipts; or

(iii) with respect to a commercial outfitted activity conducted in the State of Alaska, shall be based on a simple charge per user day;

(3) ADJUSTED GROSS RECEIPTS.—For the purpose of paragraph (2)(A)(i), the Secretary shall—

(A) take into consideration revenue from the gross receipts of the authorized outfitter from commercial outfitted activities conducted on Federal land; and

(B) exclude from consideration any revenue that is derived from—

(i) fees paid by the authorized outfitter to any unit of Federal, State, or local government for—

(1) hunting or fishing licenses; or

(2) entrance or recreation fees; or

(III) other purposes (other than commercial outfitted activities conducted on Federal land);

(ii) goods and services sold to outfitted visitors that are not within the scope of authorized outfitter activities conducted on Federal land; or

(iii) operations on non-Federal land.

(4) SUBSTANTIALLY SIMILAR SERVICES IN A SPECIFIC GEOGRAPHIC AREA.—

(A) IN GENERAL.—Except as provided in paragraph (3), if an outfitter permit is awarded to conduct the same or similar commercial outfitted activities in the same resource area, the Secretary shall—

(i) establish an identical fee for all such outfitter permits.

(B) EXCEPTION.—The terms and conditions of an existing outfitter permit shall not be modified to open to renegotiation by the Secretary because of the award of a new outfitter permit at the same resource area for the same or similar commercial outfitted activities.

(5) ACTUAL USE.—

(A) IN GENERAL.—For the purpose of calculating an authorization fee for actual use of authorized outfitter services (as defined in section 9(b)(2)(A)), the sum of authorization fees proportionately assessed per outfitter visitor in a single calendar day for commercial outfitted activities at more than 1 resource area shall not be greater than the equivalent fee charged for 1 full user day.

(B) RECONSIDERATION OF FEE.—The authorization fee may be reconsidered during the term of the outfitter permit in accordance with paragraph (6) or section 9(c)(3) at the request of the Secretary or the authorized outfitter.

(6) ADJUSTMENT OF FEES.—The amount of an authorization fee—

(A) shall be determined as of the date of the outfitter permit; and

(B) may be modified to reflect—

(i) changes relating to the terms and conditions of the outfitter permit, including 1 or more outfitter permits described in paragraph (5);

(ii) extraordinary unanticipated changes affecting operating conditions, such as natural disasters, economic conditions, or other material adverse changes from the terms and conditions specified in the outfitter permit; and

(iii) changes affecting operating or economic conditions determined by other governing entities, such as the availability of State fish or game licenses; or

(iv) the imposition of new or higher fees assessed under other law.

(c) ESTABLISHMENT OF AMOUNT APPLICABLE TO A LIMITED OUTFITTER AUTHORIZATION.—

(1) IN GENERAL.—The Secretary shall determine the amount of an authorization fee, if any, under a limited outfitter authorization.

SEC. 8. LIABILITY AND INDEMNIFICATION.

(a) IN GENERAL.—An authorized outfitter shall defend and indemnify the United States for costs or expenses associated with injury, death, or damage to any person or property

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cause the authorized outfitter's negligence, gross negligence, or willful and wanton misconduct for personal injury arising directly out of the authorized outfitter's conduct of a commercial outfitted activity under an outfitter authorization.

(b) No Liability.—An authorized outfitter—

(1) shall have no responsibility to defend or indemnify the United States, its agents, employees, or contractors, or third parties for costs or expenses associated with injury, death, or damage to any person or property caused by the negligence, gross negligence, or willful and wanton misconduct of the United States, its agents, employees, or contractors, or third parties; and

(2) shall not incur liability of any kind to the United States, its agents, employees, or contractors, or third parties as a result of the award of an outfitter authorization or as a result of the conduct of a commercial outfitted activity under an outfitter authorization absent a finding by a court of competent jurisdiction of negligence, gross negligence, or willful and wanton misconduct on the part of the authorized outfitter; and

(3) shall have no responsibility to defend or indemnify the United States, its agents, employees, or contractors, or third parties for costs or expenses associated with injury, death, or damage to any person or property resulting from the inherent risks of the commercial outfitted activity conducted by the authorized outfitter under the outfitter authorization or the inherent risks present on Federal land, or property on the part of the authorized outfitter.

SEC. 9. ALLOCATION OF USE.

(a) General.—In a manner that is not inconsistent with or incompatible with an approved resource management plan applicable to the resource area in which a commercial outfitted activity occurs, the Secretary—

(1) shall provide a principal allocation of outfitter use to an authorized outfitter under an outfitter permit; and

(2) may provide a temporary allocation of outfitter use to an authorized outfitter under an outfitter permit.

(b) Renewals, Transfers, and Extensions.—The Secretary shall provide a principal allocation of outfitter use to an authorized outfitter that—

(1) in the case of the renewal of an outfitter permit, is not inconsistent with or incompatible with the terms and conditions of an approved resource management plan applicable to the resource area, in which the commercial outfitted activity occurs; or

(2) in the case of the transfer or temporary extension of an outfitter permit, is the same amount of principal allocation of outfitter use provided to the current authorized outfitter.

(c) Waiver.—

(1) In General.—At the request of an authorized outfitter, the Secretary may waive any obligation of the authorized outfitter to use all or part of the amount of allocation of use provided under the outfitter permit. If the request is made in sufficient time to allow the Secretary to temporarily reallocate the unused portion of the allocation of use subject to a waiver under paragraph (1).

(2) Reclaming of Allocation of Use.—Unless the Secretary has reallocated the unused portion of an allocation of use in accordance with paragraph (1), the authorized outfitter may reclaim any part of the unused portion in that season or calendar year.

(3) No Fee Obligation.—An outfitter permit fee may not be charged for any amount of allocation of use subject to a waiver under paragraph (1).

(d) Adjustment to Allocation of Use.—The Secretary—

(1) may adjust an allocation of use assigned to an authorized outfitter to reflect—

(A) material change arising from approval of a change in the resource management plan for the area of outfitter use, and

(B) requirements arising under other law; and

(2) shall provide an authorized outfitter, with documentation supporting the basis for any adjustment in the principal allocation of outfitter use, including new terms and conditions that result from the adjustment.

(e) Temporary Use.

(1) In General.—A temporary allocation of use may be provided to an authorized outfitter at the discretion of the Secretary for a period not to exceed 5 years.

(2) Renewals, Transfers, and Extensions.—A temporary allocation of use may be renewed, transferred, or extended at the discretion of the Secretary.

SEC. 10. EVALUATION OF PERFORMANCE UNDER OUTFITTER PERMITS.

(a) Evaluation Process.—

(1) In General.—The Secretary shall develop a process for annual evaluation of the performance of an authorized outfitter in conducting a commercial outfitted activity under an outfitter permit.

(2) Evaluation Criteria.—Criteria to be used by the Secretary to evaluate the performance of an authorized outfitter shall—

(A) be objective, measurable, and reasonably attainable; and

(B) include—

(1) standards generally applicable to all commercial outfitted activities; (ii) standards specific to a resource area, an individual outfitted operation, or a type of commercial outfitted activity; and

(iii) such other terms and conditions of the outfitter permit as may be prescribed by the Secretary and the authorized outfitter as measurements of performance.

(3) Special Rule for Alaska.—With respect to commercial outfitted activities conducted in the State of Alaska, objectives relating to conservation of natural resources and the taking of fish and game shall not be inconsistent with the laws (including regulations) of the Alaska Department of Fish and Game.

(4) Requirements.—In evaluating the level of performance of an authorized outfitter, the Secretary shall—

(A) appropriately account for factors beyond the control of the authorized outfitter, including conditions described in section 7(b)(6)(B); (B) ensure that the effect of any performance deficiency reflected by the performance rating is proportionate to the severity of the deficiency, including any harm that may have resulted from the deficiency; and

(C) allow additional credit to be earned for elements of performance that exceed the requirements of the outfitter permit.

(b) Levels of Performance.—The Secretary shall define 3 levels of performance, as follows:

(1) Good, indicating a level of performance that fulfills the terms and conditions of the outfitter permit.

(2) Marginal, indicating a level of performance that, if not corrected, will result in an unsatisfactory level of performance.

(3) Unsatisfactory, indicating a level of performance that fails to fulfill the terms and conditions of the outfitter permit.

(c) Performance Evaluation.—

(1) Evaluation System.—The Secretary shall establish a performance evaluation system to ensure the public availability of dependable commercial outfitted activities and discontinues any authorized outfitter that fails to meet the required standards.

(2) Procedure.—An authorized outfitter shall be entitled—

(a) to be present, or represented, at inspections of operations or facilities, which inspections shall be limited to the operations and facilities of the authorized outfitter located within the jurisdiction of negligence, gross negligence, or willful and wanton misconduct absent a finding by a court of competent jurisdiction of negligence, gross negligence, or willful and wanton misconduct on the part of the authorized outfitter; and

(3) shall have no responsibility to defend or indemnify the United States, its agents, employees, or contractors, or third parties for costs or expenses associated with injury, death, or damage to any person or property resulting from the inherent risks of the commercial outfitted activity conducted by the authorized outfitter under the outfitter authorization or the inherent risks present on Federal land, or property on the part of the authorized outfitter.

SEC. 11. RENEWAL OR TERMINATION OF OUTFITTER PERMITS.

(a) Renewal at Expiration of Term.—

(1) In General.—The results of all annual performance evaluations of an authorized outfitter shall be reviewed by the Secretary in the year preceding the year in which the outfitter permit expires to determine whether an authorized outfitter's level of performance for a year is determined to be marginal, and the authorized outfitter fails to complete the corrections and provide a reasonable period of time in which the corrections may be made without penalty.

(b) Determination of Eligibility for Renewal.—If an authorized outfitter's level of performance for a year is determined to be unsatisfactory, the Secretary shall not renew the authorization.

(c) Performance Evaluation.—If an authorized outfitter fails to complete the corrections and provide a reasonable period of time in which the corrections may be made without penalty, then the level of performance and the status of corrections that may have been required.

(d) Marginal Performance.—If an authorized outfitter's level of performance for a year is determined to be marginal, and the authorized outfitter fails to complete the corrections within the time period specified in subsection (c)(2)(B), the level of performance shall be determined to be unsatisfactory for the year.

(e) Determination of Eligibility for Renewal.—If an authorized outfitter's level of performance for a year is determined to be unsatisfactory, the Secretary shall not renew the authorization.

(f) Performance Evaluation.—If an authorized outfitter fails to complete the corrections and provide a reasonable period of time in which the corrections may be made without penalty, then the level of performance and the status of corrections that may have been required.

(g) Marginal Performance.—If an authorized outfitter's level of performance for a year is determined to be marginal, and the authorized outfitter fails to complete the corrections within the time period specified in subsection (c)(2)(B), the level of performance shall be determined to be unsatisfactory for the year.

(h) Determination of Eligibility for Renewal.—If an authorized outfitter's level of performance for a year is determined to be unsatisfactory, the Secretary shall not renew the authorization.

(i) Performance Evaluation.—If an authorized outfitter fails to complete the corrections and provide a reasonable period of time in which the corrections may be made without penalty, then the level of performance and the status of corrections that may have been required.

(j) Marginal Performance.—If an authorized outfitter's level of performance for a year is determined to be marginal, and the authorized outfitter fails to complete the corrections within the time period specified in subsection (c)(2)(B), the level of performance shall be determined to be unsatisfactory for the year.

(k) Determination of Eligibility for Renewal.—If an authorized outfitter's level of performance for a year is determined to be unsatisfactory, the Secretary shall not renew the authorization.

(l) Performance Evaluation.—If an authorized outfitter fails to complete the corrections and provide a reasonable period of time in which the corrections may be made without penalty, then the level of performance and the status of corrections that may have been required.

(m) Marginal Performance.—If an authorized outfitter's level of performance for a year is determined to be marginal, and the authorized outfitter fails to complete the corrections within the time period specified in subsection (c)(2)(B), the level of performance shall be determined to be unsatisfactory for the year.

(n) Determination of Eligibility for Renewal.—If an authorized outfitter's level of performance for a year is determined to be unsatisfactory, the Secretary shall not renew the authorization.

(o) Performance Evaluation.—If an authorized outfitter fails to complete the corrections and provide a reasonable period of time in which the corrections may be made without penalty, then the level of performance and the status of corrections that may have been required.

(p) Marginal Performance.—If an authorized outfitter's level of performance for a year is determined to be marginal, and the authorized outfitter fails to complete the corrections within the time period specified in subsection (c)(2)(B), the level of performance shall be determined to be unsatisfactory for the year.

(q) Determination of Eligibility for Renewal.—If an authorized outfitter's level of performance for a year is determined to be unsatisfactory, the Secretary shall not renew the authorization.

(r) Performance Evaluation.—If an authorized outfitter fails to complete the corrections and provide a reasonable period of time in which the corrections may be made without penalty, then the level of performance and the status of corrections that may have been required.
new a an outfitter authorization under para-
graph (a) of this section of the authorized outfitter and subject to the requirements of this Act if the Secretary determines that the authorized outfitter has received not more than 1 unsatisfactory annual performance rating under section 19 during the term of the outfitter permit.

(b) TERMINATION.—An outfitter permit may be terminated only if the Secretary deter-
mined that—

(1) the authorized outfitter has failed to correct a condition for which the authorized outfitter has received notice under section 10(c)(2)(B) and the condition is considered by the Secretary to be significant with respect to the health and welfare of outfitted vis-
itors or the conservation of resources.
(2) the authorized outfitter is repeatedly in arrears in the payment of fees under section 7; or
(3) the authorized outfitter’s conduct demonstrates repeated and willful disregard for—
(A) the health and welfare of outfitted vis-
itors; or
(B) the conservation of resources on which the commercial outfitted activities are con-
ducted.
SEC. 12. TRANSFERABILITY OF OUTFITTER PER-
MITS.
(a) IN GENERAL.—An outfitter permit shall not be transferred (including assigned or oth-
erwise conveyed or pledged) by the author-
ized outfitter without prior written notifica-
tion to, and approval by, the Secretary.
(b) APPROVAL.—

(1) IN GENERAL.—The Secretary shall ap-
prove a transfer of an outfitter permit unless the Secretary determines that the transferee does not have sufficient professional, finan-
cial, administrative, managerial, or business experi-
ce to be capable of performing under the outfitter permit for the remainder of the term of the outfitter permit.
(2) QUALIFIED TRANSFEREES.—Subject to section 6(d)(1), the Secretary shall approve a transfer of an outfitter permit—
(A) to a purchaser of the operation of the authorized outfitter;
(B) at the request of the authorized out-
fitter, to an assignee, partner, or stockholder or other owner of an interest in the operation of the authorized outfitter; or
(C) on the death of the authorized out-
fitter, to an heir or assign.
(c) MODIFICATION OF CONDITION OF AP-
PROVAL.—The terms and conditions of an outfitter permit shall not be subject to modi-
fication or open to renegotiation by the Sec-
retary because of a transfer described in sub-
section (a), unless the terms and conditions of the outfitter permit that is proposed to be transferred have become inconsistent or in-
compatible with an approved resource man-
gement plan for the resource area as a re-
sult of a modification to the plan.
(d) CONSIDERATION PERIOD.—

(1) THRESHOLD FOR AUTOMATIC APPROVAL.—Subject to paragraph (2), if the Secretary fails to approve or disapprove the transfer of an outfitter permit within 90 days after the date of receipt of an application containing the information required with respect to the transfer, the transfer shall be deemed to have been approved.
(2) EXTENSION.—The Secretary and the au-
thorized outfitter making application for transfer of an outfitter permit may agree to extend the period for consideration of the appli-
cation.
(e) CONTINUANCE OF OUTFITTER PERMIT.—If the transfer of an outfitter permit is not ap-
proved, or if the transfer is not subsequently made, the outfitter permit shall remain in effect.

SEC. 13. RECORDKEEPING REQUIREMENTS.
(a) IN GENERAL.—The authorized outfitter shall keep such reasonable records as the Secretary may require to enable the Sec-
retary to determine that all the terms of the outfitter permit have been and are being carried out.
(b) BURDEN ON AUTHORIZED OUTFITTER.—
The recordkeeping requirements established by these regulations do not impose any additional duties on outfitters that do not impose an undue bur-
den on an authorized outfitter.
(c) ACCESS TO RECORDS.—The Secretary, or an authorized representative of the Sec-
retary, shall, until the end of the fifth cal-
endar year beginning after the end of the business year of an authorized outfitter, have access to and the right to examine any books, papers, documents, and records of the authorized outfitter relating to each out-
fitter authorization held by the authorized outfitter during the business year.
SEC. 14. APPEALS AND JUDICIAL REVIEW.
(a) APPEALS PROCEDURE.—The Secretary shall by regulation—

(1) grant an authorized outfitter full access to administrative remedies under the Sec-
retary’s authority at the time of an appeal; and
(2) establish an expedited procedure for consideration of appeals of Federal agency decisions to deny, suspend, fail to renew, or terminate an outfitter permit.
(b) JUDICIAL REVIEW.—In the case of an authorized outfitter that is adversely affected by a final de-
cision of the Secretary under this Act, the outfitter may file suit in the appropriate court.
SEC. 15. INSTITUTIONAL RECREATION PRO-
GRAMS.
(a) IN GENERAL.—The Secretary shall man-
ge the occupancy and use of Federal land by institutional recreation programs that con-
duct outfitted activities under this Act.
(b) REQUIREMENTS.—In managing an insti-
tutional recreation program authorized under this Act, the Secretary shall require that the program—

(1) operate in a manner that is not incon-
sistent with or incompatible with an approved program management plan applicable to the resource area in which the outfitted activity is conducted;
(2) provide for the health and welfare of members of the sponsoring organization or affiliated participants; and
(3) ensure the conservation of resources.
SEC. 16. CONSISTENCY WITH OTHER LAW AND RIGHTS.
(a) CONSISTENCY WITH OTHER LAW.—Each program of outfitted activities carried out on Federal land shall be consistent with the mission of the administering Federal agency and all laws (including regulations) applicable to the out-
fitted activities.
(b) CONSISTENCY WITH RIGHTS OF UNITED STATES.—Nothing in this Act limits or restrains any right, title, or interest of the United States in or to any land or resource.
SEC. 17. REGULATIONS.
Not later than 2 years after the date of en-
actment of this Act, the Secretary shall pro-
mulgate such regulations as are appropriate to carry out the purposes of this Act.
SEC. 18. RELATIONSHIP TO OTHER LAW.
(a) NATIONAL PARK OMNIBUS MANAGEMENT ACT OF 1998.—Nothing in this Act supersedes or otherwise affects any provision of title IV of the National Park Omnibus Management Act of 1998 (16 U.S.C. 5961 et seq.).
(b) STATE OUTFITTER LICENSING LAW.—This Act does not preempt any state or guide licensing law (including any regulation) of any State or territory.
compensation. Meanwhile, a civilian hit by the same truck would have a cause of action against the United States. Under Feres, the limitation on liability for injuries accrued in combat is a bar on liability for claims which arise in the conduct of military operations. But such considerations do not necessitate that military personnel should lose the right to sue the government in tort. For example, in a combat situation, countless judgment calls are made which result in death or injuries to soldiers. We cannot have lawyers and judges second guessing the decisions made by field commanders and combatants in the heat of battle. To perpetuate such a doctrine is to limit the liability of the military or naval forces, or the Coast Guard during time of war. Thus, the Act makes the United States liable for the torts of its employees and agents to the extent that private employers are liable under state law for the torts of their employees and agents.

The Act contains many exceptions to government liability, but it does not contain an explicit exception for injuries sustained by military personnel in combat. Under these circumstances, no conclusion can be drawn about the extent the government will be held liable for injuries sustained "incident to service." Therefore, the Act leaves intact the government's exemption for injuries sustained "incident to service." In fact, one of the Act's exceptions prevents "any claim arising out of the combat activities of the military or naval forces, or the Coast Guard during time of war." By including this exception, Congress clearly contemplated the special case of military personnel and decided that certain limits must be placed on government liability in this context. But by drawing this exception narrowly and limiting it to combat situations, Congress rejected any broad exception to the Feres doctrine in favor of "incident to service." The Supreme Court did far more than interpret our statute when it significantly broadened the limited combat exception provided by Congress. This bill leaves intact the government's exemption for injuries sustained in combat.

The Feres doctrine has been the subject of harsh criticism by some of the leading jurists in the nation. In the 1987 case of United States v. Johnson, a 5 to 4 majority of the Supreme Court held that the Feres doctrine bars suits on behalf of military personnel injured in combat to service even in cases of injuries committed by employees of civil agencies. Justice Scalia wrote a scathing dissent in Johnson, in which he was joined by Justices Brennan, Marshall, and Stevens. Scalia wrote that Feres was "wrongly decided and heartily deserves the widespread, almost universal criticism it has received.

Judge Edward Becker, the Chief Judge of the Third Circuit Court of Appeals, has also spoken out strongly against the Feres doctrine. He has noted that "the scholarly criticism of the doctrine is legion" and has urged the Supreme Court to grant cert. to reconsider Feres. Judge Becker has written to me that given the failure of the Court to overturn Feres thus far, I should introduce legislation doing so.

Even in the Feres opinion itself, the Supreme Court expressed an uncharacteristic doubt about its decision. The justices recognized that they may be misinterpreting the Federal Tort Claims Act. They called upon Congress to correct their mistake if this were the case. The Court wrote:

There are few guiding materials for our task of statutory construction. No committee reports or floor debates disclose what effect the statute was designed to have on the problem before us, or that it even was in mind. Under these circumstances, no conclusion can be above challenge, but if we misinterpret the Act, at least Congress possesses a remedy.

Congress does possess a ready remedy, and I call upon my colleagues to exercise it. The bill I introduce today will eliminate the judicially created Feres doctrine and revive the original framework of the Federal Tort Claims Act. There is no reason to deny compensation to the men and women of our armed services who are injured or killed in domestic accidents or violence outside the heat of combat. I hope that when we resume our business next year my colleagues will join me in supporting and passing this legislation.

ADDITIONAL COSPONSORS

S. 345

At the request of Mr. Edwards, his name was added as a cosponsor of S. 211, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 279

At the request of Mr. McCaskill, the name of the Senator from Tennessee (Mr. Frist) was added as a cosponsor of S. 279, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 345

At the request of Mr. Allard, the names of the Senator from Minnesota (Mr. Grams) and the Senator from West Virginia (Mr. Byrd) were added as cosponsors of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 486

At the request of Mr. Edwards, his name was added as a cosponsor of S. 486, a bill to provide for the punishment of methamphetamine laboratory operators, provide additional resources
to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

At the request of Mr. Hatch, his name, and the name of the Senator from Delaware (Mr. Biden) were added as cosponsors of S. 486, supra.

S. 1020

At the request of Mr. Grassley, the name of the Senator from Montana (Mr. Baucus) 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. 1190

At the request of Mr. McConnell, the names of the Senator from Arizona (Mr. Kyl) and the Senator from Missouri (Mr. Bond) were added as cosponsors of S. 1190, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1197

At the request of Mr. Roth, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 1197, a bill to prohibit the importation of products made with dog or cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur in the United States, and for other purposes.

S. 1297

At the request of Mr. Hatch, the name of the Senator from Wisconsin (Mr. Kohl) was added as a cosponsor of S. 1297, a bill to amend statutory damage provisions of title 17, United States Code.

S. 1300

At the request of Mr. Hatch, the name of the Senator from Virginia (Mr. Robb) was added as a cosponsor of S. 1300, a bill to provide for a study of long-term care needs in the 21st century.

S. 1419

At the request of Mr. McCain, the names of the Senator from Oklahoma (Mr. Nickles), the Senator from Tennessee (Mr. Thompson), and the Senator from Alaska (Mr. Stevens) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as “National Military Appreciation Month.”

S. 1497

At the request of Mr. Wellstone, the name of the Senator from Pennsylvania (Mr. Specter) was added as a co-sponsor of S. 1497, a bill to amend the Public Health Service Act, Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to provide for nondiscriminatory coverage for substance abuse treatment service under private group and individual health coverage.

S. 1500

At the request of Mr. Hatch, the name of the Senator from Wyoming (Mr. Enzi) was added as a cosponsor of S. 1500, a bill to amend title XVIII of the Social Security Act to provide for an additional payment for services provided to certain high-cost individuals under the prospective payment system for skilled nursing facility services, and for other purposes.

S. 1590

At the request of Mr. Craig, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. 1590, a bill to amend title 49, United States Code, to modify the authority of the Surface Transportation Board, and for other purposes.

S. 1668

At the request of Mr. Kerry, the name of the Senator from New York (Mr. Moynihan), was added as a cosponsor of S. 1668, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 1708

At the request of Mr. Moynihan, the name of the Senator from Connecticut (Mr. Dodd) was added as a cosponsor of S. 1708, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to require plans which adopt amendments that significantly reduce future benefit accruals to provide participants with adequate notice of the changes made by such amendments.

S. 1812

At the request of Mr. Warner, the names of the Senator from Nebraska (Mr. Hagel), the Senator from New York (Mr. Moynihan), the Senator from Maine (Ms. Snowe), the Senator from Oregon (Mr. Smith), and the Senator from Connecticut (Mr. Lieberman) were added as cosponsors of S. 1812, a bill to establish a commission on a nuclear testing treaty, and for other purposes.

S. 1823

At the request of Mr. DeWine, the name of the Senator from Iowa (Mr. Grassley) was added as a cosponsor of S. 1823, a bill to revise and extend the Safe and Drug-Free Schools and Communities Act of 1994.

S. 1900

At the request of Mr. Lautenberg, the names of the Senator from Nevada (Mr. Reid), the Senator from Wisconsin (Mr. Feingold), and the Senator from Washington (Mrs. Murray) were added as cosponsors of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1954

At the request of Mr. Bingaman, the name of the Senator from Tennessee (Mr. Frist) was added as a cosponsor of S. 1954, a bill to establish a compensation program for employees of the Department of Energy, its contractors, subcontractors, and beryllium vendors, who sustained beryllium-related illness due to the performance of their duty; to establish a compensation program for certain workers at the Paducah, Kentucky, gaseous diffusion plant; to establish a pilot program for examining the possible relationship between workplace exposure to radiation and hazardous materials and illnesses or health conditions; and for other purposes.

SENATE CONCURRENT RESOLUTION S 21

At the request of Mrs. Feinstein, the name of the Senator from Washington (Mr. Gorton) was added as a cosponsor of Senate Concurrent Resolution S 3, a concurrent resolution condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States and supporting political and civic participation by such individuals throughout the United States.

SENATE RESOLUTION S 118

At the request of Mr. Reid, the name of the Senator from Arkansas (Mrs. Lincoln) was added as a cosponsor of Senate Resolution S 118, a resolution designating December 12, 1999, as “National Children’s Memorial Day.”

SENATE RESOLUTION S 128

At the request of Mr. Cochran, the names of the Senator from Virginia (Mr. Warner) and the Senator from Nevada (Mr. Reid) were added as cosponsors of Senate Resolution S 128, a resolution designating March 2000, as “Arts Education Month.”

SENATE CONCURRENT RESOLUTION 76—EXPRESSING THE SENSE OF CONGRESS REGARDING A PEACEFUL RESOLUTION OF THE CONFLICT IN THE STATE OF CHIAPAS, MEXICO AND FOR OTHER PURPOSES

Mr. Leahy (for himself, Mr. Kennedy, Mrs. Feinstein, Mr. Jeffords, Mr. Torricelli, Mrs. Murray, Mr. Durbin, Mr. Wellstone, Mr. Feingold, Mr. Harkin, Mr. Kerry, Ms. Mikulski, and Mrs. Boxer) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 76

Whereas the United States and Mexico have a long history of close relations and share a wide range of interests;

Whereas a democratic, peaceful and prosperous Mexico is of vital importance to the security of the United States; and

Whereas the United States Government provides assistance and licenses exports of...
November 18, 1999

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 militarily equipment to Mexican security forces to counter-narcotics purposes;

Whereas the Department of State's 1998 Country Report on Human Rights Practices in Mexico stated that a "culture of impunity pervades" Mexico; and

Whereas confrontations in August 1999 between members of the Mexican military and supporters of the Zapatista National Liberation Army (EZLN) in Chiapas, Mexico are reported to have resulted from political tension and violence that has plagued the region for years;

Whereas the conflict has its roots in the poverty and injustice suffered by the indigenous people of Chiapas, and shared by the poor in the neighboring states of Oaxaca and Guerrero;

Whereas the lack of progress in implementing a preliminary peace agreement signed in 1996 and the intimidating level of military force deployed by the Mexican army, paramilitary groups and the EZLN has resulted in the forced displacement of thousands of indigenous people and exacerbated the impoverished conditions in Chiapas;

Whereas on September 14, 1999, the Commission for Peace and Reconciliation in Chiapas of the Conference of Mexican Catholic Bishops urged the Government of Mexico to consider relocating military forces in Chiapas to only those positions absolutely necessary to maintaining the integrity and security of Mexico;

Whereas the Government of Mexico has devoted resources to reduce poverty in Chiapas, but the breakdown in peace negotiations, the involvement of paramilitary forces of the Mexican Government and some indigenous communities have limited the impact of that assistance;

Whereas on September 7, 1999, the Government of Mexico pledged to renew dialogue with the EZLN, support the formation of a new mediation team, and investigate human rights abuses in Chiapas;

Whereas the EZLN has not yet accepted the Government of Mexico's overtures to resume negotiations;

Whereas the summary expulsions of American citizens and human rights monitors from Mexico are inconsistent with the freedoms of association and expression; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Secretary of State should—

(1) take effective measures to ensure that United States assistance and exports of equipment to Mexican security forces—

(A) are used primarily for counter-narcotics purposes; and

(B) are not provided to units of security forces that have been implicated in human rights violations, unless the Government of Mexico is taking effective measures to bring the individuals responsible to justice;

(2) encourage the EZLN and the Government of Mexico to take steps to create conditions for good faith negotiations that address both the security forces and political causes of the conflict in Chiapas, to achieve a peaceful and lasting resolution of the conflict, and to vigorously pursue such negotiations;

(3) commend the Government of Mexico for its renewed commitment to negotiations and for establishing a date for the United Nations High Commissioner for Human Rights to visit Mexico to discuss human rights concerns there;

(4) give a higher priority in discussions with the Government of Mexico to criminal justice reforms that protect human rights, and emphasizing United States concerns about arbitrary detention, torture, extrajudicial killings, and disappearances, by these forces; and

(5) urge the Government of Mexico to implement the recommendations of the Inter-American Commission on Human Rights, particularly with regard to American citizens who have been summarily expelled from Mexico in violation of Mexican law and international law.

Mr. LEAHY. Mr. President, I am today submitting a concurrent resolution expressing the sense of Congress regarding measures to achieve a peaceful settlement of the conflict in the state of Chiapas, Mexico.

This resolution is cosponsored by Senators KENNEDY, FEINSTEIN, JEFFORDS, TORRICELLI, MURRAY, DURBAN, WELLSTONE, BOXER, HARKIN, KERRY, MIKULSKI, and BOXER.

Congresswoman NANCY PELOSI is introducing an identical resolution today in the House of Representatives.

The purpose of this resolution is to convey our support for a peaceful settlement of the conflict in Chiapas that has been simmering since the Zapatista uprising in 1994. Since then, and despite repeated attempts at negotiations, the situation remains tense and prospects for productive dialogue remain remote. In August, armed confrontations between members of the Mexican military and Zapatista supporters in Chiapas was a reminder of the political violence that has plagued the region for years. I submitted a similar resolution just over a year ago and, unfortunately, the situation remains largely unchanged.

This resolution does not attempt to take sides or to dictate an outcome of the conflict, except to say that the situation is not and should not be tolerated by Mexico or the international community. Human rights abuses, including arbitrary detention, torture, and summary execution, have been perpetrated by both the Mexican state and Zapatista supporters in Chiapas. This is a complex situation that must be addressed through negotiation and dialogue.

But despite its complexities, there is no doubt that the indigenous people of Chiapas have been the victims of injustice for centuries. Most do not own any land and they live—as their parents and grandparents did—in abject poverty. The 1994 Zapatista uprising, in which some 150 people died, was a reflection of that injustice and despair, and the political tension and violence of recent years has only exacerbated their plight.

To his credit, President Zedillo has devoted considerable financial resources to address the poverty and lack of basic services in Chiapas. There is reason for optimism, especially for the Zapatistas who struggle every day just to find food and shelter for themselves and their families. They have suffered long enough.

Mr. President, this resolution calls on our Secretary of State to encourage the Mexican Government and the Zapatistas to support negotiations that address the underlying causes of the conflict. It seeks to convey our concern about the political tension and violence in Chiapas.

A stable, peaceful and prosperous Mexico is not only in the best interest...
of all Mexicans, it is also in the economic and security interests of the United States. And, human rights abuses, wherever and however they occur, deserve our attention.

The resolution urges the Secretary of State to ensure that the United States is not contributing to the political violence, by reaffirming current law which limits assistance and export of equipment only to Mexican security forces who are primarily involved in counter-narcotics and other activities. This is also a necessary part of the operation of its programs, and it is our firmly held belief that whenever discrimination occurs in the conduct of a Federal Government program or activity, the responsible Government agencies should take quick and aggressive action to remedy such discrimination.

Whereas the agricultural community has faced a series of hardships, including record low prices, extreme weather disasters, and a shortage of farm loan opportunities;

Whereas additional frustration and financial difficulties caused by an inadequate review process has further imposed undue hardship on the Montana civil rights petitioners;

Whereas the mission of the Office of Civil Rights of the Department of Agriculture requires the Office to facilitate the fair and equitable treatment of customers and employees of the Department for the delivery and enforcement of civil rights programs and activities;

Whereas the Department of Agriculture should be committed to the policy of treating these customers with dignity and respect as well as to providing high quality and timely products and services; and

Whereas an urgent need exists for the Department of Agriculture to resolve certain Montana civil rights discrimination cases, many backlogged, by a date certain in furtherance of the recommendations of the FSA Committee.

Resolved, That it is the sense of the Senate that, not later than March 1, 2000, the Secretary of Agriculture should take other action to resolve, all cases pending on the date of approval of this resolution of alleged civil rights discrimination by the Department of Agriculture against agricultural producers located in the State of Montana.

Mr. BAUCUS. Mr. President, I rise today to submit a sense-of-the-Senate Resolution regarding the urgent need for the U.S. Department of Agriculture to resolve civil rights discrimination cases. On behalf of Senator BURNS, the bill's cosponsor, and myself, I urge the Senate to recognize the urgency of this situation.

Mr. President, there exists a strong public policy against discrimination against minority groups, whether the discrimination is committed by private individuals or by the Government in the operation of its programs, and it is our firmly held belief that whenever discrimination occurs in the conduct of Government programs, the responsible Government agencies should take quick and aggressive action to remedy such discrimination.

I am most concerned that over the past year, such action has not been taken by the U.S. Department of Agriculture's Office of Civil Rights. In fact, many Montana civil rights cases that my office and that of Senator BURNS' office that have been working with are seriously backlogged in the system and have consequently remained unsatisfactorily addressed.

We have worked hard with the Montana Department of Agriculture's Farm Agency to resolve these cases. The Director of the FSA and the State FSA Committee has worked hard to resolve these problems resulting from their participation in lending programs of the Department;

Whereas, a significant number of Montana civil rights petitioners have not received a timely, and equitable resolution of their complaints;

Whereas the agricultural community has faced a series of hardships, including record low prices, extreme weather disasters, and a shortage of farm loan opportunities;

Whereas additional frustration and financial difficulties caused by an inadequate review process has further imposed undue hardship on the Montana civil rights petitioners;

Whereas the mission of the Office of Civil Rights of the Department of Agriculture requires the Office to facilitate the fair and equitable treatment of customers and employees of the Department for the delivery and enforcement of civil rights programs and activities;

Whereas the Department of Agriculture should be committed to the policy of treating these customers with dignity and respect as well as to providing high quality and timely products and services; and

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Whereas, a significant number of Montana civil rights petitioners have not received a timely, and equitable resolution of their complaints;
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this abuse of the civil rights program to resolve these complaints as quickly as possible.

AMENDMENTS SUBMITTED
FURTHER CONTINUING RESOLUTION, 2000

BYRD (AND OTHERS) AMENDMENT
NO. 2780

Mr. BYRD (for himself, Mr. McCONNELL, Mr. ROY, Mr. HAHN, Mr. KING, Mr. EDWARDS, Mr. ROBB, Mr. HATCH, Mr. BENNETT, Mr. MURKOWSKI, Mr. REID, Mr. CRAIG, Mr. BRYAN, Mr. CELLS, Mr. ENZI, Mr. BURNS, Mr. KYL, Mr. BREAUX, Mr. SHELBY, Mr. GRAMM, and Mr. GRAMS) proposed an amendment to the joint resolution (H.J. Res. 82) making further continuing appropriations for the fiscal year 2000, and for other purposes, as follows:

At the appropriate place, insert the following:

SEC. 1. Disposition of excess spoil and coal mine waste.
(a) In General.—Notwithstanding any other provision of law (including any regulation or court ruling), hereafter—
(1) in rendering permit decisions for discharges of spoil and coal mine waste into waters of the United States from surface coal mining and reclamation operations, the permitting authority shall apply section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) and the section 404(b)(1) guidelines pursuant to section 404(b)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1344(b)(1)) and implementing regulations set forth in part 230 of title 40, Code of Federal Regulations (as in effect on October 19, 1999);
(2) the permitted disposal of such spoil or waste meeting the requirements of the section 404(b)(1) guidelines referred to in paragraph (1) shall be deemed to satisfy the criteria for discharge under regulations set forth in sections 816.57 and 817.57 of title 30, Code of Federal Regulations, and applicable State regulations; and
(3) Federal and State water quality standards shall not apply to the portions of waters filled by discharges permitted pursuant to the procedures set forth in paragraphs (1) and (2); all applicable Federal and State water quality standards shall apply to all portions of waters other than those filled pursuant to the permitting procedures set forth in paragraphs (1) and (2).

(b) Duration of Effectiveness.—The permitting procedures specified in subsection (a) shall remain in effect until the later of—
(1) the date that is 2 years after the date of enactment of this Act; or
(2) the effective date of regulations promulgated to implement recommendations made as a result of the environmental impact statement relating to the permitting process, the preparation of which was announced at 64 Fed. Reg. 5880 (February 5, 1999).

(c) Effect of Section.—Nothing in this section modifies, supersedes, undermines, displaces, or amends any requirement of, or regulation issued under, the Federal Water Pollution Control Act (commonly known as the “Clean Water Act”) (33 U.S.C. 1251 et seq.) or the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1271 et seq.), as applied by the responsible Federal agencies on October 19, 1999.

(d) Period of Effectiveness.—Notwithstanding any other provision of law repealing or terminating the effectiveness of this Act, this section shall remain in effect until the date of the termination of the effectiveness of the permitting procedures in accordance with subsection (b).

SEC. 2. Hardrock Mining.
(a) In General.—For the purposes of section 1006(a)(3) of H.R. 3194, enacting H.R. 3194 of the 106th Congress, in lieu of section 357 of title III of H.R. 3423 of the 106th Congress, as introduced on November 17, 1999, regarding the issuance of regulations on hardrock mining, the following shall apply:
(1) Hardrock Mining.—None of the funds made available under this Act or any other Act shall be used by the Secretary of the Interior to promulgate final regulations to revise subpart 3809 of 43, Code of Federal Regulations, except after receipt of the end of the public comment period required by section 3002 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106-114) and final regulations to amend that part that the regulations are consistent with—
(A) the regulatory gap findings identified in the report of the National Research Council entitled “Hardrock Mining on Federal Lands”; and
(B) statutory authorities in effect as of the date of enactment of this Act.
(2) Limitation.—Nothing in this section expands the statutory authority of the Secretary of the Interior in effect as of the date of enactment of this Act.

(b) Period of Effectiveness.—This section—
(1) takes effect 1 day after the date of enactment of this Act; and
(2) notwithstanding any other provision of law repealing or terminating the effectiveness of this Act, this section shall remain in effect until the date of the termination of the effectiveness of the permitting procedures in accordance with subsection (b).

HELMS (AND OTHERS) AMENDMENT
NO. 2781

Mr. LOTT (for Mr. HELMS (for himself, Mr. EDWARDS, and Mr. ROBS) proposed an amendment to the joint resolution, H.J. Res. 82, supra; as follows:

At the appropriate place insert:

COMMODITY CREDIT CORPORATION PRODUCER-OWNED MARKETING ASSOCIATIONS ASSOCIATION FAVORENCE
SEC. 1. The Secretary of Agriculture shall reduce the amount of any principal due on a loan made to a marketing association incorporated in the State of North Carolina for the 1999 crop of an agricultural commodity by at least 75 percent if the marketing association suffered losses of the agricultural commodity in a county with respect to which—(1) a natural disaster was declared by the Secretary for losses due to Hurricane Dennis, Floyd, or Irene; or (2) a major disaster or emergency was declared by the President for losses due to Hurricane Dennis, Floyd, or Irene under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) if the Secretary assigns a grade quality for the 1999 crop of an agricultural commodity marketed by an association described in subsection (a) that is below the base quality of the agricultural commodity, the Secretary shall compensate the association for losses incurred by the association as a result of the reduction in grade quality.

Up to $51,000,000 of the resources of the Commodity Credit Corporation shall be used for the cost of this provision: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) and prevent sequestration of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 2. In administering $50,000,000 in emergency supplemental funding for the Emergency Conservation Program, the Secretary shall give priority to the repair of structures essential to the operation of the farm.

ADDITIONAL STATEMENTS

TRIBUTE TO GRAHAM STILES NEWELL

• Mr. JEFFORDS. Mr. President, it gives me great pleasure to stand before the Senate today and pay tribute to a man who has greatly influenced the cultural maturity of my home state of Vermont. Graham Stiles Newell will be honored as Citizen of the Year by the Vermont Chamber of Commerce on December 4, 1999. Graham has made extraordinary contributions to Vermont
in many areas throughout his life. And he has made his biggest contributions in one area in which I have spent a greatdeal of legislative energy—education.

Graham Newell probably learned to read before he learned to walk. I understand that he first secured a library card at the Saint Johnsbury Athenaeum when he was in the first grade. Since then, he has been passing on his knowledge to anyone willing to learn, and that number is larger than you can imagine. After graduating from the University of Chicago in 1938, he launched an incredible career in education, one that touched three generations of many Vermont families.

Graham has been a leader in Vermont education in both the professional and legislative arenas. In the last seven decades he has been a teacher at the Junior High, High School, and College level, and will undoubtedly keep teaching well into the next millennium. Graham began his teaching career at his alma mater, Saint Johnsbury, in 1938, and remained on the faculty for nine years. From 1945 to 1982 he taught history at Lyndon State College full-time. After “retiring” in 1982, he returned to the Academy to teach Latin, where you will still find him today. He also continued to teach one or two history classes a semester at Lyndon State College until 1996.

Most people consider Latin a dead language, but if you were to enter Graham’s classroom today you would find it to be as alive and enjoyable as ever. A testament to Graham’s teaching skills was demonstrated at the Academy in 1997, when 47 of his 52 Latin students, over 90 percent, made honors on the National Latin Exam, an extraordinary test taken by over 90,000 students across the United States.

Graham’s contributions to education do not end in the classroom. While teaching, he also served in the Vermont Legislature for over 25 years. He was a member and chair of the Vermont Senate Education Committee during the 1960s, helping to create Vermont’s education laws. Indeed, the self-proclaimed Ambassador of the States.

Tribute to Barb Rabe

Mr. KOHL. Mr. President, I rise today to recognize the work of Barb Rabe, who retired after 29 years of service in the Oshkosh School District. She began her career in the Oshkosh School District in 1970 at the Perry Tipler Middle School as a Teachers Assistant, and then transferred to Oakwood Elementary School where she served for the next 27 years. During her years of service, Barb worked for six principals, adapting to each new principal’s style, and was always actively involved in the school. During her tenure the student population grew from 200 to 500. She worked hard at creating partnerships with staff, students and families that would foster collaboration, cooperation and allegiance. Barb’s strong work ethic, energy and enthusiasm will be missed.

While mastering the key elements of organization and flexibility, giving of her time and talent in serving the faculty and students of Oakwood School, and showing love and appreciation for students Mr. Naples’ taught and the athletes he coached attest to his dedication to excellence.

Although his first commitment was to education, his enthusiasm for cross-country and track leave an enduring legacy at Ocean City High School. Mr. Naples’ cross-country record over the last 21 years is 209 victories and 28 losses. His track record is 133 wins and only 8 losses. During his tenure as a track coach, Mr. Naples led the Raiders to two state titles and coached 9 individual state champions.

His greatest moment as a coach came during the 1989 cross-country season, when he inspired his girls’ team to capture the first state title for an Ocean City High School team in 24 years.

Mr. President, it is often difficult to say goodbye to a teacher who has touched the lives of so many people. This is a teacher whose former students are continually back to see him for inspiring them, educating them and, most importantly, caring about them. My deepest respects go to this inductee of the New Jersey Interscholastic Athletic Association.
Hall of Fame. He has left a lasting leg-
acy of high academic standards and ex-
cellence in sports.

NATIONAL ADOPTION MONTH HON-
ORS WEST VIRGINIA ADOPTION
ANGELS

- Mr. ROCKEFELLER. Mr. President, I
take this opportunity to honor three West Virginia
individuals who have recently been
awarded "Adoption Angel" awards by the
Congressional Coalition on Adoption.

Larry and Jane Leech and Judge
Gary Johnson are truly "angels" in
adoPTION.

President Clinton recently pro-
claimed November "National Adoption
Month". It is a good time to re-commit
ourselves to doing all we can to ensure
that all children have the opportunity
to grow up in safe, stable and perma-
nent homes.

During Adoption Month in 1997, the
Adoption and Safe Families Act, a bill
I sponsored, was signed into law. This
act, for the first time ever, made chil-
dren's safety, health and opportunity
for loving, stable families the para-
mount factors to consider when plan-
ing for children in foster care. The act
provided incentive bonuses for states
successful in increasing adoptions.

My state of West Virginia has made
a lot of progress in moving kids out of
foster care and into permanent homes.
When the adoption bonuses for 1999
were announced, I was proud that West
Virginia, because three of our state's
children, Brian, Shawn and Sarah
Keane, had the honor of introducing
President Clinton the day the bonuses
were announced. The 3 Keane children
along with 206 more West Virginia
foster children moved in with their adoptive
families in 1999.

Our state is working hard to increase
public awareness of adoption and chil-
dren needing homes. A quarterly news-
letter, "Open Your Heart, Open Your
Home" features stories of waiting chil-
dren and successful adoptive families.
In May, Dave Thomas came to West
Virginia for the third annual Foster
and Adoptive Parent Recognition Day,
to recognize adoptive parents who pro-
vide homes for children with special
needs.

We have been able to make this
progress largely as a result of the ef-
forts of the individuals who were hono-
ered by the Congressional Coalition on
Adoption, and other dedicated and
hard-working West Virginians like
them. Let me tell you a little about these
"angels".

Larry and Jane Leech have been fos-
ter parents for many years, opening
their home and their hearts to children
in need of both. Working with the West
Virginia Department of Health and
Human Resources, the Leeches adopted
a sibling group of three young boys,
twins age 4 and an older brother, age 6,
in 1998. Now, a year later, the Leeches
are again in the final stages of adopt-
ing another sibling group—this time,
three older girls. Mr. and Mrs. Leech
take their children into their homes.
They have a tremendous amount of
love and a strong commitment to all
nine of their children. Recently, the
Leeches and their children visited the
West Virginia Department of Health
where they were honored by First Lady
Hovah Underwood, for their commit-
tment to children in need.

Judge Gary Johnson believes that all
children in the foster care system de-
nerve permanent homes. As the 28th
Judge Johnson has worked closely with
the West Virginia Department of
Health and Human Resources. He
meets with them quarterly to review
proactive strategies that prevent chil-
ren in West Virginia from achieving permanence in their lives.

Judge Johnson continually increases
his own knowledge of the issues by at-
tending conferences on child welfare.
The progress we have made since the
passage of the 1997 Adoption Act is sig-
ificant. Certainly the 211 West Vir-
ginia children who found families last
year, including the six children who
now call Larry and Jane Leech "Mom"
and "Dad" know that. But over 400
West Virginia children are still waiting
and hoping to be adopted—over 100,000
children in our nation are still waiting
and hoping to be adopted. Too many of
these children are growing up in the
insecurity of foster care. Too many of
them are becoming teenagers without a
permanent family.

And that is why we need "National
Adoption Month". We need opportuni-
ties to honor the angels in adoption
like the Leeches and Judge Johnson.
And we need the opportunity to pub-
licly re-new our commitment to ensur-
ing that all children have the oppor-
tunity for permanent adoptive homes.

I am pleased that the mem-
bers of the Congressional Coalition on
Adoption in honoring more than 50
"Angels of Adoption" from around the
country. I am doubly pleased that 3 of
these angels are from West Virginia.
And I pledge to continue to work on
legislation that will help all of West
Virginia's, and America's foster chil-
dren have the opportunity that the
Leech children now have, the chance
to grow up in a permanent, loving family.

I urge my colleagues to dedicate
themselves to this effort as well.

JEWISH HISTORY IN GREECE

- Mr. SARBANES. Mr. President, in
recent years there has been renewed in-
terest in the early history of the Jew-
ish community in Greece. The Hellenic
and Jewish peoples have had a long
and constructive relationship, and that
interaction has been vital to the founda-
tions of Western civilization.

An important part of this historical
movement is the renewed research on
}
After we left the museum, we visited the two Jewish sites in Rhodes. The first one is on Melidoni Street, immediately across the street from one another. The street is gated and guarded by an armed policeman as a precaution against potential terrorist incidents. We first went to the Beth Shalom synagogue, which is the only actively used synagogue for the 3,500 Jews in Athens today. Ms. Asser introduced us to Rabbi Jacob Jachob who studied in France and Israel, inasmuch as there are no rabbinical schools in Greece. The outside of the building has simple lines and is unadorned. This entrance is typical of the synagogues in Greece, for it is mostly wood paneled and has a warm and comfortable feeling. Directly across the street is the Ianniotiki synagogue, which had been built by Romaniote Jews from Ionnina. It is located on the second floor of the building. The lower floor houses the Athens Jewish community offices. We obtained the key to the synagogue from the office staff and walked through a hallway into a courtyard. The courtyard was fully paved except for a small area from which one large palm tree grew. We walked up the narrow exterior stairs to a walkway, and unlocked the door. This synagogue was smaller and seemed older than the synagogues in Athens. We later learned that it is mostly used for special occasions. It is elegant in its simplicity.

RHODES

We had the opportunity to see one other Jewish site in Greece when we stopped in Rhodes a few days later. We had seen a website for the Jewish Museum of Rhodes before our travels began at www.RhodesJewishMuseum.org. We sought out the island’s synagogue and adjacent museum. Finding the street in the old walled city of Rhodes was not too difficult, as it was clearly labeled and the synagogue was noted on tourist maps. As we walked toward the synagogue and museum, we knew that we were in what had once been the Jewish quarter of the city. We could see Hebrew inscriptions above some of the doorways, signifying houses built by prominent Jewish families. However, many of these buildings appeared to be in a state of disrepair. Unfortunately, we had no information about the buildings and knew virtually nothing about the Jewish community that once existed here.

As we walked through iron gates, that some buildings had interior courtyards with interesting floor patterns formed by smooth black and white stones. In some courtyards, the stone patterns were intact, while in others the patterns were quite deteriorated. We could not find the synagogue itself, but unfortunately, we asked directions from an elderly woman. Lucia Modiano Sulam turned out to be the keeper of the synagogue and was kind enough to guide us to it. She was a Holocaust survivor, with tattooed numbers on her forearm.

We were quite unprepared for what we found when we entered Kahal Shalom synagogue. The synagogue, in very good condition, was more elaborate than the synagogues we had seen in Athens. Crystal chandeliers, wall hangings, and tiles lay on the floor. The mosaic floor inside was made of the same black and white smooth stones that we had seen elsewhere. Here, however, the stones were arranged in more elaborate patterns. Chairs were placed on the two long sides of the interior and the wooden bimah was in the middle of the room.

Just across the synagogue entrance is a courtyard which has a stone mosaic floor. It is well preserved.

We also visited the Jewish Museum of Rhodes, which is the only museum in the island. This is a new museum in its first stage of development. Aron Hasson, a Los Angeles attorney whose family came from Rhodes, founded it. The museum currently consists of one room with walls covered with photographs and other printed materials. When we were there, the museum exhibition consisted of photographs and other printed materials.

TOURISM TO JEWISH SITES IN GREECE

We knew that the Jewish population in Greece had been decimated by the Holocaust, and that only remnants of that once-thriving community remain. As a traveler and tourist, I have been struck by the difficulty in obtaining information about Jewish sites and Jewish history of Greece. I do not understand why one organization or resource does not reference another. Organizations that have websites or access to the Internet should have hypertext links to other Jewish sites, organizations, including e-mail links to facilities that may not yet have a website.

There should be a list of bibliographic references about Jewish community tourism sites in Greece. When we were in the Jewish Museum of Greece shop in Athens, I was stunned to find an English language book about the Jews of Greece (Daims, R., The Jews of Ioannina, Philadelphia, 1992). I purchased the book immediately! Likewise, it was thorough word of mouth from both Yitzhak Kerem (publisher of the electronic newsletter Sefarad) and Elias Messinias (editor of Kol haKEHILLA) that I learned of the fascinating book written by Dr. Michael Matsas entitled The Illusion of Safety; The story of the Greek Jews During the Second World War (New York, 1997). In reading these books and in speaking with both Messinias and Kerem whom I recently met in Jerusalem, I understand that the Greek Jews, unlike Jews in some other parts of Europe, had ample opportunity to flee or hide from the Nazis. In instance after instance the warnings of the catastrophic consequences of not fleeing or hiding were not disseminated, or the seriousness of the situation was minimized. This lack of communication among the communities was poor.

When we visited Rhodes, we stood on its acropolis and clearly saw the Turkish coast only 11 miles away. It was difficult to come to terms with the complacency of the Jewish population of Rhodes in 1944 that resulted in their slaughter. They were among the last Greek Jews to be sent to Auschwitz. By 1944, other communities in Greece had already been eliminated. Safety lay only eleven miles away. The city of Rhodes did not even flee to the island’s countryside. Perhaps a reader can explain this puzzling apparent fact.

The lesson today seems clear. To preserve the remnants of the Greek Jewish heritage, various interested organizations should cooperate with the other. They should use electronic hypertext links to information about one another whenever possible. The Jewish Museum of Greece in Athens should have information about Jewish sites throughout Greece in its offices. Likewise, the Jewish Museum of Rhodes should link to as many Jewish sites throughout Greece as possible. By doing so, Jewish sites throughout Greece should be made available at each of the sites and at Tourist Offices. Never again should the Jewish community be weakened by poor communication among various components. Certainly, not in this age of electronic communications and the Internet. There are some dedicated people working in disparate organizations to preserve and memorialize Greek Jewish sites and culture. Now they need to recognize the gestalt effect that would result from closer cooperation.

We came away from our experience wanting to learn more about the various communities that only existed in the past, and also those which continue to survive. We hope that others will become interested in exploring and preserving Jewish heritage in Greece. The best way to do this and to attract Jewish tourists is to make information about Greek Jewish sites more readily available. We hope that the various organizations and interested parties will work together to that end.

IN RECOGNITION OF THE FOURTH BIRTHDAY OF THE PROVIDENCE GAY MEN’S CHORUS

Mr. REED. Mr. President, I rise today to pay tribute to the Providence Gay Men’s Chorus, which celebrates its fourth anniversary on November 14, 1999. I would like to thank the Chorus for its four years of involvement, during which time the members have shared not only their melodic voices with the citizens of Rhode Island, but also their hopes and ambitions for a better world.

The Providence Gay Men’s Chorus, which began in 1996 as a group of eight, now has 50 members. In addition to their musical talent, one of the attributes that is most unique about the Chorus, and most appreciated, is the group’s mission to promote tolerance. As we know, the real work of fostering support for people with diverse backgrounds and lifestyles usually happens slowly, and within the context of shared activities and community. The Providence Gay Men’s Chorus reaches out with its concerts to expand the bounds of community. By working to create an atmosphere of tolerance and understanding, their work benefits not only the citizens of Rhode Island, but ultimately the entire nation.

I am pleased to make it known that November 14, 1999 was not only the fourth anniversary of the Chorus, but also was declared Providence Gay Men’s Chorus Day in the State of Rhode Island. Mr. President, I ask that a congratulatory proclamation be printed in the CONGRESSIONAL RECORD.

I join in the chorus of voices supporting the Providence Gay Men’s Chorus’ dual mission of creating beautiful music and promoting mutual respect and understanding. I know this talented musical group will continue its good work and I wish them many, many more birthdays.

The proclamation follows:
Mr. JEFFORDS. Mr. President, I am proud to stand before my colleagues today and pay tribute to a couple who have so positively influenced the people of Washington County, Vermont over the course of their lives and who, Bill and Olene Doyle will be honored as the Washington County Citizens of the Year by the Green Mountain Council of Boy Scouts on November 22nd, 1999.

My old friend Bill Doyle has navigated his career as a teacher, politician, and author. Since 1958, he has been teaching history and government at Johnson State College. In 1968, he was elected to serve as one of Washington County’s three State Senators, a role in which he has thrived for over three decades. As a skilled teacher and a master of the Vermont political rules, Bill has been an invaluable mentor and mediator in the Vermont State House. Bill has written two books, including The Vermont Political Tradition, which is regarded by many to be a must-read of the Vermont political history. He has also taken his passion for government and politics and created the annual “Doyle Poll,” our yearly gauge of public opinion on the hottest and sometimes most controversial issues facing Vermonters. While admittedly unscientific, the poll’s results are soundly reflective of Vermont sentiment.

As the son of an art teacher, I have always held a deep respect for the arts and for those who are able to inspire creativity in our nation’s young people. Olene Doyle has taught art in elementary, secondary, and higher education institutions in the central Vermont region. Her dedication to arts and education led her to volunteer positions on the local school board in Montpelier, as well as on the board of the Wood Art Gallery, where, incidentally, I now hold the annual Congressional Arts Competition.

Bill and Olene Doyle have raised three wonderful children. However, they have never stopped teaching as evidenced by their ongoing community service and involvement in their local church and non-profit organizations. Given the countless hours they dedicate to community service, it is noteworthy that the couple finds the time to pursue personal hobbies such as golf and gardening. While I have never had the privilege of seeing the Doyle gardens, I have been told they are a vibrant reflection of the couple’s creativity in our nation’s young people.

TRIBUTE TO WILLIAM AND OLENE DOYLE

- Mr. JEFFORDS.
- Mr. Kennedy.

BRETT WAGNER ON RUSSIAN NUCLEAR MATERIALS

Mr. Wagner. Mr. President, it is important that we remember how vital our nuclear nonproliferation programs with Russia are to our national security. That’s why I was pleased, in recent weeks, to see two articles by Brett Wagner in the San Francisco Chronicle and in the Wall Street Journal, which I would like to submit for the Record.

Brett Wagner is the president of the California Center for Strategic Studies, and his articles bring much needed attention to an essential aspect of our nuclear nonproliferation policy—to ensure that Russian weapons-grade, highly-enriched uranium does not fall into the wrong hands. We need to live up to our commitment with Russia and strengthen our chemical, nuclear, and biological nonproliferation programs with that nation. Our future could well depend on it.

I believe that Mr. Wagner’s articles will be of interest to all of us in Congress who care about these issues, and I ask that they be printed in the Record.

The articles follow:

(From the San Francisco Chronicle, Oct. 22, 1999)

U.S. MUST MOVE QUICKLY TO BUY RUSSIA’S EXCESS NUKES

(By Brett Wagner)

Without a doubt, what’s been most frustrating about being a national security specialist in the 1990s has been urging that the United States buy the hundreds of tons of undersecured excess weapon-grade uranium scattered across Russia. I’ve repeatedly heard in response that this could never happen in the real world because of Washington’s ever-presenting struggle to balance the federal budget.

My, how things change.

Today, Washington is awash in an unprecedented trillion-dollar budget surplus—a surplus expected to surpass $100 billion in the next fiscal year alone.

Politicians from both major parties arebusy, of course, debating what to do with all the extra money. Unfortunately, neither party has even mentioned Russia’s offer to sell its enormous stockpiles of excess weapon-grade uranium to the United States as quickly as possible in exchange for badly needed hard currency.

Congressional and presidential priorities aside, it’s hard to imagine a better time to reconsider this issue.

By now, almost everyone who reads the newspaper or watches the evening news knows that Russia has yet to develop any reliable means of securing its enormous stockpiles of weapon-grade uranium and plutonium, and doesn’t even have an accounting system capable of keeping track of them.

And as the media often remind us, these materials have already begun leaking into the illicit—troubling news, to say the least, considering that:

- The blueprints and non-nuclear components necessary to build crude but highly effective nuclear weapons are already widely available;
- It only takes 20 or 30 pounds of highly enriched uranium to arm a device capable of leveling a city the size of downtown Washington;
- Rogue states and terrorist groups openly hostile to the United States have already attempted several times to purchase nuclear warheads or materials from Russian nuclear weapons.

There is no reliable way of keeping a nuclear weapon or contraband from being smuggled into U.S. territory if it ever does fall into the wrong hands.

What most people don’t seem to remember, however, is that for several years now Russia has been trying to sell these same undersecured stockpiles of highly enriched uranium to the United States for use as nuclear fuel in commercial power plants, and that’s more, that an agreement designed to help prevent this goal was signed by President Clinton and Russian leader Boris Yeltsin in February 1993.
Unfortunately, that agreement is a full year behind schedule. By the end of 1993, the agreement’s stated deadline, Russia had shipped only 50.3 tons of highly enriched uranium—less than $20 billion. And since the U.S. government has shipped only 50.3 tons short of the agreement’s stated goal by this point.

One major holdup has been the U.S. enrichment Corp., a recently privatized company selected by the U.S. government to implement the agreement. It has resisted accepting delivery of Russia’s enriched uranium because, among other reasons, it claims that the materials are not pure enough for its processes. But the corporation has a fundamental conflict of interest. Since it also produces enriched uranium, it wants to limit Russian competition in the international market.

The question is: How long do we have before we run out of luck? How long before some of Russia’s uranium winds up in the hands of terrorists like Osama bin Laden regimes like Saddam Hussein’s?

Washington should switch the power of executive agent from the U.S. Enrichment Corp. to the Department of Energy. Given that most of the delays in implementing the agreement have stemmed from America’s insistence that the highly enriched uranium be blended down into nuclear fuel in Russia, Washington should reverse this policy and accept Moscow’s offer to ship its unshared enrichment directly to the U.S.

As soon as the agreement gets back on track, Washington should ask Moscow to expand it to include all of Russia’s excess weapons-grade uranium, not to mention its excess plutonium. It should also ask Moscow to purchase one stockpile of unsecured fissile material while leaving others in jeopardy.

The price tag for such a deal would be remarkably low. The cost of purchasing 500 tons of Russia’s highly enriched uranium, the quantity covered in the agreement, is approximately $3 billion. Beyond what the agreement covers, Moscow has some 700 tons of additional weapons-grade uranium it has deemed “excess.” That would increase the price to around $19 billion. And for an additional $3 billion, Moscow would probably throw in its excess weapons-grade plutonium, which has also being to sell for use as nuclear fuel.

With Russian parliamentary elections scheduled for later this year and a presidential election next June—which may well bring in a government less friendly to the Administration—Mr. Yeltsin’s— time to act is now rather than later.

MORNING BUSINESS

Mr. MURKOWSKI. I ask consent that the PRESIDING OFFICER. Without objection, it is so ordered.


I also think it is worth recognizing 23 of our colleagues who have actively signaled their intention to protect motorists in their state and throughout the nation by formally supporting S. 655. Senators McCain, Breau, Sessions, Murkowski, Shelby, Inhofe, Grams, Thomas, Roberts, Hatch, Thompson, Enz, Kitty, and Hutchinson are to be commended for cosponsoring this important consumer protection measure.

The American Automobile Association represents over 40 million drivers. It is a nonpartisan organization that champions the interests of the driving public in virtually every city, county, and state across this great land. AAA supports S. 655 because it shares my belief that national standards for titling salvage, rebuilt salvage, non-repairable, and flood damaged vehicles will help protect the fraudulent sale of damaged vehicles and protect consumers from unknowingly purchasing them. Mr. President, I ask unanimous consent to

Congressional Record—Senate November 18, 1999

NUKES FOR SALE

By Brett Wagner

Strangely absent from the debate over how to spend Washington’s projected $1 trillion surplus has been any discussion of Russia’s longstanding offer to sell its stockpiles of excess weapons-grade uranium. The time has come to take Russia up on this offer.

Russia has never developed a reliable system for protecting the enormous stockpiles of weapons-grade uranium and plutonium it inherited from the Soviet Union. These stockpiles are often stored in makeshift warehouses, some protected only by $5 combination locks and soldiers who occasionally desert their posts. Small caches of these nuclear materials have already begun leaking out of Russia. It would only take 20 or 30 pounds of highly enriched uranium to arm a device capable of leveling a city the size of lower Manhattan.

In February 1993 Presidents Clinton and Boris Yeltsin signed an agreement for Russia to sell the U.S. highly enriched uranium extracted from its dismantled nuclear warheads in exchange for hard currency. Russia is currently dismantling thousands of warheads. War is a success weapon-grade uranium. The time has come for Washington to pick up steam, and with the possibility of a presidential election next June—which may well bring in a government less friendly to the Administration—Mr. Yeltsin’s—the time to act is now rather than later.

NUKES: Russia has never developed a reliable system for protecting the enormous stockpiles of weapons-grade uranium and plutonium it inherited from the Soviet Union. These stockpiles are often stored in makeshift warehouses, some protected only by $5 combination locks and soldiers who occasionally desert their posts. Small caches of these nuclear materials have already begun leaking out of Russia. It would only take 20 or 30 pounds of highly enriched uranium to arm a device capable of leveling a city the size of lower Manhattan.

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print AAA’s letter of support for S. 655 in the RECORD.

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

[AAA Washington Office, Washington, DC, November 17, 1999]

Hon. Trent Lott,
Majority Leader, U.S. Senate, Washington, DC.

Dear Senator Lott: As a representative of 42 million motorists, AAA appreciates your effort to establish more uniformity in the titling and registration of salvage and other damaged vehicles.

AAA shares your concern about the practice of unscrupulous individuals buying damaged vehicles at low cost, rebuilding them, and then retitling them in another state with loss or no protections. A “washed” title does not disclose previous damage to a vehicle and therefore, subsequent purchasers have no knowledge of the damage. Unwitting consumers are the victims of such fraudulent practices.

In an effort to help AAA members avoid the pitfalls of buying damaged or rebuilt vehicles, AAA provides tips on ways to identify damaged or rebuilt vehicles. AAA also recommends that consumers have used cars checked for safety and reliability by a reputable auto technician before they purchase the vehicle.

Minimum standards for titling salvage, rebuilt salvage, non-repairable and flood-damaged vehicles will help prevent the fraudulent sale of damaged vehicles and protect consumers from unknowingly purchasing them. However, because states often have unique and various problems relating specifically to vehicles, AAA believes the states should be provided flexibility to enact stricter standards that address individual state concerns as your bill allows.

S. 655 represents an important step toward addressing the problem, while recognizing the legitimate role states have in motor vehicle licensing and titling laws. AAA commends you and your staff for working with all parties to craft a workable solution and is pleased to support your bill.

Sincerely,

SUSAN G. PIKILLADAS,
Interim Vice President,
Public & Governmental Affairs.

Mr. LOTT. Mr. President, my goal from the outset has been to protect used car buyers from title fraud. The solution I proposed was simple, straightforward, and modeled after the recommendations of the Motor Vehicle Titling, Registration, and Salvage Advisory Committee. S. 655 merely establishes model uniform definitions and disclosure requirements for four basic terms: salvage; rebuilt salvage; flood; and nonrepairable vehicles. Under the legislation reported out by the Senate Commerce Committee, states would be free to utilize additional terms and to provide additional disclosure provisions beyond those provided for in this bill. States that choose to adopt the four uniform terms and related provisions would be eligible for incentive grants. No state would be penalized for nonparticipation or for retaining different standards.

While there is substantial and broad support for this much needed legislation, there continues to be resistance moving forward with this legislation in the Senate. Unfortunately, this resistance has the effect of allowing unsuspecting car buyers to purchase and drive potentially life-threatening vehicles. Delaying this legislation will cost used car buyers another $4 billion this year and place millions of structurally unsafe vehicles back on America’s roads and highways. Roads that our family, friends, and neighbors share every day.

Even though S. 655 has wide-spread support and follows the recommendations of the Congressionally-chartered Salvage Advisory Committee, a few groups have attempted to undermine this measure at every stage of the process. Unfortunately, these groups seemed to have convinced some of my colleagues that it is better to delay the implementation of stricter consumer protections and continue to press for the imposition of untried, untested and in many cases anti-consumer requirements. Requirements that states have rejected time and again. Provisions that focus on post-purchase redress rather than pre-purchase disclosure. Definitions and standards that would pervert confusion rather than promote uniformity among the states, undermining the very purpose of this legislation. These groups claim to have the interests of consumers in mind, yet the best representative of car-buying consumers, the American Automobile Association, has rejected their approach and supports passage of S. 655.

As I am sure my colleagues will agree, advancing titling definitions and standards that states have rejected, and will continue to reject, will only exacerbate title fraud. Such an approach only benefits those who prey on unsuspecting car buyers and would jeopardize the minimum standards required to make the program work, unnecessarily harm many vehicle owners and buyers by needlessly reducing the value of their vehicles, create unreasonable or untested standards, foster unnecessary litigation, impinge on states rights, and promote a scheme that states will reject.

During the 104th and 105th Congresses, this was a bipartisan, better regulatory reform initiative. My only interest has been to protect consumers by encouraging the use of minimal uniform disclosure standards for severely damaged vehicles—those involved in a serious accident, severely damaged by falling objects, or vehicles that have sustained significant and lingering water damage. Whether the used car buyer is in Mississippi, California, Nevada, Minnesota, or in any other state, he or she needs the pre-purchase disclosure information that S. 655 would provide.

I have made every effort to reach consensus on this legislation. In that vein, a number of changes were incorporated throughout the legislative process to address the concerns of State attorneys general, certain consumer groups, and other colleagues. The latest version of this legislation incorporates the full range of changes that DMV administrators, including California’s Administrator, believe are practicable. The substitute makes it very clear that there is no preemption of state law. The substitute also mirrors much of the State of California’s current titling requirements, ensuring that minimal change will be required by our largest state should it choose to apply for the bill’s grant monies.

Mr. President, even though I have made numerous compromises on this legislation, the goal post continues to move further away. Instead of gaining acceptance, I was recently presented with yet another round of proposed modifications. AAMVA reviewed these proposed changes and determined they would eviscerate the purpose of this legislation. AAMVA opposes these additional changes because they could potentially harm the very people this legislation aims to protect. AAMVA, Secretaries of State, local and state law enforcement, state legislators, and the automotive and insurance industries have repeatedly pronounced their support for S. 655. AAA and the California DMV also agree that my substitute bill is the right legislative solution.

Mr. President, if we do not pass this legislation, the real loser is the unfortunate used car buyer in these and other states who unknowingly purchases a wreck on wheels, perhaps a previously totaled government crash test vehicle. Every day that Congress fails to act on this prudent title branding legislation, thousands of individuals are harmed and millions of dollars are lost to the unscrupulous practice of title laundering. Let’s pass this bill now.

S. 1949

Mr. LEAHY. Mr. President, I ask unanimous consent that the text of the bill, S. 1949, the “Clean Power Plant and Modernization Act,” introduced on November 18, 1999, be printed in the RECORD.

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

S. 1949

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 "Clean Power Plan and Modernization Act of 1999".
(b) Table of Contents—The table of contents of this Act is as follows:

Sec. 1. Title: title of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Combustion heat rate efficiency standards for fossil fuel-fired generating units.
Sec. 5. Air emission standards for fossil fuel-fired generating units.
Sec. 6. Extension of renewable energy production credit.
Sec. 7. Megawattage credits.
Sec. 8. Clean Air Trust Fund.
Sec. 9. Accelerated depreciation for investor-owned generating units.
Sec. 10. Grants for publicly owned generating units.
Sec. 11. Recognition of permanent emission reductions in future climate change implementation programs.
Sec. 12. Renewable and clean power generation technologies.
Sec. 13. Clean coal, advanced gas turbine, and combined heat and power demonstration programs.
Sec. 14. Evaluation and implementation of this Act and other statutes.
Sec. 15. Assistance for workers adversely affected by reduced consumption of coal.
Sec. 16. Community economic development incentives for communities adversely affected by reduced consumption of coal.
Sec. 17. Carbon sequestration.

SEC. 2. FINDINGS AND PURPOSES.
(a) Findings.—Congress finds that—
(1) the United States is relying increasingly on old, needlessly inefficient, and highly polluting powerplants to provide electricity;
(2) the pollution from those powerplants causes a wide range of health and environmental damage, including—
(A) fine particulate matter that is associated with the deaths of approximately 50,000 Americans annually;
(B) urban ozone, commonly known as "smog", that interferes with normal respiratory functions and is of special concern to individuals afflicted with asthma, emphysema, and other respiratory ailments;
(C) rural ozone that obscures visibility and damages forests and wildlife;
(D) acid deposition that damages estuaries, lakes, rivers, and streams (and the plants and animals that depend on them for survival) and leaches heavy metals from the soil;
(E) mercury and heavy metal contamination that renders fish unsafe to eat, with especially serious consequences for pregnant women and their fetuses;
(F) eutrophication of estuaries, lakes, rivers, and streams, and other residential areas;
(G) global climate change that may fundamentally and irreversibly alter human, animal, and plant life;
(3) tax laws and environmental laws—
(A) provide a very strong incentive for electric utilities to keep old, dirty, and inefficient generating units in operation; and
(B) provide strong disincentive to investing in new, clean, and efficient generating technologies;
(4) fossil fuel-fired power plants, consisting of plants fueled by coal, fuel oil, and natural gas, produce nearly two-thirds of the electricity generated in the United States;
(5) since, according to the Department of Energy, consumption increased from 8.9 trillion Btu in 1973 to 11.3 trillion Btu in 1996, an increase of 26 percent;
(6) energy technologies exist to increase the combustion heat rate efficiency of coal combustion from 35 percent to 50 percent above current levels, and technological advances are possible that would boost the net combustion heat rate efficiency even more;
(7) coal-fired power plants are the leading source of greenhouse gas emissions in the United States, releasing an estimated 52 tons of this potent neurotoxin each year;
(8) in 1996, fossil fuel-fired power plants in the United States produced over 2,000,000,000 tons of carbon dioxide, the primary greenhouse gas;
(9) on average—
(A) fossil fuel-fired power plants emit 1,990 pounds of carbon dioxide for every megawatt-hour of electricity produced;
(B) coal-fired power plants emit 2,110 pounds of carbon dioxide for every megawatt-hour of electricity produced; and
(C) coal-fired power plants emit 205 pounds of carbon dioxide per million British thermal units of fuel consumed;
(10) the average fossil fuel-fired generating unit in the United States commenced operation in 1964, 6 years before the Clean Air Act (42 U.S.C. 7401 et seq.) was amended to establish requirements for stationary sources;
(11) according to the Department of Energy, only 23 percent of the 1,000 largest emitting units are subject to stringent new source performance standards under section 111 of the Clean Air Act (42 U.S.C. 7411); and
(12) the remaining 77 percent, commonly referred to as "grandfathered" power plants, are subject to much less stringent requirements;
(13) women and their developing fetuses, women of childbearing age, and children are most mercury-related health impacts such as neurotoxicity;
(14) although exposure to mercury and mercury compounds occurs most frequently through consumption of mercury-contaminated fish, such exposure can also occur through—
(A) ingestion of breast milk;
(B) ingestion of drinking water, and foods other than fish, that are contaminated with methyl mercury; and
(C)ermal uptake through contact with soil and water;
(15) the report entitled "Merry Study Report to Congress" and submitted by the Environmental Protection Agency under section 112(n)(1)(B) of the Clean Air Act (42 U.S.C. 7412(n)(1)(B)), in conjunction with other scientific knowledge, supports a plausible link between mercury emissions from combustion of coal and other fossil fuels and mercury concentrations in air, soil, water, and sediments;
(16) the Environmental Protection Agency report described in paragraph (15) supports a plausible link between mercury emissions from combustion of coal and other fossil fuels and methyl mercury concentrations in freshwater fish;
(B) in 1997, 39 States issued health advisories that warned the public about consuming mercury-tainted fish, and as compared to 27 States that issued such advisories in 1993, and
(17) pollution from powerplants can be reduced through adoption of modern technologies and practices, including—
(A) methods ofcombusting coal that are intrinsically more efficient and less polluting, such as pressurized fluidized bed combustion and an integrated gasification combined cycle system;
(B) methods ofcombusting cleaner fuels, such as gasses from fossil and biological resources and combined cycle turbines;
(c) the number of mercury advisories nationwide increased from 89 in 1993 to 1,675 in 1996, an increase of 86 percent.

(b) Purposes.—The purposes of this Act are—
(1) to protect and preserve the environment while safeguarding health by ensuring that each fossil fuel-fired generating unit that minimizes air pollution to levels that are technologically feasible through modernization and application of pollution controls;
(2) to greatly reduce the quantities of mercury, carbon dioxide, sulfur dioxide, and nitrogen oxides entering the environment from combustion of fossil fuels;
(3) to permanently reduce emissions of those pollutants by increasing the combustion heat rate efficiency of fossil fuel-fired generating units to levels achievable through—
(A) use of commercially available combustion technology, including clean coal technologies such as pressurized fluidized bed combustion and combined cycle systems; and
(B) to increase use of renewable and clean energy sources such as biomass, geothermal, solar, wind, and fuel cells; and
(4) to permanently reduce emissions of those pollutants by increasing the combustion heat rate efficiency of fossil fuel-fired generating units to levels achievable through—
(A) use of commercially available combustion technology, including clean coal technologies such as pressurized fluidized bed combustion and combined cycle systems; and
(B) to increase use of renewable and clean energy sources such as biomass, geothermal, solar, wind, and fuel cells; and
(5) to establish the Clean Air Trust Fund to fund the training, economic development, carbon sequestration, and research, development, and demonstration programs established under this Act;
(6) to eliminate the "grandfather" loophole in the Clean Air Act relating to sources in operation before the promulgation of standards under section 111 of that Act (42 U.S.C. 7411);
(7) to express the sense of Congress that permanent reductions in emissions of greenhouse gases that are accomplished through the retirement of old units and replacement by new units that meet the combustion heat
rate efficiency and emission standards specified in this Act, each fossil fuel-fired generating unit shall be required to achieve the following emission limitations:

(a) MERCURY.—Each coal-fired or fuel oil-fired generating unit shall be required to remove 95 percent of the mercury contained in the flue gas, calculated in accordance with subsection (c).

(b) NATURAL GAS-FIRED GENERATING UNITS.—Each natural gas-fired generating unit shall be required to achieve an emission rate of not more than 0.15 pounds of nitrogen oxides per million British thermal units of fuel consumed.

(c) COAL-FIRED GENERATING UNITS.—Each coal-fired generating unit shall be required to achieve an emission rate of not more than 1.3 pounds of carbon dioxide per kilowatt hour of net electric power output.

(d) FUEL OIL-FIRED GENERATING UNITS.—Each fuel oil-fired generating unit shall be required to remove 90 percent of the nitrogen oxides contained in the flue gas, calculated in accordance with subsection (c).

(e) SULFUR DIOXIDE.—Each fossil fuel-fired generating unit shall be required—

(A) to remove 90 percent of the sulfur dioxide that would otherwise be present in the flue gas; and

(B) to achieve an emission rate of not more than 0.3 pounds of sulfur dioxide per million British thermal units of fuel consumed.

(f) PERMIT REQUIREMENT.—Not later than 10 years after the date of enactment of this Act, each generating unit shall have a permit issued under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) that requires compliance with the following emission standards:

(1) ALL FOSSIL-FUELED GENERATING UNITS.—Each fossil fuel-fired generating unit shall be required to achieve an emission rate of not more than 0.4 pounds of carbon dioxide per kilowatt hour of net electric power output.

(2) COAL-FIRED GENERATING UNITS.—Each fossil fuel-fired generating unit shall be required to remove 90 percent of the sulfur dioxide contained in the flue gas, calculated in accordance with subsection (a)(2).

(3) EFFECT OF WAIVER.—If the Administrator determines that the generating unit shall be required to achieve and maintain, at all operating levels, the combustion heat rate efficiency standard specified in subsection (a)(2), the Administrator shall, in its discretion, issue a waiver to the generating unit to achieve an emission rate of not more than 1.2 pounds of carbon dioxide per kilowatt hour of net electric power output.

(4) COAL-FIRED GENERATING UNITS.—Each coal-fired generating unit shall be required to achieve an emission rate of not more than 1.4 pounds of carbon dioxide per kilowatt hour of net electric power output.

(5) SULFUR DIOXIDE.—Each fossil fuel-fired generating unit shall be required—

(A) to remove 95 percent of the sulfur dioxide that would otherwise be present in the flue gas; and

(B) to achieve an emission rate of not more than 0.15 pounds of nitrogen oxides per million British thermal units of fuel consumed.

(c) EMISSION RATES FOR SOURCES REQUIRED TO MAINTAIN 45 PERCENT EFFICIENCY.—Not later than 10 years after the date of enactment of this Act, each generating unit shall have a permit issued under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) that requires compliance with the following emission standards:

(1) MERCURY.—Each coal-fired or fuel oil-fired generating unit shall be required to remove 95 percent of the mercury contained in the flue gas, calculated in accordance with subsection (c).

(2) NATURAL GAS-FIRED GENERATING UNITS.—Each natural gas-fired generating unit shall be required to achieve an emission rate of not more than 0.15 pounds of nitrogen oxides per million British thermal units of fuel consumed.

(d) EMISSION RATES FOR SOURCES REQUIRED TO MAINTAIN 50 PERCENT EFFICIENCY.—Not later than 10 years after the date of enactment of this Act, each generating unit shall have a permit issued under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) that requires compliance with the following emission standards:

(1) MERCURY.—Each coal-fired or fuel oil-fired generating unit shall be required to remove 90 percent of the mercury contained in the flue gas, calculated in accordance with subsection (c).

(2) NATURAL GAS-FIRED GENERATING UNITS.—Each natural gas-fired generating unit shall be required to achieve an emission rate of not more than 0.3 pounds of sulfur dioxide per million British thermal units of fuel consumed.

(e) EMISSION RATES FOR SOURCES REQUIRED TO MAINTAIN 60 PERCENT EFFICIENCY.—Not later than 10 years after the date of enactment of this Act, each generating unit shall have a permit issued under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) that requires compliance with the following emission standards:

(1) MERCURY.—Each coal-fired or fuel oil-fired generating unit shall be required to remove 90 percent of the mercury contained in the flue gas, calculated in accordance with subsection (c).

(2) NATURAL GAS-FIRED GENERATING UNITS.—Each natural gas-fired generating unit shall be required to achieve an emission rate of not more than 0.15 pounds of nitrogen oxides per million British thermal units of fuel consumed.

(f) EMISSION RATES FOR SOURCES REQUIRED TO MAINTAIN 70 PERCENT EFFICIENCY.—Not later than 10 years after the date of enactment of this Act, each generating unit shall have a permit issued under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) that requires compliance with the following emission standards:

(1) MERCURY.—Each coal-fired or fuel oil-fired generating unit shall be required to remove 90 percent of the mercury contained in the flue gas, calculated in accordance with subsection (c).

(2) NATURAL GAS-FIRED GENERATING UNITS.—Each natural gas-fired generating unit shall be required to achieve an emission rate of not more than 0.15 pounds of nitrogen oxides per million British thermal units of fuel consumed.

(g) EMISSION RATES FOR SOURCES REQUIRED TO MAINTAIN 80 PERCENT EFFICIENCY.—Not later than 10 years after the date of enactment of this Act, each generating unit shall have a permit issued under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) that requires compliance with the following emission standards:

(1) MERCURY.—Each coal-fired or fuel oil-fired generating unit shall be required to remove 90 percent of the mercury contained in the flue gas, calculated in accordance with subsection (c).

(2) NATURAL GAS-FIRED GENERATING UNITS.—Each natural gas-fired generating unit shall be required to achieve an emission rate of not more than 0.15 pounds of nitrogen oxides per million British thermal units of fuel consumed.

(h) EMISSION RATES FOR SOURCES REQUIRED TO MAINTAIN 90 PERCENT EFFICIENCY.—Not later than 10 years after the date of enactment of this Act, each generating unit shall have a permit issued under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) that requires compliance with the following emission standards:

(1) MERCURY.—Each coal-fired or fuel oil-fired generating unit shall be required to remove 90 percent of the mercury contained in the flue gas, calculated in accordance with subsection (c).

(2) NATURAL GAS-FIRED GENERATING UNITS.—Each natural gas-fired generating unit shall be required to achieve an emission rate of not more than 0.15 pounds of nitrogen oxides per million British thermal units of fuel consumed.

(i) EMISSION RATES FOR SOURCES REQUIRED TO MAINTAIN 95 PERCENT EFFICIENCY.—Not later than 10 years after the date of enactment of this Act, each generating unit shall have a permit issued under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) that requires compliance with the following emission standards:

(1) MERCURY.—Each coal-fired or fuel oil-fired generating unit shall be required to remove 90 percent of the mercury contained in the flue gas, calculated in accordance with subsection (c).

(2) NATURAL GAS-FIRED GENERATING UNITS.—Each natural gas-fired generating unit shall be required to achieve an emission rate of not more than 0.15 pounds of nitrogen oxides per million British thermal units of fuel consumed.
(5) DISPOSAL OF MERCURY CAPTURED OR RECOVERED FROM EMISsION CONTROL DEVICES.—

(1) CAPTURED OR RECOVERED MERCURY.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to ensure that mercury that is captured or recovered through the use of an emission control, coal cleaning, or another method is disposed of in a manner that ensures that—

(A) the hazards from mercury are not transferred from 1 environmental medium to another; and

(B) there is no release of mercury into the environment.

(2) MERCURY-CONTAINING SLUDGES AND WASTES.—The regulations promulgated by the Administrator under paragraph (1) shall ensure that mercury-containing sludges and wastes are handled and disposed of in accordance with all applicable Federal and State laws (including regulations).

(6) PUBLIC REPORTING OF FACILITY-SPECIFIC EMISSION DATA.—

(1) IN GENERAL.—The Administrator shall annually make available to the public through 1 or more published reports and the Internet, facility-specific emission data for each generating unit and for each pollutant covered by this section.

(2) SOURCE OF DATA.—The emission data shall be taken from the emission reports submitted under subsection (e)(3).

SEC. 6. EXTENSION OF RENEWABLE ENERGY PRODUCTION CREDIT.

Section 45(c) of the Internal Revenue Code of 1986 (relating to definitions) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “and” and inserting “and”;

(B) in subparagraph (B), by striking the period at the end and inserting “;” and “;”;

(C) by adding at the end the following—

“(C) solar power;”

(2) in paragraph (3)—

(A) by inserting “, and December 31, 1998, in the case of a facility using solar power to produce electricity” after “electricity”; and

(B) by striking “1999” and inserting “2010”;

and

(3) by adding at the end the following—

“(4) SOLAR POWER.—The term ‘solar power’ means solar power harnessed through—

(A) photovoltaic systems,

(B) solar boilers that provide process heat, and

(C) any other means.”.

SEC. 7. MEGAWATT HOUR GENERATION FEES.

(a) In General.—Chapter 38 of the Internal Revenue Code of 1986 (relating to excise taxes) is amended by inserting after subchapter D the following:

“Subchapter E—Megawatt Hour Generation Fees

“Sec. 4691. Imposition of fees.

“(a) Tax Imposed.—There is hereby imposed on each covered fossil fuel-fired generating unit a tax equal to 30 cents per megawatt hour of electricity produced by the covered fossil fuel-fired generating unit.

“(b) Adjustment of Rates.—Not less often than once every 2 years beginning after 2002, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall evaluate the rate of the tax imposed by subsection (a) and increase the rate if the Secretary determines for any succeeding calendar year to ensure that the Clean Air Trust Fund established by section 9511 has sufficient funds to fully fund the activities described in section 9511.

“(c) Payment of Tax.—The tax imposed by this section shall be paid quarterly by the owner or operator of each covered fossil fuel-fired generating unit.

“(d) Covered Fossil Fuel-Fired Generating Unit.—The term ‘covered fossil fuel-fired generating unit’ means an electric utility generating unit that—

“(1) is powered by fossil fuels;

“(2) has a generating capacity of 5 or more megawatts; and

“(3) begins on the date on which the generating unit commenced commercial operation, is not subject to all regulations promulgated under section 111 of the Clean Air Act (42 U.S.C. 7411 (42)) or to the regulations under section 112 of the Clean Air Act (42 U.S.C. 7412 (42)).

“(b) CONFORMING AMENDMENT.—The table of subchapters for this chapter is amended by inserting after the item relating to subchapter D the following:

“Subchapter E. Megawatt hour generation fees.”.

(c) Effective Date.—The amendments made by this section shall apply to electricity produced in calendar years beginning after December 31, 2000.

SEC. 8. CLEAN AIR TRUST FUND.

(a) CLEAN AIR TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the ‘Clean Air Trust Fund’ (hereafter referred to in this section as the ‘Trust Fund’), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9622(b).

(1) MERCURY-CONTAINING SLUDGES AND WASTES.—There are hereby appropriated to the Trust Fund amounts equivalent to the taxes received in calendar years beginning after December 31, 1999.

(2) EXPENDITURES FROM TRUST FUND.—Amounts in the Trust Fund shall be available, without further Act of appropriation, upon request by the head of the appropriate Federal agency in such amounts as the agency head determines are necessary—

(1) to provide funding under section 12 of the Clean Power Plant and Modernization Act of 1999, as in effect on the date of enactment of this Act; and

(2) for any successor program under section 13 of such Act, as so in effect.

(3) to provide assistance under section 15 of such Act, as so in effect.

(4) to provide assistance under section 16 of such Act, as so in effect; and

(5) to provide funding under section 17 of such Act, as so in effect.

(b) CONFORMING AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end the following:

“Sec. 9511. Clean Air Trust Fund.”.

SEC. 9. ACCELERATED DEPRECIATION FOR INVESTOR-OWNED GENERATING UNITS.

(a) IN GENERAL.—Section 169(e)(3) of the Internal Revenue Code of 1986 (relating to classification of certain property) is amended—

(1) in subparagraph (E) (relating to 15-year property), by striking “and” at the end of clause (ii) and inserting “, and”; and by adding at the end the following—

“(iv) any 45-percent efficient fossil fuel-fired generating unit

(2) by adding at the end the following—

“(F) 12-YEAR PROPERTY.—The term ‘12-year property’ includes any 45-percent efficient fossil fuel-fired generating unit.

(b) DEFINITIONS.—Section 169(i) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end the following:

“(15) Fossil Fuel-Fired Generating Units.—

“(A) 50-PERCENT EFFICIENT Fossil Fuel-Fired Generating Units.—The term ‘50-percent efficient fossil fuel-fired generating unit’ means any property used in an investor-owned fossil fuel-fired generating unit pursuant to a plan approved by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, to place into service such a unit that is in compliance with sections 4(a)(1) and 5(b) of such Act, as so in effect.

“(B) 45-PERCENT EFFICIENT Fossil Fuel-Fired Generating Units.—The term ‘45-percent efficient fossil fuel-fired generating unit’ means any property used in an investor-owned fossil fuel-fired generating unit pursuant to a plan so approved to place into service such a unit that is in compliance with sections 4(a)(1) and 5(b) of such Act, as so in effect.

SEC. 10. GRANTS FOR PUBLICLY OWNED GENERATING UNITS.

Any capital expenditure made after the date of enactment of this Act to purchase, install, and bring into commercial operation any new publicly owned generating unit that—

(1) is in compliance with sections 4(a)(1) and 5(b) shall, for a 15-year period, be eligible for partial reimbursement through annual grants made by the Secretary of the Treasury, in consultation with the Administrator, in an amount equal to the value of the depreciation deduction that would be realized by reason of section 168(c)(3)(B) of the Internal Revenue Code of 1986 by a similarly-situated investor-owned generating unit over that period; and

(2) is in compliance with sections 4(a)(2) and 5(c) shall, over a 12-year period, be eligible for partial reimbursement through annual grants made by the Secretary of the Treasury, in consultation with the Administrator, in an amount equal to the value of the depreciation deduction that would be realized by reason of section 168(c)(3)(D) of such Code by a similarly-situated investor-owned generating unit over that period.

SEC. 11. RECOGNITION OF PERMANENT EMISSION REDUCTIONS IN FUTURE CLIMATE CHANGE IMPLEMENTATION PROGRAMS.

It is the sense of Congress that—

(1) permanent reductions in emissions of carbon dioxide and nitrogen oxides that are accomplished through the retirement of old generating units and replacement by new generating units that meet the combustion heat rate efficiency and emission standards specified in this Act, or through replacement of old generating units with non-Ccentiff, or new generating units displacing re

nitious and special rules) is amended by adding at the end the following:

“(15) Fossil Fuel-Fired Generating Units.—

“(A) 50-PERCENT EFFICIENT Fossil Fuel-Fired Generating Units.—The term ‘50-percent efficient fossil fuel-fired generating unit’ means any property used in an investor-owned fossil fuel-fired generating unit pursuant to a plan approved by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, to place into service such a unit that is in compliance with sections 4(a)(1) and 5(b) of such Act, as so in effect.

“(B) 45-PERCENT EFFICIENT Fossil Fuel-Fired Generating Units.—The term ‘45-percent efficient fossil fuel-fired generating unit’ means any property used in an investor-owned fossil fuel-fired generating unit pursuant to a plan so approved to place into service such a unit that is in compliance with sections 4(a)(1) and 5(b) of such Act, as so in effect.

(2) (B) 45-PERCENT EFFICIENT Fossil Fuel-Fired Generating Units.—The term ‘45-percent efficient fossil fuel-fired generating unit’ means any property used in an investor-owned fossil fuel-fired generating unit pursuant to a plan so approved to place into service such a unit that is in compliance with sections 4(a)(1) and 5(b) of such Act, as so in effect.

(3) (C) CONFORMING AMENDMENT.—The table contained in section 168(c) of the Internal Revenue Code of 1986 (relating to applicable recovery period) is amended by inserting after the item relating to 10-year property the following:

“12-year property 12 years”.

(4) (D) EFFECTIVE DATE.—The amendments made by this section shall apply to property used after the date of enactment of this Act.
to the owner or operator that retires or replaces the old generating unit, in any climate change implementation program enacted by Congress; (2) the base year for calculating reductions under a program described in paragraph (1) shall be the year preceding the calendar year in which this Act is enacted; and (3) a reasonable portion of any monetary value that may accrue from the crediting described in paragraph (1) should be passed on to utility customers.

SEC. 12. RENEWABLE AND CLEAN POWER GENERATION TECHNOLOGIES.

(a) In General.—Under the Renewable Energy and Energy Efficiency Technology Act of 1989 (42 U.S.C. 12001 et seq.), the Secretary of Energy shall fund research and development programs and commercial demonstration projects and partnerships to demonstrate the commercial viability and environmental benefits of electric power generation from—

(1) biomass (excluding unseparated municipal solid waste), geothermal, solar, and wind technologies; and

(2) fuel cells.

(b) Types of Projects.—Demonstration projects may include—

(1) clean coal technologies, such as pressurized fluidized bed combustion and an integrated gasification combined cycle system; load utilization combined heat and power projects, geothermal energy conversion, and fuel cells.

(c) Authorization of Appropriations.—In addition to amounts made available under any other law, there is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2001 through 2010.

SEC. 13. CLEAN COAL, ADVANCED GAS TURBINE, AND COMBINED HEAT AND POWER DEMONSTRATION PROGRAM.

(a) In General.—Under subtitle B of title XXI of the Energy Policy Act of 1992 (42 U.S.C. 13471 et seq.), the Secretary of Energy shall establish a program to fund projects and partnerships designed to demonstrate the efficiency and environmental benefits of electric power generation from—

(1) clean coal technologies, such as pressurized fluidized bed combustion and an integrated gasification combined cycle system;

(2) advanced gas turbine technologies, such as flexible midsized gas turbines and base load utility scale applications; and

(3) combined heat and power technologies.

(b) Selection Criteria.—

(1) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall promulgate criteria and procedures for selection of demonstration projects and partnerships to be funded under subsection (a).

(2) Required Criteria.—At a minimum, the selection criteria shall include—

(A) the potential of a proposed demonstration project or partnership to reduce or avoid emissions covered by section 5 and air pollutants covered by section 111 of the Clean Air Act (42 U.S.C. 7411); and

(B) the potential commercial viability of the proposed demonstration project or partnership.

(c) Authorization of Appropriations.—

(1) In General.—In addition to amounts made available under any other law, there is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2001 through 2010.

(2) Inspector General.—The Secretary shall make reasonable efforts to ensure that, under the program established under this section, the same amount of funding is provided for demonstration projects and partnerships under each of paragraphs (1), (2), and (3) of subsection (a).

SEC. 14. EVALUATION OF IMPLEMENTATION OF FUND-MADE AVAILABLE STATUTES.

(a) In General.—Not later than 2 years after the date of enactment of this Act, the Secretary of Energy, in consultation with the Chairman of the Federal Energy Regulatory Commission and the Administrator, shall submit to Congress a report on the implementation of this Act.


(c) Recommendations.—The report shall include recommendations from the Secretary of Energy, the Chairman of the Federal Energy Regulatory Commission, and the Administrator for legislative or administrative measures to harmonize and streamline the standards and regulations the statutes specified in subsection (b) and the regulations implementing those statutes.

SEC. 15. ASSISTANCE FOR WORKERS ADversely Affected by Reduced ConsumpTION OF COAL.

In addition to amounts made available under any other law, there is authorized to be appropriated $75,000,000 for each of fiscal years 2001 through 2015 to provide assistance, under the economic dislocation and worker adjustment assistance program of the Department of Labor authorized by title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.), to coal industry workers who are terminated from employment as a result of reduced consumption of coal by the electric power generation industry.

SEC. 16. COMMUNITY ECONOMIC DEVELOPMENT INCENTIVES FOR COMMUNITIES ADversely Affected by Reduced ConsumpTION OF COAL.

In addition to amounts made available under any other law, there is authorized to be appropriated $75,000,000 for each of fiscal years 2001 through 2015 to provide assistance, under the community economic adjustment program of the Department of Commerce authorized by title III of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, to assist communities adversely affected by reduced consumption of coal by the electric power generation industry.

SEC. 17. CARBON SEQUESTRATION.

(a) Carbon Sequestration Strategy.—In addition to amounts made available under any other law, there is authorized to be appropriated to—

(1) the Environmental Protection Agency for each of fiscal years 2001 through 2003 a total of $100,000,000 to carry out soil reclamation, soil revegetation, and other measures to sequester carbon dioxide.

(b) Limitation.—A project carried out under paragraph (1) shall not be used to offset any emission reduction required under any other provision of this Act.

The Russian Leadership Program

Mr. STEVENS. Mr. President, I am pleased to announce that Congress included $10 billion in the Foreign Operations Appropriations bill to continue the Russian Leadership Program in Fiscal Year 2000.

The Russian Leadership Program was created earlier this year in the FY 1999 supplemental appropriations bill in order to bring emerging Russian leaders to the United States to see first hand how democracy and the American free market economic system function. The program was successful in bringing over 2,100 emerging leaders from 83 of the 89 states and republics of the Russian Federation during July, August, and September of this year. Dr. Billington, the Librarian of Congress, and one of the world's leading historians of Russian culture was asked to administer this program. Our thanks go to Dr. Billington for doing an excellent job implementing this program in a short period of time.

The program was modeled after the Marshall Plan which was implemented after World War II. Between 1946–1956, the U.S. Government brought over 10,000 Germans citizens to the United States to learn ways to rebuild their economy through technical assistance as well as cultural and political contacts. The Marshall Plan was one of the most successful foreign aid programs of the last century.

Similar to the Marshall Plan, participants in the Russian Leadership Program visited more than 400 communities in 46 states and the District of Columbia observing democracy in action at all levels of government. They met and discussed the American system of government with current and former U.S. Presidents, Members of the U.S. Senate and U.S. House, Governors, state legislators, state supreme court justices, mayors, and members of city and town councils.

Some of the participants also campaigned door-to-door with political candidates, visited police and fire stations, met with students in schools, visited hospitals, research facilities, businesses, soup kitchens, shelters and experienced firsthand the partnership among government, and the private sector.

This program was unique because more than 800 American families hosted our Russian visitors, welcoming them into their homes and communities, and spending the time to answer
questions about and show our guests the American way of life. Vadim Balikov, one of the six Russians who visited Alaska when I represented Alaska in the Senate, wrote after the program that, "In my opinion, the best cultural aspect is that we stayed with the families, because in this way one can actually gain insight of the genuine American lifestyle. I think that is what counts the most."

Organizations such as Rotary International, the United Methodist Church, Freedom Force, and the Church of Jesus Christ of Latter-day Saints played a key role in organizing the participants in the program both in Russia and the United States. In addition to volunteering their time, these families and hosting communities generously supplemented the government’s $10 million appropriation by providing approximately $1.5 million worth of meals, cultural activities, additional transportation and medical care.

Beyond the strong ties of friendship that developed between guests and hosts, it is clear that the Russian Leadership Program fundamentally changed how these Russian guests see America. They constitute the largest single group ever to travel from Russia to the U.S. They return to Russia with clear ideas and strong commitment to positive change. A mayor from Tomsk spent time with the mayor of Cleveland and said: "If we were to meet more often, there would be more peaceful relations."

The Russian Leadership Program has had a tremendous impact in one year. It is a good program and I am pleased that we were able to provide the necessary funding to continue this program into the new millennium.

INTELLECTUAL PROPERTY AND COMMUNICATIONS OMNIBUS REFORM ACT OF 1999

Mr. SCHUMER. Mr. President, I rise today in support of the revised “Intellectual Property and Communications Omnibus Reform Act of 1999” (H.R. 1554). As a Member of the Judiciary Committee, I am particularly pleased that this legislation includes as Title IV, the “American Inventors Protection Act of 1999,” which is the final product of the "intellectual property and communications omnibus reform measures intended to protect the rights of inventors, enhance patent protections and reduce patent litigations."

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

The first inventor defense will provide the financial services industry with important, needed protections in the face of the uncertainty presented by the Federal Circuit’s decision in the State Street case. State Street Bank and Trust Company v. Signature Financial Group, Inc. 149 F.3d 1368 (Fed. Cir., 1998). In State Street, the Court did away with the so-called “business methods” exception to statutory patent-eligible subject matter. Consequently, this decision has raised questions about what types of business methods may now be eligible for patent protection. In the financial services sector, this has prompted serious legal and practical concerns. The greatest doubt regarding whether or not particular business methods used by the industry—including processes, practices, and systems—might now suddenly become subject to new claims creates a defense for inventors who (1) acting in good faith have reduced the subject matter to practice in the United States at least one year prior to the patent filing date (“effective filing date”) of another (typically later) inventor; and (2) commercially used the subject matter in the United States before the filing date of the patent. Commercial use does not require that the particular invention be made known to the public or be used in the public marketplace—it includes wholly internal commercial uses as well.

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

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

As the joint explanatory statement of the Conference Committee on H.R. 1554 notes, the provision “focuses on methods for doing business, including methods used in connection with internal commercial operations as well as those used in connection with the sale or transfer of useful end results—whether in the form of physical products, or in the form of services, or in the form of other useful results; for example, results produced to the manipulation of data or other imports to produce a useful result.” H. Rept. 106– , p. 31.

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

As noted earlier, in the wake of State Street, thousands of methods and processes that have been and are used in business, including processes, financial transactions, the ordering of financial information, and any system or process that transmits or transforms information with respect to investments or other types of financial transactions, have now suddenly become subject to new claims. The first inventors defense is included in H.R. 1554. It should be viewed as just the first step in defining the appropriate limits and boundaries of the
State Street decision. This legal defense will provide important protections for companies against unfair and unjustified patent infringement actions. But, at the same time, I believe that it is time for Congress to take a closer look at the potentially broad and, perhaps, adverse consequences of the State Street decision. I hope that beginning early next year the Judiciary Committee will hold hearings on the State Street issue, so Senators can carefully evaluate its economic and competitive consequences.

Mr. TORRICELLI. My colleague is correct. The State Street decision may have unintended consequences for the financial services community. By explicitly holding that business methods are patentable, financial service companies are finding that the techniques and ideas, that were in wide use, are being patented by others.

The Prior Inventor Defense of H.R. 1554 is an important step towards protecting the financial services industry. By protecting early developers and users of a business method, the defense allows U.S. companies to commit resources to the commercialization of their inventions with confidence that a subsequent patent holder will prevail in a patent infringement suit. Without this defense, financial services companies face unfair patent-infringement suits over the use of techniques and ideas (methods) they developed and have used for years.

While I support the Prior Inventor Defense, as a member of the Judiciary Committee, I hope we will revisit this issue next year. More must be done to address the boundaries of the State Street decision with the realities of the constantly changing and developing financial services industry.

I look forward to working with Senator SCHUMER and my colleagues on the committee on this important issue.

ORDERS FOR FRIDAY, NOVEMBER 19, 1999

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Friday, November 19. I further ask consent that on Friday, 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 that the Senate then proceed to morning business.

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

PROGRAM

Mr. MURKOWSKI. For the information of all Senators, when the Senate convenes, it will begin consideration of a number of legislative items that have been cleared for action and need to be considered in the House prior to adjournment. Following the consideration of these bills, the Senate will resume debate on the final appropriations bill. Further, as a reminder, cloture was filed today on the appropriations conference report, and there is still hope that the Wisconsin delegation will allow the cloture vote to occur at a reasonable hour during tomorrow’s session. However, if no agreement is made, the cloture vote will occur at 1:01 a.m. on Saturday morning, and abbreviated postcloture debate is anticipated. Therefore, Senators can expect a vote to occur a few hours after the cloture vote.

In addition, the Senate may consider the Work Incentives conference report prior to the pending adjournment.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MURKOWSKI. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

Mr. FEINGOLD. Is there a unanimous consent request pending?

The PRESIDING OFFICER. There is, to adjourn.

Mr. FEINGOLD. Reserving the right to object, I ask unanimous consent with regard to the cloture vote which the Senator from Alaska described, that the vote take place at 10 a.m. on Saturday; and that should cloture be invoked, no more than 21 hours of debate remain.

Mr. MURKOWSKI. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. FEINGOLD. Reserving the right to object, I simply want to indicate, as one member from the Wisconsin delegation, there is an effort to be reasonable with respect to the hour of the vote and to limit our rights with respect to the 30 hours respectively. Our goal is certainly not to cause people to vote at a very extreme hour.

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 10 a.m., Friday, November 19, 1999.

Thereupon, the Senate, at 10:44 p.m., adjourned until Friday, November 19, 1999, at 10 a.m.
The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LA'TOURETTE).  

DESIGNATION OF THE SPEAKER PRO TEMPORE  

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

WASHINGTON, DC, November 18, 1999.  
I hereby appoint the Honorable STEVEN C. LA'TOURETTE to act as Speaker pro tempore on this day.  

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

PRAYER  

The Reverend Douglas Tanner, Faith and Politics Institute, Washington, D.C., offered the following prayer:  

Almighty God, we come before You this week before Thanksgiving only partially conscious of the many gifts You bestow upon us. We know that while others are hungry, we are fed, and while others are without shelter, we live in comfort. We give thanks for our material blessings and often share a measure of our abundance with those less fortunate.  

Yet, we can live as unaware of the gifts You give us in each other, the gifts of those who think differently from the way we do, those whose experiences shape their perspectives differently from ours, those whose cultures cultivate different values and sensitivities, those whom You have placed with us in a land which we call one nation, indivisible, with liberty and justice for all.  

Grant us, we pray in this season, a deeper appreciation of our brothers and our sisters all across this land, and across the aisles in this chamber. Open our hearts and strengthen our souls until we are instruments of Your peace. 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 1, the Journal stands approved.  

PLEDGE OF ALLEGIANCE  

The SPEAKER pro tempore. Will the gentlewoman from Massachusetts (Mr. MOAKLEY) come forward and lead the House in the Pledge of Allegiance.  

Mr. MOAKLEY 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.  

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3308  

Mr. PHELPS. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor of H.R. 3308.  

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

There was no objection.  


Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 385 and ask for its immediate consideration.  

The Clerk read the resolution, as follows:  

H. Res. 385  
Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 82) making further continuing appropriations for the fiscal year 2000, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.  

Sec. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 83) making further continuing appropriations for the fiscal year 2000, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.  

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

Mr. GOSS. Mr. Speaker, before we begin on the rule, I am going to yield such time as he may consume to the distinguished gentleman from South Dakota (Mr. THUNE) for a matter of interest to all Members of the House.  

(Mr. THUNE asked and was given permission to speak out of order.)  

TRIBUTE TO READING CLERK BOB BERRY  

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

Mr. Speaker, I wish to rise today to recognize the contributions of Bob Berry, a fellow South Dakotan.  

Bob Berry has served the last several months as a Reading Clerk on the House Floor. Bob’s father is a legend in South Dakota, the former Congressman E.Y. Berry, who represented South Dakota from 1951 to 1971. After his father’s service, Bob served this institution as the Acting Speaker and as the Reading Clerk. After several years of service, Bob was able to retire from the House 11 years ago.  

As a result of the temporary departure of another Reading Clerk, Bob was asked to temporarily return to his old position in the House. The institution greatly appreciated Bob’s willingness to return and enjoyed the last several months of his daily service.  

The end of this session will allow Bob to return to retirement. We know he and his lovely wife, Marilyn, are pleased that the need for his services has passed and that they can enjoy their freedom to travel and visit their children, grandchildren and friends again.  

Bob, on behalf of the House, I want to express our thanks for your service. You have truly helped this institution over the last several months and your contributions are much appreciated.  

MOTION TO ADJOURN  

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.  

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

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

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

The Sergeant at Arms will notify absent Members.  

The vote was taken by electronic device, and there were yeas 44, nays 375, not voting 44, as follows:  

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.  

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
Mr. GOSS. Mr. Speaker, the purposes of debate only. I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), my colleague, pending which I yield myself such time as I may consume. During consideration of the resolution, this time yielded is for the purpose of debate only.

Mr. Speaker, today, we place before the House what we hope will be the last continuing resolution for fiscal year 2000. Yesterday, I referred to the movie "Groundhog Day" to describe the events of the past few weeks, where we seem to wake up each morning and do the same things we did the day before. And while we are here again as we were yesterday considering a rule to bring forward another short-term extension of the budget deadline, we are confident that a final agreement has been brokered and the process is finally now near total completion.

Like yesterday's rule, this is a standard closed rule providing for consideration of a continuing resolution whose expiration date is November 23. The rule waives all points of order against consideration of the joint resolution, provides 1 hour of debate, equally divided between the chairman and ranking minority member. The rule waives points of order on the motion to recommit.

Mr. Speaker, we have been struggling to find the right negotiating mix to bring budget this process to a conclusion. Our firm line in the sand has remained constant: we will not spend one dime of the Social Security Trust Fund. While there has been the normal and appropriate give and take between the House and the Congress on a host of other issues, our constituents, both young and old, think we are the real winners today.

Mr. Speaker, for the first time in over the 3 decades, Washington, D.C., will not be using Social Security as a slush fund. We have made the tough choices necessary to balance the budget without touching Social Security. It has been a long, it has been an arduous process; but the end result under the circumstances, I think, is well worth the effort; a more secure retirement for all Americans.

Just as there was 5 years ago when our new majority pledged to balance the budget, some cynical naysayers have claimed that we could not do the job this year without borrowing from Social Security. They were wrong in 1994, and they are wrong again today. We can do better, and this budget is recognized for 1 hour.

Mr. Speaker, the pending business is consideration of House Resolution 385 offered by the gentleman from Florida (Mr. GOSS).
Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Florida (Mr. YOUNG), my time.

Mr. Speaker, even though we are 49 days into the fiscal year, only eight of the thirteen appropriation bills have been signed into law. Appropriation negotiations have been going on and on and on, with little hope in sight. That is until very early this morning.

Early this morning at about 2 o'clock, the appropriators and the White House reached agreement on an enormous omnibus appropriations bill that lumps all unfinished business together in one massive document nearly no one can understand. And supposedly, we just need to pass a couple of more continuing resolutions to keep the government open until the appropriation process is mercifully behind us, and the President signs this behemoth bill.

Mr. Speaker, the rule we are considering today makes in order not one, but two continuing resolutions. The first expires on November 23, and the second expires on December 2. I am told this is done to accommodate the deliberations of the Senate, so I see no reason to oppose it, despite the strange and inefficient process.

I yield my colleagues to support this rule, and support the continuing resolution.

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

Mr. GOSS. Mr. Speaker, I yield 8 minutes to the gentleman from Wisconsin (Mr. OBEY), ranking member on the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS) for yielding me the time, and I think we are going to pass the rule without too much difficulty.

But I want to call the attention of the House, the gentleman from Florida (Mr. YOUNG) just mentioned the 4 o'clock hour, and he is right on target. At 6 minutes after 3 a.m. this morning, with the gentleman from California (Mr. DREIER) in the chair, I was able to file the final agreement on the last appropriations package.

We went to the Committee on Rules at 20 minutes after 3:00 and by 3:45, my part of it was complete and I was home by 4:30 this morning. I am not sure when the gentleman from Massachusetts got home, but the important issue here is that I have the opportunity to compliment and congratulate the Members of the Committee on Appropriations and the subcommittee chairmen and all of those who have done such a good job through this process.

But, Mr. Speaker, the unsung heroes do not often get those accolades, and I think it is appropriate that they do. These heroes are and the members of the Committee on Rules. They are here for early morning meetings and late night meetings. I want to compliment the gentleman from California (Mr. DREIER) and all of the members of the Committee on Rules for being available when the legislative process requires their presence.

In the last 10 days of our very serious negotiation with the representatives from the President's office, there have been 13 appropriation bills. The Committee on Rules was told, be available, because we think we might have a bill for their consideration tonight. They have had to wait here until 10 or 11 o'clock at night, or midnight, and then the appropriators were not ready, or the deal had not been struck yet. They have been so faithful to their responsibilities, and I just think it is timely to call attention to the work that they do and the generous giving of their time to help this process move.

Again, I want to thank the gentleman from California (Chairman DREIER) and the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member, and all of the members of the Committee on Rules for being so patient with us as we move this process through.

Mr. MOAKLEY. Mr. Speaker, I yield 8 minutes to the gentleman from Wisconsin (Mr. OBEY), ranking member on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, first of all, before I begin, I simply want to say something about two people. I would like to say that the gentleman from Florida (Mr. YOUNG) is one of the most decent human beings I have ever dealt with. In the over 30 years I have been a Member of this House. He and I do not share the same political philosophy on many, many issues; and he and I have different institutional responsibilities. We try to meet our institutional responsibilities as one.

Mr. Speaker, I want to say with all the sincerity at my command that the gentleman from Florida (Mr. YOUNG), in the way that he deals honorably with each and every other Member of this House, is the way every Member of this place ought to deal with each and every Member. I know that if the gentleman promises me something, he will stick to it. And I know that he will do the best job that he can to deal with all of us. And if the committee produces a bill, I will support it. I also want to say that with respect to his counterpart in the other body, Senator STEVENS, Senator STEVENS and I are both known for our placid temperaments. I simply want to say that I regard Senator STEVENS as one of the best members of committee that we deal with. Not because he is easy in negotiations; he is hard as nails. But one always knows where he is coming from, and he plays it straight; and I, again, appreciate that very much.

My problem, and I have numerous problems with this bill and I will explain more of them in detail when we come to the actual appropriations later on today or tomorrow, but the fact is that there are two problems that I have that override all others. First of all, we have at least nine separate authorization measures which are being folded into this bill. One of them, a more than 300-page authorization bill which is yet to be conferenced, and yet it is being thrown in here. I defy my colleagues to tell me what is in it, and I urge my colleagues to remember that we will probably be, long after this bill is done, we will be trying to find out what is in it.

There are nine separate authorizations. I believe instead of having only 1 hour to debate all of those authorizations, plus the budgetary decisions that were made here in the bill before us today, I believe each of those authorizations should be pulled out of the bill. They should be debated separately and sequentially for at least an hour before we vote on each and every one of these.

Secondly, I think we should have had 24 hours to understand what is in this bill. We are going to be haunted by a number of things that are in this bill.
Mr. Speaker, among the authorizations that are added to this bill are the Medicare, Medicaid and State Children's Health Insurance program, which I probably favor. But I think we ought to know more about how they are being put together.

Second, we have the Admiral James W. Nance and Meg Donovan Foreign Relations Authorizations Act. I do not have the foggiest idea what is in that and neither does anybody else on the floor. We have H.R. 3428, which brings several dairy authorization measures to this floor, including the Northeast Compact. That compact was slipped into the law in the first place several years ago without ever having been voted on by either body. It was slipped in by the Senate, and now we are again slipping it in without it ever having been considered by either body. I think that is illegitimate.

The Intellectual Property and Communications Omnibus Reform Act. That is the satellite bill. I understand, confidential areas and guarantees that are useful in rural areas have been taken out of that bill.

I understand there are also patents and trademark items in that bill. I think we ought to know more about that.

I have the Superfund Recycling Equity Act. This bill reminds me of what Churchill said about Russia, "A riddle wrapped in a mystery inside an enigma." We do not have any idea what that bill is really going to do in the fine print.

Then we have the Canyon Ferry Reservoir provisions, and international debt relief (again which I favor); but I am concerned, very, very concerned, about one section of that bill, which I think may not in fact deliver what it appears to promise.

Then we have a number of private bills which have been attached, one of which I think I would favor and the other which I am concerned about because it only includes a few people out of a much broader class that ought to be included in the kind of relief contemplated by that bill that is going to be given.

In my view, every time I make a motion which requires a rollovers before we can proceed to the next stage, that gives Members more time to find out what is in this bill before they actually cast the most important vote of the session. That is why I intend to make numerous motions today, and I most definitely would not count on being out of here by 4 p.m. or 5 p.m., or maybe even today.

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In my view, every time I make a motion which requires a rollovers before we can proceed to the next stage, that gives Members more time to find out what is in this bill before they actually cast the most important vote of the session. That is why I intend to make numerous motions today, and I most definitely would not count on being out of here by 4 p.m. or 5 p.m., or maybe even today.
Mr. MOAKLEY. Mr. Speaker, I yield 4% minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wish we could vote. I wish we had something of consequence to vote on. I wish my colleagues on the other side of the aisle would have provided us with real legislation.

I thank my good friend from Massachusetts, the ranking member of the Committee on Rules; but unfortunately, what we have here is a bag of tricks. This is a continuing resolution with an extension to November 23. It is a rule for that. I would ask, though I do realize that we are facing the Thanksgiving holiday, that we take our responsibilities in this body seriously. And though I appreciate the work of the chairman of the Committee on Appropriations and the ranking member for their individual intensity in the negotiations of this particular omnibus bill, it is sad and it is not worthy of the American people.

Earlier this morning we heard a point that I think is very well taken. The American people do not even know what we are doing up here. They do not understand the concept, and all of the mishmash and misinformation that has been given to them leaves them confused.

I think this bill has some valuable points to it. Ultimately, when it comes to the floor, we are told that teaching hospitals, Medicare payments to hospitals, and health care providers are included. That is a positive. It helps my community in Houston. My own school district suffered for the lack of teachers, so 100,000 teachers will be valuable. Fifty thousand police will be valuable as well.

But I cannot tell for the life of me whether we are spending the Social Security surplus or whether we are saving it. And because my seniors are extremely important to me, I have great doubts about this bill. And, in fact, since it is not here on the table, I think all the Members should be questioning this bill.

Then it is interesting that although we have had an embarrassing about riders and legislating on appropriations bills, because every time we bring up the idea of a patients’ bill of rights, which 80 percent of the American people would like to see us pass, or prescription protection for our seniors, who are begging for relief because they cannot pay for housing and food and prescriptions at the same time, we get an argument that we cannot legislate on appropriations bills. Yet we have a 300-page State Department bill, which nobody knows what is in it; we have satellite TV special interests, and I am sure they are interested in that. I happen to support the resolution on that. But here we are lumping all of that together. We have the dairy issue, which some of our Members are for and against.

We are lowering the maintenance and readiness of our military by cutting into that very deeply. We have literally taken women for granted and thrown them aside because we have said family planning for women around the world, protecting their lives is irrelevant; here goes women again; just throw them off the side of the Earth.

And then I have been meeting for the families of the victims of the Tanzania and Kenya bombings. We agree we were in error. We know we did not have the kind of secure premises that we should have had in our embassy overseas. And yet, nobody has responded to the plea of these families to provide them with any relief. At least no one has called my office and said that we have given relief to the victims of those bombings who have lost loved ones. Some family members lost two members of their family.

And then we leave in a deep, dark hole 300,000 immigrants who have been paying taxes in this country who pleaded to apply for legal citizenship because the INS messed up procedurally their right to apply for citizenship. We have been begging for relief for these individuals who own homes, who pay taxes, whose children are in school, but we have thrown them aside.

Human lives around here does not matter. But if they have got a big checkbook, they can write a check to somebody, you can be sure, to get their stuff in an omnibus bill.

I would tell Members who are considering voting for this that it is not worth voting for and sacrificing principles when they do not know whether they are saving Social Security or whether they are digging a big, deep hole.

As we had gone through this process the way we were supposed to go through it and had the appropriate review of these appropriations bills, maybe we would be able to have a considered process in dealing with this omnibus bill.

I would simply say, Mr. Speaker, that this continuing resolution really needs to be extended so that we can go to the drawing boards and deal with this bill in the way that the American people would like us to do so. And that is to include the likes of prescription protection for our seniors; include a patient’s bill of rights; to discuss a real hate crimes bill; to provide compensation for the families who lost loved ones in the bombings in Africa; to keep family planning in; and, yes, to take care of our teaching hospitals, the 100,000 teachers and the 50,000 police.

But for God’s sake, let us not vote on a ghost of a bill when we do not know whether we are saving Social Security or spending every dime.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I want to today associate myself with the remarks of the gentleman from Wisconsin (Mr. OBEY). This is no way to do the process and the work of the House.

As the gentleman from Wisconsin (Mr. OBEY) pointed out, we have nine authorizations in this bill. I would like to focus on one of them.

I have had the misfortune, I guess you might call it, of serving on the Livestock and Agriculture Subcommittee of the Committee on Agriculture the last 4 years and went through the process when Steve Gunderson and myself, as ranking member, and tried to bring some legislation to the floor.

At that time, we were told that this was too complicated; we could not legislate it; so we had to give this to the Department and set up a process to figure out how we are going to untangle the complicated system that puts one part of the country against another.

So we went through that process. The results did not please the people that put this forward, so now they have
Mr. BALDACCI. Mr. Speaker, dairy farmers have faced tremendous volatility in the prices for dairy, and this new manufacturing price maneuver that was established under this rule that USDA put forward.

Now, those of my colleagues that have dairy farms in their district should understand this. I represent a district that in some places we have more cows than we have people. I have one county that has 63,000 cows. I have more cows in my district than they have in the whole entire Northeast Dairy Compact. And so, we are very concerned about this. But the people that represent dairy farmers understand that the basic formula price that we have got in place has caused some concern that the basic formula price that we have got in place has caused some concern. I am also a member of the House Committee on Appropriations and the concerns that he shares, because some of us look at this glass of milk as half full rather than half empty.

I would also like to focus on the teachers, the teacher training, the smaller classrooms, more discipline, higher test scores. We are talking about 50,000 more police officers, safer schools, more protection in our community. We are looking at veterans, health care. And we are talking about corrections in the balanced budget amendment that impacted on hospitals and home health agencies.

So there are many things that I think that when we look at that we could be in opposition towards. And, believe me, there are many things that I would rewrite. But, as I have learned in this process, we will have an opportunity to change those things, to fight for those things, and another day will be in front of us.

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

Mr. GOSS. Mr. Speaker, I yield my time.

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

Mr. FROST. Mr. Speaker, I yield back the balance of my time.
The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered. The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—aye 316, noes 101, not voting 16, as follows:

[Roll No. 600]

YEAS—316

NAYS—101

NOT VOTING—16

Mr. Inslee changed his vote from "aye" to "nay." Ms. McCARTHY of Missouri, Mr. GEJDENSON, Ms. DeLAURO, Mr. WAXMAN, and Mr. RUSH changed their vote from "nay" to "aye."

So the previous question was ordered.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER THE VOTE OFFERED BY

Mr. OBEY. Mr. Speaker, I move to reconsider the vote just taken.

The SPEAKER pro tempore (LATOURETTE). Did the gentleman from Wisconsin support the previous question?

Mr. OBEY. Yes, I did.

MOTION TO TABLE OFFERED BY MR. GROSS.

Mr. GROSS. Mr. Speaker, I move to lay on the table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. Goss) to lay on the table the motion to reconsider the vote offered by the gentleman from Wisconsin (Mr. Obev).

CONGRESSIONAL RECORD—HOUSE

November 18, 1999

Msrs. HOLT, OBERSTAR, and GUTENBECK changed their vote from "aye" to "no."

Msrs. HERGER, DICKS, HALL of Ohio, and BOYD, and Mrs. MYRICK, Ms. BERKLEY, and Ms. ROYBAL-ALIARD changed their vote from "no" to "aye."

So the motion to table the motion to reconsider was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.
The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 332, noes 83, not voting 18, as follows:

[Roll No. 601]

**AYES—352**

A recorded vote was ordered.

Mr. OBEY. Mr. Speaker, I move to reconsider the vote offered by the gentleman from Florida (Mr. GOSS) to lay on the table the motion to reconsider the vote offered by the gentleman from Wisconsin (Mr. WITTMAN).

Mr. OBEY. Yes, I did.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. GOSS) to lay on the table the motion to reconsider the vote offered by the gentleman from Wisconsin (Mr. WITTMAN).

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

**RECORDED VOTE**

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 294, noes 123, not voting 16, as follows:

[Roll No. 602]

**AYES—294**
CONGRESSIONAL RECORD—HOUSE

MOTION TO ADJOURN

Mr. KIND. Mr. Speaker, I move that the House do now adjourn.

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

RECORDED VOTE

Mr. OBRY. Mr. Speaker, I demand a recorded vote.

The result of the vote was taken by electronic device, and there were—ayes 25, noes 395, not voting 13, as follows:

\[(\text{Roll No. 063})\]

**AYES—25**

- Baldwin
- Barrett (WI)
- McKinney
- Green (FL)
- Obey
- Reichert
- McNulty
- Kind (WI)
- Mannello

**NOES—395**

- Coble
- Collin
- Armey
- Bachus
- Markey
- Boustaph
-螺
- Thaddeus (

**NOT VOTING—13**

- Ackerman
-.CheckBox
- Vargus
- Lake

\[\square 1213\]

Mr. EWING changed his vote from "aye" to "no."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER

As cosponsor of H.R. 2420

Mr. BOEHLENT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2420.
The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

MOTION TO ADJOURN

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion to adjourn offered by the gentleman from Wisconsin (Mr. OBEY). The question was taken; and the Speaker announced that the noes appeared to have it.

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 24, nays 378, not voting 31, as follows:

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CONGRESSIONAL RECORD—HOUSE

30645

November 18, 1999

Mr. SHUSTER changed his vote from "yea" to "nay".

Mr. KLECKA changed his vote from "nay" to "yea".

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC, November 17, 1999.

Hon. J. Dennis Hastert,

The Speaker, House of Representatives,

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the original Certificate of Election received from the Honor- able Bill Jones, Secretary of State, State of California, indicating that, according to the semi-official canvass for the Special General election held November 16, 1999, the Honor- able Joe Baca was elected Representative in Congress for the Forty-second Congressional District, State of California. With best wishes, I am

Sincerely,

Jeff Trandahl,

Clerk.

SWEARING IN OF THE HONORABLE JOE BACA OF CALIFORNIA AS A MEMBER OF THE HOUSE

The SPEAKER. Will the Member-elect from California (Mr. BACA) come forward, accompanied by the California delegation, and raise right hand?

Mr. BACA at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you will take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are now a Member of the House of Representatives.

INTRODUCTION OF THE HONORABLE JOE BACA, MEMBER OF THE HOUSE OF REPRESENTATIVES

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

Mr. LEWIS. Mr. Speaker, I rise to recognize the gentleman from California (Mr. FARR) for remarks.
OPENING REMARKS OF THE HONORABLE JOE BACA
(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, I ask permission to address the House for 1 minute. I wanted to make sure that I followed the rules and procedures that are here.

Mr. Speaker, I do appreciate the gentleman from California (Mr. Farr) lowering this podium. I used to be 6 foot 5 as a paratrooper, but I made a lot of jumps; that is why I am only 5 foot 6.

It is really an honor to be here. I would love to thank the leadership for their support, the gentleman from Missouri (Mr. Gephardt), all of the Members, the DCCC individuals who are very helpful.

I want to thank God because God gave me the courage to run and to serve. Too many times we forget that it is the strength that we have, and God provided that strength to give us that courage. So I want to thank God.

I want to thank my family. I wish my mom and dad were here to see this. They are both deceased, but I know it is a proud moment in their lives. I know that somewhere up above they are seeing this even though they cannot be here right now. But I know very well that they are proud of their son, because I am one of 15. I am the 15th child.

Like a lot of us, I come from a poor family, an individual, the only one that graduated from high school and college. My other brothers and sisters graduated, but I was able to pursue that. I know that they are very proud.

I wish my wife were here right now. She is watching this right now. She is Barbara Dominguez Baca, with whom I will be celebrating our anniversary, so it will be 31 years of marriage to one wife, not two wives or three wives, but one wife.

I would like to also thank my children, because my children were supporters. I believe in strong family values, because family values are the core of what makes America great. It is what makes our country. I would like to thank my family, because they have been very supportive.

I would like to thank Joe, Jr. That is my first son. He is now 30. Then Jeremy Baca; that is my second son. Then my daughter, first daughter, and that is Natalie. Then, of course, my daughter that is 13 years of age. She is the reason my wife cannot be here because we believe it is important to have our children in school and to obtain that, and we did not want to take her out of school during that time. It was important to us as a family.

My wife realizes that, because she is also a great student, a 4.0 student, doing well in school, so we want to make sure she continues to receive those grades. Of course, Mom is always there to help her.

So I love my family very much. I want to thank them.

But I also want to thank the voters, the voters of my district who made it possible for me to be here. Without the voters’ support, I would not be here today.

I look forward to working in this House. It is going to be an honor for me to work on a bipartisan basis. I look forward to working with my colleague directly associated with me, and that is the gentleman from California (Mr. Lewis). I look forward to working with him on issues that are important to all of us, the issues that are important to the State of California, because all of us care about the economy. All of us care about education, public safety, protecting Social Security, Medicare, drug prescriptions, areas that are important to a lot of us, health reform.

But most of all, we want to make sure that, as I look at the 52 Members of California, that we work together on a bipartisan basis to make California, like everybody else wants to make their State, a lot better. But I also look forward to working with the 52 delegates from California in assuring that we get our fair share of revenue coming back to California. No offense to the rest of the Members. But I believe, in reference to California, it is fifty big in population. We have over 34 million people in California. But it is important that we address those issues.

I want to work with them and also work with you on a bipartisan basis on other issues that are important to us as well that impact all of us.

What we all want is to improve the quality of life. We cannot do it by ourselves. We have to come together collectively. It has to come from a compromise, individuals willing to come together and do whatever it takes to make our State and our Nation a lot better. It is not going to happen if we have political wedges that divide us.

There are times that we have to come together to address those areas. We need to address those areas.

I want to thank you. I want to thank my family. I want to thank the leadership. I thank the gentleman from Missouri (Mr. Gephardt) very much for coming and getting all of the colleagues, the whips, you know, that raised all of the funds that were necessary.

I look forward to additional help from the other side in giving me additional monies. So it is very important for your support as well as we begin to work on a bipartisan effort.

I thank the Speaker and my colleagues very much.

The SPEAKER. Does the gentleman from California (Mr. Baca) yield back the remainder of his time?
MOTION TO ADJOURN

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion to adjourn offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 24, nays 379, not voting 31, as follows:

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The Sergeant at Arms will notify absent Members.

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been the arena for battles between the President and his allies on one side and his political opponents on the other. By and large, I think it is safe to say that the President has won victory after victory. We are going to be stuck having to extend the government, I am afraid, several times through CRs like this one because of some of the decisions made in the bill that is coming next, and people need to understand how they interrelate.

I think you can say, for instance, that in the area of international leadership, the President and those of us who agree with him have won a great victory in funding the Wye peace process agreement. We have won a very important battle in making sure that debts that would never be repaid are going to be wiped out so that Latin America and Africa can, in fact, come good markets for our products as well as stable neighbors in an even more complicated world.

We have won the fight to, at least for now, take the U.S. off the list of U.N. deadbeats. On the environmental front, the President has beaten down virtually every antienvironmental rider that was tossed his way. In the fight against street crime, the President won 50,000 new cops.

On the education front, it is important to understand some of the major achievements that we have made. We have seen a lot of people denigrate the President’s effort to provide for 100,000 new teachers. I want to put that effort in context. What Democrats have been fighting for on education in this package is a four-pronged research-based attack on educational incompetence and poor performance. The research shows, for instance, that children do much better in smaller classes. That is why the President fought so hard for and won the battle for 100,000 new teachers.

That research also shows that, especially at the high school level, students perform better, they exhibit less anti-social adolescent behavior, and there is far less violence in high schools that perform better. That is why if you want to reform schools, you need to do it from bottom to top and around again, that reform has to be comprehensive, systemic; and that is why this bill adds additional money to the Obey-Porter bipartisan comprehensive school reform package.

All of those are very good things. I say that there is no doubt on the major issues that have divided us last 3 months, the President has run the table. He has won on issue after issue. But I think there are some things that are just as important as winning and losing, and I want to talk about some of them as we discuss this continuing resolution. We are being asked to continue the government a few more days so it gives us time to pass the next bill that is coming at us. I think we need to understand that reform has to be paid for, that in fact, we vote on this resolution.

There are many things in that package that disturb me. The protracted battle to persuade the majority to allow the United States to pay its back dues to the United Nations has resulted in a compromise that may still prevent release of all of the funds that are needed to return the U.S. to a position of good standing in the U.N. I think that is regrettable.

The Republican majority was also steadfast in its refusal to provide the Justice Department with the $14 million that they need to pursue tobacco litigation. This money is needed for efforts to recover the hundreds of billions of tax dollars paid through the Medicare trust fund, the Public Health Service, the veterans and military medical systems, and the Social Security disability fund in dealing with tobacco-related illnesses. The tobacco companies that lied repeatedly to the American people about the health effects of smoking should pay a substantial portion of those costs. The Republican majority is clearly trying to protect them from having to repay the taxpayers.

I believe funds will be found by the administration to initiate litigation; but as everybody knows, legal outcomes are often dictated by the relative size of legal war chests. That is one of the things, for instance, that I tried to discuss when they put me into account when they discussed whether or not to put on that famous “60 Minutes” special which went after the tobacco companies for not telling the truth. I would say that while the appropriation requested by the Justice Department to augment their ability to pursue that issue is small, the long-term fiscal impact on the Federal Government could be enormous; and we have failed to recognize that in the bill that is coming before us.

The Republican majority also repeatedly refused to include language that would provide for smaller high schools, or at least to help local school districts build smaller learning centers within their high schools. The research also shows that students do best when their teachers are well trained. It sounds obvious, but some people seem to have missed it. So we have an initiative in this bill that will add additional funding for partnership grants between university schools of education and local school districts so that those schools of education are producing the kinds of teachers that the districts actually need. And also in the process, we are trying to raise the standards for those teachers so that they are actually getting a degree in the subject that they are going to wind up teaching, also I guess a shocking idea in some quarters. And lastly, research also shows that if you want to reform schools, you need to do it from bottom to top and around again, that reform has to be comprehensive, systemic; and that is why this bill adds additional money to the Obey-Porter bipartisan comprehensive school reform package.

I think you can say, for instance, that in the area of international leadership, the President and those of us who agree with him have won a great victory in funding the Wye peace process agreement. We have won a very important battle in making sure that debts that would never be repaid are going to be wiped out so that Latin America and Africa can, in fact, come good markets for our products as well as stable neighbors in an even more complicated world.

We have won the fight to, at least for now, take the U.S. off the list of U.N. deadbeats. On the environmental front, the President has beaten down virtually every antienvironmental rider that was tossed his way. In the fight against street crime, the President won 50,000 new cops.

On the education front, it is important to understand some of the major achievements that we have made. We have seen a lot of people denigrate the President’s effort to provide for 100,000 new teachers. I want to put that effort in context. What Democrats have been fighting for on education in this package is a four-pronged research-based attack on educational incompetence and poor performance. The research shows, for instance, that children do much better in smaller classes. That is why the President fought so hard for and won the battle for 100,000 new teachers.

That research also shows that, especially at the high school level, students perform better, they exhibit less anti-social adolescent behavior, and there is far less violence in high schools that perform better. That is why if you want to reform schools, you need to do it from bottom to top and around again, that reform has to be comprehensive, systemic; and that is why this bill adds additional money to the Obey-Porter bipartisan comprehensive school reform package.

All of those are very good things. I say that there is no doubt on the major issues that have divided us last 3 months, the President has run the table. He has won on issue after issue. But I think there are some things that are just as important as winning and losing, and I want to talk about some of them as we discuss this continuing resolution. We are being asked to continue the government a few more days so it gives us time to pass the next bill that is coming at us. I think we need to understand that reform has to be paid for, that in fact, we vote on this resolution.

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precise amount of money in order to protect the taxpayers’ interest.

Those programs fall into two categories: one, to protect public safety, and the other to control the in-flow and out-flow of public funds. These are largely accounts that include things like the FBI, the Drug Enforcement Administration, the Air Traffic Control, Customs Service, and Border Patrol. Numerous studies have demonstrated that cuts in the administration of the Social Security agency can drive up the error rate in the disbursement of those funds enough to cost the Federal Government as much as $8 for every dollar saved in reduced expenditures in Social Security Administration; and yet those studies are ignored in the way this cut is applied.

Then we get to the question of national defense. The way national defense is treated in this across-the-board cut is very interesting. It was treated the way this bill treats it in order to protect congressional pork. So what the provision requires is that we will have to lose about a $220 million reduction in operation and maintenance accounts, which is the core of our military readiness, and that is occurring at the same time that the Pentagon reported that two out of the 10 divisions in the U.S. Army are now rated at C-4; in other words, not close to having the parts, people, and maintenance that are necessary to undertake military action. Yet, operation and maintenance is going to be required to be cut by a larger percentage than anything else in this bill. The reason for that is because the folks who put this bill together wanted to protect the projects and the pork in the research and procurement accounts. So we get that weird anomalous result.

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

Mr. Speaker, I reserve the balance of my time to respond to your remarks, and I will expand further on that subject for the RECORD.

Mr. OBEY. Mr. Speaker, I am amazed, for instance, that on pay-fors, that the conference chose to ignore the opportunity to recoup for the taxpayers money that we should be recouping from the sale of what is known as the Block C portion of spectrum sales. Several years ago when block seed portion of the spectrum was auctioned off a number of winning bidders went into bankruptcy without paying the Government for the spectrum rights that they had purchased. They have been allowed to hold on to those spectrum rights, refused to make any payments, and now they have the prospect of reemerging from bankruptcy by selling their share of the spectrum for a good deal more than they paid for it. It is a shame if you can make a buck by selling the American taxpayers a tax and; we were blocked from correcting this specifically by one Member of the House Republican leadership.

But what bothers me the most about this proposal is the fact that it is faked through with accounting fixes to conceal an accounting that every Member would deny if confronted with it by his constituents. I will insert in the RECORD a chart which shows that when this bill is passed, the Congress will have gone up by $27,400 million that will not be counted in determining how much that we have spent. It also has declared almost $15 billion in expenditures to emergency spending so that they are also exempt from spending limits we are supposed to be abiding by.

Mr. OBEY. Mr. Speaker, in this bill, for instance, they have decided now that they all going to declare Head Start to be an emergency. It has only been on the books since 1965. I guess we just found out that it is an emergency to deal with these kids. What they are really saying is they have a political emergency that requires them to hide the real cost of this bill from their taxpayers. That is the really emergency designation that is going on here.

Then they move about $4.2 billion in outlays into different years. That saves no money. It simply hides money. They have miscellaneous spending, accounting gimmicks all told of $45 billion on the outlays side, and $43 billion on the budget authority side. If my colleagues want to go home and explain to their constituents that kind of hide-and-seek accounting, then I have a rule to prove it. I defy any of my Republican colleagues, I defy any of my Republican colleagues to tell me what is in those authorization bills that they are asking us to swallow. How much are we going to hear? How much are the reporters in the gallery going to dig out after we have left that we do not know about? I am afraid, a lot. But I have to say that what bothers me more than anything is that these accounting gimmicks may appear to be funny, but in fact, they are not funny at all. I would not laugh too long, because what we are witnessing here is something that is immensely corrosive of democracy and this institution’s role in democracy.

Mr. Speaker, the primary job that the Congress has each year is to pass a budget. If we cannot be honest with the American people about what we are doing in that budget, I think they have a right to question whether we are being honest with them on anything that we say to them. And the fact is that the list of accounting shell games that are in this bill, not for policy reasons, but for political reasons, I think brings discredit on the entire institution. That is disgraceful and we are determined to live under a fiction that requires us to pretend that we are spending billions of dollars less than we are actually spending.

Frankly, a lot of this spending is perfectly justifiable. I think that the Republican educational priorities are good. I support them as well as our own. But I do not like the fact that we are hiding what we are doing in the process. I will have more to say about this later in the line.

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

Mr. YOUNG of Florida. Mr. Speaker. I have no other speakers except myself.
to close, so I will continue to reserve my time.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Wisconsin (Mr. OBEY) has 10 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I came to this body this morning prepared to vote for a bipartisan omnibus bill, prepared to support reforms in the quality and in the resources for our education budget and for our schoolchildren across the country; prepared to defend firewalls on Social Security and further reduce the deficit and the debt, which is the best tax cut for all Americans. I have spent the last hour and a half to 2 hours in the parliamentarian's office reading through this bill and getting through a little bit of it; and the more I read of it, the more concerns I have about Social Security and debt reduction.

The gentleman from Wisconsin (Mr. OBEY) has said that there are some gimmicks and games, and I think maybe a hope and a prayer in this budget that we do not dip further than CBO has already said, which they have stated that Congress has dipped $17 billion into Social Security. The most important thing for me in this budget is to not touch Social Security, further reduce the debt, and get quality education reforms. I do not see any firewalls on Social Security in this. CBO has not even scored this. We do not know what it does to Social Security.

Furthermore, when we have Head Start at $1.7 billion declared as an emergency, I am not sure what that does to Social Security. I am not sure saying that $2.4 billion becomes available Oct. 1, 2000, the next fiscal year, what is that impact on Social Security? Delayed obligations, $3 billion for NIH, $450 million for the Centers for Disease Control. What is the impact there on Social Security?

So all of these things give me a great deal of hesitation and reservation and concern, and I do not intend to vote for this omnibus bill.

Now, on education, Mr. Speaker, we have $145 million for public charter schools. I think that is a step in the right direction. What about the $4 billion for more teachers, not just for more numbers; but we say 25 percent of the funds can go to quality improvement, to professional development. That is good progress, and I highly support that discretion and flexibility.

We furthermore have $335 million for the Eisenhower Professional Development Program, again to try to address the shortage in quality of teaching and too many teachers teaching outside their subject area. So I think there are some high concerns for success in education but I do not think this addresses the Social Security firewalls. It does not get scored by CBO, and I would encourage them to analyze this bill.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me this time.

Mr. Speaker, the budget process obviously allows us to say what is important to the American people. It is a process where we say some are winners and some are losers. It is a process for the American people to declare what the priorities are. Obviously we cannot win everything we want so it has to be a compromise, but I can say, Mr. Speaker, the people in North Carolina, where there was a drought, a disaster never was an emergency declared because it was not politically the right thing. Maybe those who indeed would have said that would have come from Social Security, we are trying to get the kind of help that we need, not of the just the basic relief, for our farmers which is in doubt.

Now, I want to vote for this bill because there are good things in it. I know there are winners and losers but I can say, Mr. Speaker, that as we go forward I think it says something about the American people when we ignore that over 72,000 people were affected in the region, farmers lost a tremendous amount of their crops. Many of them are going bankrupt and yet there is not the kind of relief that even responds in a very basic way to their needs, not the kind of relief because we knew an emergency was not declared.

We were willing to fight for that next year, to help farmers get $1 billion that was there for marketing. So I would urge, Mr. Speaker, that we look at that to try to make sure that this budget process, as we vote on it, indeed is speaking to the basic need. Some will be winners, some will be losers, but the American nation should not lose the principle of responding to those who are most desperately in need, while we go forward with such an enormous amount of resources. Eighty-one million dollars is a pittance; it is what is symbolic of what we stand for that we should make sure that as we consider this bill that at least the American farmers know that they were part of the consideration in this budget process.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I very much appreciate and thank the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member, for yielding me time.

Mr. Speaker, as we approach yet another CR, with all of the terrible problems that the ranking member has described, I think it fair to say that none has been more harmed by the procedures of the House this year than the people I represent.

Shall I paraphrase Elizabeth Barrett Browning? How shall I dislike it? Let me count the ways.

What is this bill? The Commerce, Justice, State, Foreign Ops, Interior, Labor, HHS, DC bill, plus? All of our appropriations that remain have been packed on to the tiny D.C. appropriation. Five hundred thousand people are being used to take $300 million, or bills for $300 million, across the finish line, and the Nation’s capital be damned; we just have to wait to spend our own money, understand, because almost all of the money in the D.C. appropriation is money raised in the District of Columbia.

Obviously I have to be for it. What kind of position does that put me in? The disgrace as affects the Nation’s capital is outflanked only by what the procedures of the House this year have done for our democracy and how we have displayed ourselves before the people of the United States. We have become, in and of ourselves, a threat to democracy. We have made democratic procedures a living joke on C-SPAN. We are going to have before us a bill brimming with controversy. There is the international family planning gag rule that is certain to take the lives of countless of the poorest women in the world, with no chance to debate it up and down. There is the dairy controversy we have heard so much about today.

In a democracy, we vote our differences up and down. In a democracy we even vote our compromises up and down. This House has become an embarassment to itself. However, I am very glad the Nation has been able to see it because maybe when we go home there will be a backlash that will keep us from ever doing this again.

The delay, with another CR, has needlessly harmed the people of the District of Columbia right at a time when we have gotten a new reform mayor and a reform city council. This has not made an ounce of difference to this body. The reputation of the House has been permanently damaged as an institution. We can reclaim it only by returning to regular order and democratic procedures.

Mr. OBEY. Mr. Speaker, I yield myself the remainder of the time.

Mr. Speaker, as I understand it section 1001 of the omnibus bill effectively waives the pay-as-you-go rules for all of the authorizing legislation included in the omnibus package. It also effectively, as I understand it, waives the pay-as-you-go rules for the outyear effects of other legislation passed this legislation.

I would like to ask the leadership of this House why these rules are being
The question was taken; and the Speaker pro tempore announced that the motion agreed to have it.

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

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

The Sergeant at Arms will notify absent Members.

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

Mr. YOUNG of Florida. Mr. Speaker, I offer a motion to recommit the joint resolution to the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, under these circumstances, regrettably I am.

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

The Clerk reads as follows:

Mr. OBEY moves to recommit the joint resolution to the Committee on Appropriations.

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

There was no objection.

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

HOUSE

November 18, 1999

So the motion to recommit was rejected.
The result of the vote was announced as above recorded.

☐ 1400

MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I move to reconsider the vote by which the House voted to reject the motion to recommit the bill to the Committee on Appropriations.
The SPEAKER pro tempore (Mr. LaTOURETTE). Did the gentleman from Florida (Mr. YOUNG) to lay on the table the motion to reconsider?

Mr. YOUNG of Florida. Mr. Speaker, I move to lay on the table the motion to reconsider.

Mr. OBEY. Yes, I did, Mr. Speaker.

MOTION TO TABLE OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG. Mr. Speaker, I move to table the motion as above recorded.

MOTION TOetableOFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG. Mr. Speaker, I demand a recorded vote.

The SPEAKER pro tempore. The question is on passage of the joint resolution, the House shall be considered to have adopted a concurrent resolution.

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

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

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

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

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

Removal of Name of Member as Cosponsor of H.R. 329

Mr. FROST. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 329.

The SPEAKER pro tempore (Mr. LA TOURETTE). Is there objection to the request of the gentleman from Texas?

There was no objection.

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

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 386 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 386

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3194) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes. All points of order against the conference report and against their consideration are waived. The conference report shall be considered as read.

Sec. 2. Upon adoption of the conference report addressed in the first section of this resolution, the House shall be considered to have adopted a concurrent resolution consisting of the text printed in section 3.

Sec. 3. The text of the concurrent resolution addressed in section 2 is as follows:

There was no objection.
Resolved by the House of Representatives (the Senate concurring), That the engrossed copy of the bill (H.R. 3266) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, shall be considered as read. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 386 is a typical rule providing for consideration of H.R. 3194, the conference report for the District of Columbia appropriations bill. The rule waives all points of order against the conference report and its consideration and provides that the conference report shall be considered as read.

Finally, H. Res. 386 also provides that, upon the adoption of the conference report, the text of the concurrent resolution printed in the rule tabling the conference report accompanying the Department of Interior appropriations bill shall be considered as adopted.

Mr. Speaker, this rule and this conference report bring the budget process for the fiscal year 2000 to a close by implementing a bipartisan compromise on the remaining appropriations bills, District of Columbia, Interior, Commerce-Justice-State, Foreign Operations, and Education, Labor, Health and Human Services.

Only three times in the last two decades has the Congress passed all 13 appropriations bills by the fiscal deadline. I point out one was recently when the gentleman from Wisconsin (Mr. Obey) was chairman. It is true that we did not make this deadline this year. However, it is also true that keeping our fiscal commitment does take a little longer than the free-wheeling, big-spending days of the past because we must ensure that all funding is spent efficiently and where it is needed. Mr. Speaker, earlier this year the Republican Congress made a commitment to the American people that 5 years ago Social Security and, according to the Congressional Budget Office, we have now completed that task. The President began the budget negotiations by taking a large step toward our position on the Social Security issue and joined us in locking away every penny of Social Security. We worked with him in a bipartisan fashion to protect retirement security. We were determined to protect American seniors and this Congress and its leaders have done a great piece of legislation on the House floor that spent one penny of it.

To achieve our goal of protecting American seniors and responsibly funding important programs, we are including in this bill a plan to direct every Federal agency to reduce spending by less than one-half of one percent, .38 percent of 1 percent, by routing out waste, fraud, and abuse. Surely the most efficient waste is about half a penny out of every dollar. This Republican Congress is simply asking those who run Federal agencies to make fiscally responsible budgeting decisions with the money taxed out of your paychecks by the agency directors and executives know where the waste is, and I am relatively certain they will be able to weed out at least that much in savings with this sensible plan.

In addition to meeting the fiscally responsible objectives, this conference report also ensures that our principles of quality and flexibility in the funding for teachers have been met. In the Labor-HHS section of the bill, this Congress ensured that funding may no longer be used to hire unqualified teachers, provides that schools will have more flexibility in using their funding for improving the quality of uncertified teachers, and increases the amount of funds reserved for professional training for teachers.

The administration pushed for a one-size-fits-all mandate in which Washington controlled the 100,000 New Teachers program. Not every district needs new teachers. Some need better-trained teachers. Other districts need books, high-tech equipment, and updated math and reading programs. I think it is foolish for the Washington bureaucracy to tell every school district in America that Washington knows best how to spend tax dollars to educate our children.

The debate in Washington is not only about money. It is also about how that money should be spent. This bill moves us closer to the right balance of education funding by providing additional funds for America's students through programs like Pell grants and special education while lowering the bureaucratic burden imposed by Washington through programs like Goals 2000.

The Commerce, Justice, State section of the conference report maintains our commitment to enhancing local law enforcement without involving Washington bureaucrats. We also provide funding for 1,000 new border patrol agents, funds for increased criminal and illegal alien detention, and the resources necessary to end the severe naturalization backlog at the INS.

The District of Columbia continues to receive the high level of funding provided in each round of this bipartisan conference report. The conference report paves the way for dramatic improvement in the education of Washington's children, the safety of our streets, and the management of our Nation's Capital.

H.R. 3194 also brokers a responsible compromise on the environment in the Interior appropriations section of this conference report. Republicans rejected attempts to impose the restrictions of the Kyoto global warming regime on Americans without Senate consideration of the treaty. Nevertheless, the bill maintains our high environmental standards and ensures our air and water will be cleaned into the next millennium.

While I will permit the chairman of the Committee on Appropriations to describe fully all the contents of the appropriations bill, I did want to note the inclusion of the satellite copyright legislation about which many of our constituents have expressed concerns during the past year. I am pleased that this bill will provide a new copyright license to satellite television that will allow constituents to receive their local television channels over their satellite service.

In addition, this bill will bring real competition, ensure better prices and choices for our constituents, protect existing subscribers from having their distant network service shut off, and make it easier for consumers to get either a waiver or an eligibility test for distant network service in the event the waiver request is denied. This bill is good for our constituents, and I am pleased to support it.

Mr. Speaker, I want to commend the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. Young), each of the subcommittee chairmen on the Committee on Appropriations, and the ranking minority member, the gentleman from Wisconsin (Mr. Obey), for their tireless efforts over the past few weeks to reach an agreement on the budget.

This rule was favorably reported by the Committee on Rules yesterday. I think that might have been this morning, at about 3:30 a.m., and I urge my colleagues to support the bill on the floor so we may proceed with the general debate and consideration of this important conference report.

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

Mr. Frost. Mr. Speaker, I yield myself such time as I may consume.
Mr. Speaker, at 3:20 a.m. this morning the Committee on Rules was convened to report this rule. The chairman of the Appropriations Committee, the gentleman from Florida (Mr. Young), said at that time that he would like to take the time to explain to the committee what was in this conference agreement, but that to do so might take 4 days. While I know he was engaging in a little hyperbole, I cannot think he was too terribly off the mark.

Mr. Speaker, this rule rolls five appropriation bills, agriculture disaster assistance funding, and $376 million for Hurricane Floyd disaster assistance, all into one bill. The conference agreement also contains a much-needed Medicare reimbursement fix for hospitals and nursing homes, the authorization for the Department of State, which did not appear on these conferees' minds that must be met in order for U.S.arrangements to be paid, as well as other matters that were not made clear to the Committee on Rules early this morning.

I am perfectly aware that Members are anxious to end the session of the 106th Congress, but could we not wait an extra hour or 2 to give Members an opportunity to find out what is really in this bill? I am also concerned that this enormous bill is only going to get bigger. Will any of Members' objections to this conference agreement be heard? Vote against this conference agreement because of that issue alone.

This bill represents a lot of hard work and many hard-won compromises. However, there is one provision that is problematic for many Members of this House. While the bill funds the arrangements owed to the United Nations, these funds have been won at an extraordinarily high cost, a cost that for some Members may be too high. The fact that this bill trades off payment to the U.N. for family planning around the world is tragic. Women's lives and health are being held hostage. Mr. Speaker; and for many of us in this body, such a situation is deplorable. No one should be surprised if Members vote against this conference agreement because of that issue alone.

Finally, Mr. Speaker, this bill does contain an across-the-board cut. Granted, it is far smaller than originally proposed by the Republican majority, but the symbolism is hard to miss. Because this bill has only been whole for a matter of hours, it is doubtful that the symbolism is hard to miss. Because this bill has only been whole for a matter of hours, it is doubtful that the symbolism is hard to miss. Because this bill has only been whole for a matter of hours, it is doubtful that the symbolism is hard to miss. Because this bill has only been whole for a matter of hours, it is doubtful that the symbolism is hard to miss. Because this bill has only been whole for a matter of hours, it is doubtful that the symbolism is hard to miss. Because this bill has only been whole for a matter of hours, it is doubtful that the symbolism is hard to miss. Because this bill has only been whole for a matter of hours, it is doubtful that the symbolism is hard to miss. Because this bill has only been whole for a matter of hours, it is doubtful that the symbolism is hard to miss. Because this bill has only been whole for a matter of hours, it is doubtful that the symbolism is hard to miss. Because this bill has only been whole for a matter of hours, it is doubtful that the symbolism is hard to miss. Because this bill has only been whole for a matter of hours, it is doubtful that the symbolism is hard to miss. Because this bill has only been whole for a matter of hours, it is doubtful that the symbolism is hard to miss. Because this bill has only been whole for a matter of hours, it is doubtful that the symbolism is hard to miss. Because this bill has only been whole for a matter of hours, it is doubtful that the symbolism is hard to miss. Because this bill has only been whole for a matter of hours, it is doubtful that the symbolism is hard to miss. Because this bill has only been whole for a matter of hours, it is doubtful that the symbolism is hard to miss. Because this bill has only been whole for a matter of hours, it is doubtful that the symbolism is hard to miss. Because this bill has only been whole for a matter of hours, it is doubtful that the symbolism is hard to miss.
when we do, I strongly urge my colleagues to address the unique circumstances of small businesses that were damaged by the storm. These small businesses are the economic backbone of many of our communities and need and deserve direct grants to help them back on their feet.

Also I am pleased that this bill contains many of the provisions of H.R. 1402 which implements the Option 1-A milk pricing system that is so important to the small dairy farmers in New Jersey and the northeast. It also extends the dairy Compact for two years.

Finally, I am pleased that this bill advances the international plan to provide debt relief to the world’s poorest countries.

Mr. Speaker, I am on the Board of Directors of Bread for the World—one of the distinguished and notable groups that have been spearheading the debt relief movement. Indeed, much of the religious community is urging us to write off some of the unpayable debt of the world’s poorest countries during the year 2000. And under the right conditions, it’s the right thing to do.

The language Majority Leader ARMey has negotiated with Treasury is very helpful and I commend him for his efforts. It will increase the impact of the funding the House has already voted to appropriate for the relief of debts that very poor countries owe to the United States. This language will ensure that the International Monetary Fund and other governments also help provide for this debt relief. In addition, I believe it will require accountability to ensure that the monies will be directed to feeding the hungry in these poorest countries.

For my part, I will continue to track the distribution of this debt relief to ensure that it is not being diverted by corrupt government actions.

Mr. Speaker, this language will also give Congress another opportunity next year to push for IMF reform. Many Members—from both parties—agree that the IMF should be more transparent and more accountable—to the taxpayer’s of the United States and to people in the countries where it works.

There is also widespread agreement on the basic goal of debt relief—to support economic development and the reduction of poverty in the poorest countries. Treasury, the World Bank and IMF have adopted promising new policies and procedures recently, and Congress will need to be vigilant that these changes really do translate debt relief into help and opportunity for poor and hungry people.

Mr. Speaker, this omnibus package is far from perfect. Like many Members, I could find certain parts of this bill problematic. But, we must look at the whole picture. And on the whole this bill is fair.

I urge my colleagues to support this bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank my distinguished colleague for yielding me this time.

Mr. Speaker, once again I want to make clear why I have offered the motions that I have offered for the past 2½ hours. I did so because it was the plan of the leadership to bring the rule and the continuing resolution that just passed, to have that up right away at the House. I immediately move to the rule, which we are now on, and then move immediately to the omnibus appropriation bill, which none of us have read and none of us understand. And that vote would have been taken by the House without even having a single copy of that bill on the floor.

What I was trying to do is to give Members, first of all, enough time to simply get a copy on the floor; secondly, to give our staffs an opportunity to try to determine with greater certainty exactly what is in the authorization language that is not; and thirdly, to develop at least some pieces of information available to rank and file Members so that those Members who were not in the negotiations understand just how replete with gimmicks and replete with fraud this upcoming bill is.

Now, we have done I think as much as we could reasonably do. It has never been my intention once the debate on the bill starts to offer further motions because I think both parties are entitled to lay out their views on that bill without interruption, and I have no intention of making future motions once we get to the bill itself.

I do ask the House, on this bill, to vote against this rule because we have no business doing business this way. We have no business adding nine separate authorization bills to the underlying appropriations bill. We have no business hiding from Members the $45 billion in spending gimmicks that are in these bills.

It just seems to me that the way we should proceed is to have an hour’s debate on each of the provisions being added to the appropriations bills so that, whether Members are for them or against them, the House at least has an opportunity to understand what it is doing.

Nobody knows what we are doing on these bills except perhaps a few of the staffers who put them together, I will grant that. But I doubt that any Member is fully aware of all of the provisions in these bills. And we are going to regret a good many of them, I am sad to say.

I would simply say, for instance, that there are pieces of this bill, and this is not true of the appropriation items, but there are other pieces of the bill which we will consider which have not yet been scored by the Congressional Budget Office. We ought to know what they estimate the cost to be before we vote on this bill.

So I would urge my colleagues to vote against the rule.

Mr. LINDEY. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

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

Mr. Speaker, earlier in dissertation on the floor it was mentioned that the President won something in the area of education. I want to make sure, and I will do this several times this afternoon, that everybody understands that the President did not win anything in education.

The chairman of the Committee on Education and the Workforce did not win anything in the area of education. The children of the United States won a lot in the area of education. And, above all, the most disadvantaged children in the United States won in the area of education.

Finally, I am pleased that this bill advances the administration that 50 percent of many of the teachers in the schools in New York City and duplicated in large cities all over the country were totally uncertified and, beyond that, probably not trained, some that were certified, they agreed there is no reason to put one more teacher in there. We better get those who are there properly qualified.

When they realized that last year 10 percent of all those new teachers that were hired were totally unqualified, they realized putting one teacher in there was not going to help anything, they better get the people who are there more qualified. And so, we say in that legislation agreed to by the administration that any new hires must be properly qualified and anybody that was hired last year that was not qualified must be qualified within 1 year.

That is why the administration agreed that we should move from 15 to 25 percent in the next year. That is why the administration agreed that we should move it 100 percent in those school districts where they have all the uncertified and unqualified teachers.

That is why the administration agreed that public school choice should be available to the 7,000 schools that are Title I schools who are not doing anything about improving the quality of their education, and they said those parents should have the right, and we agreed.

We brought it up. They agreed. So nobody won except the children of the United States and, above all, those children who are most disadvantaged.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. STARK).

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

Mr. Speaker, I would like to talk about the calendar and explain that Thanksgiving does not come until Thursday, a week, and the “turkey” that we are about to consider today is...
stuffed with a lot of horrendous gifts and failures.

For example, stuffed away in this bill, unknown to many of my colleagues, is a gift of over $500 million a year to drug companies who have their pharmaceutical drugs exempted from certain protections under the Medicare bill. But at the same time we are giving $500 million a year to these pharmaceutical companies, members of the Committee on Ways and Means, all of them, all of the Republicans who were there voted to deny seniors a discount on their prescription drugs.

That means that the gentleman from Arizona (Mr. HAYWORTH), the gentleman from Pennsylvania (Mr. ENGLISH), the gentleman from Florida (Mr. SHAW), the gentleman from Florida (Mr. FOLEY), and the gentlewoman from Connecticut (Mrs. JOHNSON) all voted to deny the seniors in their district a discount on their prescription drugs, which would have cost the Federal Government not one penny. Yet, grandly, they were going to vote to give $500 million a year to the pharmaceutical companies.

Now, this bill is not paid for. There is a $4 billion gift to the medical providers, but it shortens Medicare solvency and raises the Part B premium on all of our seniors by $12.

At the same time, this bill has failed to give Medicaid to children of legal immigrants. Young children are denied medical care if they came to this country after 1996.

Yet, we had a great gift to the Blue Cross/Blue Shield company by weakening quality control standards for managed care under Medicare. We weakened the standards when this same Congress has been unable to finalize the managed care bill of rights. We are doing nothing under the Republican leadership except giving big dollars to the health care and medical companies in exchange for their donations, giving big gifts to Blue Cross and for-profit managed care plans who are reaming our seniors.

And yet, in the next bill to be considered, if this turkey that we will consider in the extenders happens to have a bawl movement, we are going to spend $40 million or $30 million a year turning the results of that activity into energy.

I would suggest, if we are going to put up with all this Republican alchemy, why do we not ask these same poultry producers to turn that by-product into gold; and then they might find the $17 billion they cannot find to pay for this bill and, so, it is going to come out of the Social Security trust fund.

All in all, the gentleman from Texas (Mr. FIOST) is correct. It is a bill we should not be voting on in the dark. Vote no and they are going to be voted out of the Social Security trust fund.

Mr. LINDER. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I thank the gentleman, the Chairman of Appropriations, for his kind words this morning.

Mr. Speaker, we are supposed to be talking about a rule. But, obviously, we are into the substance of these measures. There has been a characterization of some of that substance by the gentleman from California (Mr. SNARK), and I would like to take just a couple of minutes to set the stage for those of our colleagues who may be nervous about the fact that the body does not know what we are doing in terms of the Medicare reform or that items have been slipped into this bill.

Perhaps the gentleman does not remember that we had a subcommittee mark-up on October 15. We examined the bill at that time and voted it favorably to the full committee.

In between subcommittee passage and the full committee vote, the President wrote a letter to me dated October 19 and said, "Dear Mr. Chairman, I am writing to respond to your request about administrative actions."

He goes on to spell out for what the administration has been trying to do notwithstanding the Y2K computer problems that the administration has had the day after he signed the Balanced Budget Act of 1997. We were not aware of them prior to signing the bill, but they discovered them immediately after they signed the legislation.

His next-to-last paragraph said this: "We believe that our administrative actions can complement legislative modifications to refine BBA payment policies. These legislative modifications should be targeted to address unintended consequences of the Balanced Budget Act of 1997 that can expect to adversely affect beneficiary access to quality care."

That was exactly what we did. We targeted it. This is a refinement bill. And on October 21, it passed the full committee with a bipartisan vote. This is not something that was done in the dead of night at 3 a.m. in the morning. It went through the subcommittee. It went through the full committee. And then it came to the floor on November 5. And with 388 Members of the House supporting the very specific provisions that have been characterized as insidious or give-backs or rip-offs, 388 Members of the House voted for it.

But beyond that, after we worked with our sister committee on this side in jurisdiction, the Committee on Commerce, with the Senate Finance Committee, and with the White House to craft an agreement that looked virtually exactly like the House bill, there was a comment by White House representative Chris Jennings, who is identified as the health policy coordinator at the White House, in news stories published on November 11. Mr. Jennings said, "This is an honorable compromise. It lays down a foundation for more significant Medicare reforms next year."

It is quite true that the gentleman from California tried to offer a number of killer amendments to fundamentally alter Medicare, to change the entire structure on a modest bill that the President agreed needed to correct some flaws in the Balanced Budget Act of 1997 refinements. No refinement bill could carry the kind of amendments the gentleman from California offered. And clearly, the purpose of those amendments was to be able to stand up on the floor and then make a statement that somehow we refused to provide prescription drugs to seniors.

It seems to me that if less of that kind of hyperbole were employed and more of a willingness to work together, as has been indicated by the White House, health care coordinator, we could accomplish much. In a letter dated November 15 that was addressed to the Speaker signed by John Podesta, Chief of Staff to the President of the United States, in which he said, for example, in the third paragraph, "As Office of Management and Budget Director Lew in his letter to Mr. Thomas on October 18. Findings or clarifications by Congress do not change the law and do not result in scoring. Therefore, the attached clarifying language on the hospital outpatient department policy would not be scored by the OMB. With this in mind, we would not characterize such legislation as having an adverse effect in any way on the Social Security surplus."

A letter from the White House says it does not affect the Social Security surplus. The comments from the White House people we worked with said it was an "honorable compromise". CBO has scored it, and I will put it in the RECORD in terms of the dollar amounts on a 1-year, 5-year, 10-year, in fact, a detailed scoring.

Why anyone would stand up on the floor of this House and characterize the Medicare legislation as reckless or inappropriate, when Democrats that we worked with to put the package together, such as the gentleman from Maryland (Mr. CARDIN), White House representatives, Chief of Staff John Podesta and their health care coordinator say this is an honorable agreement, that we have it scored that it does not affect the important hospital outpatient area, any adverse effect on Social Security, I have got to say it sounds a little desperate on the part of some individuals who voted no in subcommittee, no one is voting no now that, frankly, their colleagues do not agree with them.

This is a good package. People are pleased to and it is endorsed by Republicans, some Democrats, most Democrats, and the President signed by John Podesta, Chief of Staff, the Floor of the House, and the White House.

I am pleased to work together with those who want to improve Medicare to
make sure that it is better for our seniors today and tomorrow.

Mr. Speaker, I include the following for the RECORD:

THE WHITE HOUSE,

Hon. DENNIS HASTERT,
Speaker of the House of Representatives,
Capitol Building, Washington, DC.

DEAR MR. SPEAKER: We are pleased that we have been able to work out a strong, bipartisan agreement on the Balanced Budget Refinement Act of 1999. All parties to the agreement, in particular Mr. Thomas, Mr. Bliley, Mr. Dingell, Mr. Rangel, Mr. Stark, Mrs. Johnson, Mr. McCrery, Senator Roth, Senator Moynihan and Senator Nickles, played critical roles in achieving this outcome. We know that this was as high a priority for you as it has been for the President and we appreciate your leadership.

As you know, a technical drafting change in the BBA has resulted in some confusion over the outpatient payment formula that could result in a reduction in payments. Aside from correcting a payment formula flaw, the outpatient PPS was not designed to impose an additional reduction in aggregate payments. We continue to believe that such a reduction would be unwise. During our deliberations on the Balanced Budget Refinement Act, we agreed to resolve any confusion through a Congressional intent clarification provision. Earlier today, language to this effect was worked out between the White House and Mr. Thomas.

As Office of Management and Budget (OMB) Director Law indicated in his letter to Mr. Thomas on October 18, findings or clarifications by Congress do not change the law and do not result in scoring. Therefore, the attached clarifying language on the hospital outpatient department policy would not be scored by OMB. With this in mind, we would not characterize such legislation as having an adverse effect in any way on the Social Security surplus.

Achieving a bipartisan consensus on addressing the unintended consequences of the BBA is the important accomplishment. The President hopes that we can build on this achievement and pass legislation to strengthen and modernize Medicare.

Sincerely,

JOHN D. PODESTA,
Chief of Staff to the President.

Enclosure.

BUDGETARY IMPACT OF THE “MEDICARE, MEDICAID, AND S–CHIP BALANCED BUDGET REFERENCE ACT OF 1999”

<table>
<thead>
<tr>
<th>Program refinement</th>
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<td>5 year 10 year</td>
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<tr>
<td><strong>House-Senate agreement</strong></td>
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<tr>
<td>Hospitals</td>
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<td>Outpatient Therapy Services</td>
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<td><strong>Addition per administration’s request</strong></td>
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<td>Administration’s Request Hospital Outpatient PPS Clarification</td>
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<tr>
<td><strong>Total spending (reflecting Administration’s request)</strong></td>
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1 Components may not add to total due to rounding.
2 Request detailed in letters from the OMB (10/18/99). Clarification will not be scored by OMB on its baseline.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Wise).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise reluctantly in opposition to this rule because I believe that it is not fair and it is not in keeping with the language in this House for us to have an open debate and for Congress to work its will on important matters that affect our country.

There are at least nine bills rolled into this bill that this rule is for, five appropriations bills. I do not like to spend a good deal of time talking about this process, but when the rule for a bill for at least nine pieces of legislation allows for 1 hour of debate, one-half an hour on each side, that is not serving the American people well.

One of the issues that I wish we could debate more and I think it was the bill on foreign operations were brought up separately, which it should have been, is the issue of international family planning. I think it is very instructive to the American people to see that the Republican majority of this House was willing to hold hostage the United States international role in the world. The Republican majority was willing to hold hostage the poorest women in the world and their access to family planning. They were willing to hold hostage our position at the United Nations at a time when we are calling out for multilateralism and not the U.S. carrying the full burden.

I think it points to the extremism of the Republican Party that this is, and I point out, my colleagues, this is not about abortion; it is about family planning, that a majority of the Republicans have voted to oppose all funding, that a majority of the Republicans have voted to oppose all funding for all international family planning, that they would take that position and use it against the administration and force the administration’s hand to agree to their position in order for us to maintain our vote at the U.N. while we paid our dues.

I urge my colleagues to vote “no” on this rule, in the hope that we could bring back the substantive matters before this House in a fair and open and democratic way.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. Rahall).

Mr. RAHALL. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to the rule and wish to set the record straight on the swirling misperceptions that have surrounded the West Virginia delegation’s efforts to provide a balanced budget.

Mr. Speaker, I rise in opposition to the rule and wish to set the record straight on the swirling misperceptions that have surrounded the West Virginia delegation’s efforts to provide a balanced budget. The White House certainly is to blame. The White House, particularly has turned their backs on the American people to see that the Republican majority of this House was willing to hold hostage the United States international role in the world. The Republican majority was willing to hold hostage the poorest women in the world and their access to family planning. They were willing to hold hostage our position at the United Nations at a time when we are calling out for multilateralism and not the U.S. carrying the full burden.

I do not know how to better state it, how to make it more clear. Yet despite those facts, a campaign of misinformation has been trumpeted around this Nation and has been unfair to our West Virginia congressional delegation. The White House certainly is to blame. The unfortunate fact is that the White House and the President’s senior advisors particularly have turned their back on the many hundreds of hard-working men and women whose livelihoods, whose families and whose futures now hang in the balance. These are the individuals who have toiled beneath the surfaces of this Nation in order to provide us energy security that lights this very chamber today.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. Wise).

Mr. WISE. Mr. Speaker, I rise in opposition to this rule and to the final spending bill. There may be many laudable provisions, but the full House bill does not include the important Byrd-McConnell mining amendment that the White House delegation has sought so hard to include. Failure to include the West Virginia delegation’s language which would rectify a federal court decision means months, perhaps even years of uncertainty, uncertainty about whether to enter into coal contracts, uncertainty about whether to
make investments in future mining, uncertainty in families’ lives about whether they will continue working in the mining industry and, finally, uncertainty, yes, even for the environmental advocates, because there are no final rules of the road.

If this day ends without the important Byrd-McConnell language, I believe, though, we must continue working. First, all parties must agree that the present stay of the court decision has to remain in effect. Second, the DEP and Federal agencies must work together to analyze the full impact of the court’s decision. And, third, all parties, mining, State and Federal officials, and environmental representatives must undertake serious negotiations to see if agreement can be reached to deal with the most severe impact of the court decision.

But, Mr. Speaker, let me make a point. Great progress has been made in improving surface mining. As a result of environmental legislation and a sweeping environmental settlement just months ago, surface mining will never be the same again in the State of West Virginia. So great progress has been made. The question is whether balance will be preserved. And the court’s decision takes it too far the other way. The important Byrd-McConnell language would guarantee that there would be balance, that gains in regulating mining would be preserved and at the same time the important mining jobs, particularly in those areas of high unemployment, would be preserved.

Mr. Speaker, mountaintop removal will never be conducted the same again. That is already a given. The Byrd-McConnell language, though, would guarantee that as we improve regulations to mountaintop removal, we would guarantee that as we improve surface mining. As a result of the Byrd-McConnell language, though, I believe, we must continue working.

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Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

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

I reluctantly have to rise in opposition to the rule. I want to at least explain why. Early in the process we were told that there was not going to be an omnibus bill. We now know that that is not true. We were also told that very controversial issues would not be included in the final bill. We know that is not true, either. But part of the reason I have to rise in opposition to this rule is I remember several years ago when one of my favorite Presidents stood right there and he held up a bill that weighed about 45 pounds and he dropped it on the desk right here with a big thud, and he said, Congress should not send bills like this to my office, and he said, and if they do, I will veto them. He did not keep that promise. He probably should have.

But in many respects, we all know, everybody in this body knows it is wrong to have these omnibus bills where we throw almost everything into it. If anybody here can say with an honest expression on their face that they know what everything is in that bill, well, God save you. We know that there is a lot of stuff in that. We are going to read over the next several months about issues that are in the bill, and we are going to be embarrassed by it.

But I am most embarrassed about what is happening to the dairy farmers in the upper Midwest. Every morning at 4:30 lights go on all over the upper Midwest, 3,000 in my district. Nobody works harder than dairy farmers, and this is how we lose the family farmer. For 62 years they have labored under the yoke of an unfair milk marketing order system, and this leadership has knifed them in the back in the 11th hour by a handful of leaders in a back-room deal. I can live with the outcome if we have regular order. I understand democracy. If we have an honest up or down vote and we lose in the House; we have an honest up or down vote and we lose in the Senate, I can live with that. That is called democracy. But when it is done at the 11th hour by a handful of leaders in a back-room deal, well, I cannot live with that, and I cannot vote for a rule that would support it.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I rise today to support this conference report and to commend my colleagues on the Committee on Appropriations, the gentleman from Colorado (Mr. BEBENEDICT) and those in the administration for their efforts. Bringing this package to the floor has not been easy. I want to applaud the patience and the determination both sides showed in reaching this agreement. I reluctantly opposed the conference report for the Interior appropriations bill earlier in the year because of numerous anti-environmental provisions that were attached by the other body. Thankfully we have removed or modified nearly all of those rider and significantly improved the Interior bill.

Additionally, though, through our negotiations with the White House, we were able to increase funding levels for some key programs that will better protect our environment. In the last few weeks, we negotiated millions of additional dollars for the President’s land legacy initiative to protect sensitive or threatened lands in this country. The administration and Congress are in agreement that the benefits this compromise means to our public lands.

Funding was included in both the Commerce Department as well as the Interior Department to help my State and three other West Coast States address the recent salmon listings under the Endangered Species Act. I am working for these programs, this is my top priority. I want to sincerely thank the gentleman from Kentucky (Mr. O’BRIEN), the gentleman from New York (Mr. SERRANO), and the gentleman from Ohio (Mr. REGULA) for working with the President to provide these critical funds that will help our State protect and restore West Coast salmon provisions.

Additionally, funds were included to help implement the recently negotiated treaty between the United States and Canada that will aid our efforts to recover these fish by substantially reducing their harvest. I regret that the conference agreement did not provide the requested increase for the National Endowment for the Humanities. I believe there is strong public support for both of the endowments and wish the funding levels to the arts be reflected in the House.

Again I wish to warmly thank the gentleman from Ohio (Mr. REGULA) for his tireless work on the Interior appropriations bill. These negotiations were long and tedious, but he demonstrated extraordinary leadership and was instrumental in bringing this agreement to the floor today.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. ROY). Mr. RYAN of Wisconsin. Mr. Speaker, I would like to speak out in opposition to not only this rule but to this final bill for many reasons, but chief among those reasons is the fact that the administration is the reason why I am opposing this bill is because of the dairy policy provisions contained within this bill. Blame can be spread all over the place. The President did not adequately protect his own agency’s reform. The majority of Congress swept against their own interests.

The point is: we are preserving a 62-year-old antiquated program that pays a farmer more for the price of milk he produces the farther away from Eau Claire, Wisconsin, he lives. This Congress, which is elected to defend the Constitution, freedom, this Congress which contains most Members of Congress who proclaim to be in favor of free market principles, are voting in this bill to destroy those very free market principles. What I say to those Members of Congress from the Midwest, from the South, you like milking cows, I understand that, “Just don’t milk our dairy farmers in the upper Midwest.”

The problem with this bill is that half of this dairy policy never came to this body. It did come to the Senate and it was defeated. So why on earth are we dealing with this legislation in this big appropriations bill? This should be done through regular order. It should not be done in this appropriations bill. Worst of all, it pits one, two,
three regions of dairy farmers against one region, the upper Midwest. We simply want a chance to compete fairly on a level playing field in the upper Midwest, and we are being deprived of that.

Mr. Speaker, I urge Members of this body to vote against this bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me this time. There is so much to say and so little time, but I would like to focus on two specific items of importance to the American people.

Mr. Speaker, I consider the health-related provisions of this bill to be a mixed bag. I am extremely pleased to see that Congress is continuing its commitment to double the budget of the National Institutes of Health over 5 years. This is the lifesaving research which families fighting cancer and other dread diseases are depending on. The bill increases the NIH budget by another 15 percent, raising it from $15.6 billion last year to $17.9 billion in fiscal year 2000.

But, unfortunately, the shell game continues in order to pay for this spending.

The bill delays the release of $4 billion of the NIH appropriations until September 29, 2000. Twenty of our colleagues wrote to the conference urging them not to take this action, because medical research is not a faucet that can be turned off and on. No disease will wait for a clinical trial to get to the needy. A cure for cancer is not going to hibernate until the researcher receives the promised grant. Frankly, I am not too sure the researcher will stick around either. I am deeply concerned about the impact of this delayed appropriations on vital medical research.

In addition, I am appalled that Congress and the administration have conspired to imperil the health and welfare of women across the world by attaching onerous conditions to international family planning spending. Under this bill, United States funds are not only barred from going to groups that perform abortions directly or indirectly, but also to any group that lobbies in any way regarding governmental policies on abortion. An organization could even be barred from informing a government how many women were being harmed by unsafe or botched abortions, not just lobbying for abortion rights.

Mr. Speaker, I moving to use his authority to waive this provision, international family planning funds are cut by 3 percent. At that point, thousands of women will not receive birth control, leading to unintended pregnancies and abortions. It is simply beyond my grasp how abortion opponents believe that policies like this one help their cause.

This provision will not prevent a single abortion. It will only cause more and more dangerous abortions to occur. A woman in the Third World dies every 3 minutes. Surely that is the harshest kind of birth control, and we will be prevented from telling them how to prevent unintended pregnancy.

I am pleased that the bill makes progress in restoring the unexpectedly deep cuts made in Medicare reimbursement to hospitals, home care and other facilities under the Balanced Budget Act. Although the relief provided itself is modest, it will make a major difference in my district of Rochester, New York, and other dairy regions. We simply want to reform an antiquated, senseless dairy policy which is closed doors, the first significant step to reform an antiquated, senseless dairy policy will be blocked by language contained in this bill.

Just a couple of months ago, Mr. Speaker, I had a meeting with some of the leaders in the Republican Party on the House floor, where they promised me and other representatives that they would not allow any anti-dairy reform legislation to be attached to one of the year-end spending bills. But we wake up this morning and, lo and behold, there it is. Promises made, promises broken.

And you would think that a administration whose own reform proposals are under attack after three years of exhaustive work would stand a little more firm and fight for it, but that did not happen.

Now, it is never fun or pleasant to hold up the business of the House with delay tactics, and it is unfortunate we have had to resort to that tactic today. But I for one am willing to stay here until the cows come home, until we get this budget right, for the American people, and right for the family farmers across the country.

For those of you who believe in budget integrity and fiscal discipline, there are a number of reasons for voting against it. It is $35 billion over the spending caps from the 1997 budget agreement. We are dipping into the Social Security surplus by $17 billion to $18 billion according to our own Congressional Budget Office. We have done absolutely nothing to extend the solvency of Social Security and Medicare by one day in this budget. To top it all off, we are milking family farmers across the country and consumers and taxpayers with this $11th hour, backroom deal that will prohibit reform of a depression-era national dairy policy.

We can do a lot better. I think the American people demand that we do a lot better.

I would encourage my colleagues to vote no on this budget agreement. Let us start over, let us get it right, and then let us go home.

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today in opposition to the Medicare “salvation” section. It is really a testament to the vitality of our democracy.

This Medicare salvation section is the direct result of a lot of us getting out there, visiting our nursing homes, talking to the people who run them and hearing from seniors who were being denied critical care because of mistakes made in past legislation or in administration policy.

If the bill passes, democracy is not a spectator sport, and this bill reflects that truth. Members of the subcommittee were out there, other Members of Congress were out there, and
Mr. Speaker, I rise to oppose the rule, is that what we are trying to achieve: A balanced budget without spending Social Security income.

Just as an example, Mr. Speaker, this bill has not been paying attention during regular order, because within this bill are the multitude of bills that have been discussed in committee, discussed on this floor, and now rolled into one bill as we leave this process.

The others that suggest somehow we are dipping into the Social Security trust fund, the only reason we are here still is because the President keeps asking for more money, more spending, more funds for programs that he needs. Now, some have suggested somehow we have been held hostage on international family planning. The President of the United States agreed to that provision in the bill.

Now, let us talk about why some people will vote against the fine bill here today. I challenge them to vote against increasing funding to Medicare choice. Organ transplants patients will have an extended coverage on anti-rejection drugs. Vote no to that today. I urge you to today.

Rehabilitation services, increasing therapies, something we have heard complaint after complaint from our citizens about, the need to increase physical therapy and rehabilitation.

Women’s health. Pap smear tests now and cervical cancer screenings. Go ahead and vote against those fine initiatives. I challenge you to do it.

Increased flexibility for rural hospitals. Cancer hospitals, ensures that cancer hospitals will not face any reduction due to new outpatient prospective payment systems.

Changing the prospective payment system for hospital outpatient. Nursing home skilled facilities will be, in fact, have increased patients.

Home health care, reduce the scheduled reduction and increase benefit caps for some citizens.

Hospice care. Matt Lauer and I and several others were with hospice this in Palm Beach County raising money for hospice.
Teaching hospitals for New York and other places who have been belly-aching about not having enough for teaching hospitals. The people from California (Mr. THOMAS) and the Committee on Ways and Means, we have increased money for teaching hospitals. Durable equipment, increased senior access to durable equipment. Rural health care. On and on goes the list. For my Floridians who say they are going to vote against the bill, they are going to be voting against $142 million for Everglades restoration. Go back and tell that to the Floridians who depend on the Everglades for water. I urge my colleagues to vote “no” and go home and explain that.

Indian programs. You name the list of things that are accomplished in this bill through the hard work of the committee in order to make this a better country. Money for national forests, bettering education, continuing our commitment to block grants. On and on goes the list of fine things in this bill.

Those that live in rural farming areas, please pay special attention, because in this bill is a $173 million loan authorization for disaster relief, okay? My colleagues can go home and face their farmers this weekend and explain to them that they voted against this very important provision, if they have experienced a drought. Anyone from North Carolina, anyone from Florida, I urge you to go home and tell your farmers you had a chance to help them today and you chose not to from a partisan perspective. Juvenile accountability. On and on goes the list.

Mr. Speaker, I urge Members to support the rule, support the bill. It is a good bill.

Mrs. HANSEN. The gentleman from Wisconsin (Mr. OBEY) is recognized for 3½ minutes.

Mr. OBEY. Mr. Speaker, let me simply address two points, since other Members have also addressed the dairy issue.

I believe that in this House a handshake is as good as a contract, and I believe that the day that one’s word ceases to be one’s bond is the day that we lose something very precious in this democratic institution.

I was in August and again in September, and this was confirmed by one of the two Members of the Republican leadership 3 days ago in a conversation with me. I was told that if I would cooperate procedurally on appropriate health care. On and on goes the list, they would assure me that no extraneous dairy provision would be attached to any appropriation vehicle. The three key words were “any appropriation ve-

hicle.” That promise has now been violated. I think that says more about the people who violated it than it says about anybody else in this institution, I deeply regret it.

I find it incredibly ironic that at a time when people are cheering with great huzzahs over the World Trade Or-

ganization-China deal, when they are seemingly rushing for free trade internationally, they are supporting inter-

national trade barriers to the free flow of dairy products in the United States. That is absurdly old-fashioned, and no self-respecting free marketeers should be supporting it.

I urge the Members to save this provision, if they have it. Now Mr. Lott is trying to kill the dairy provision that would have smoothed out the formulas that would have increased money for teaching hospitals. Mr. Lott and his colleagues, I hope we prevail.

Mr. Speaker, I urge Members to support the bill, the 18-1 reform of the dairy industry, the package that includes the dairy provision, if they have any part in this.

Mr. Speaker, I urge Members to support the rule, support the bill. It is a good bill.

The SPEAKER pro tempore (Mr. GEPHARDT). The time to the gentleman from Wisconsin (Mr. OBEY) is recognized for 3½ minutes.

Mr. OBEY. Mr. Speaker, let me simply address two points, since other Members have also addressed the dairy issue.

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Mr. Speaker, I urge Members to support the bill, the 18-1 reform of the dairy industry, the package that includes the dairy provision, if they have any part in this.
suspend the new plan, and congressional leaders include a number of the outlays of that bill in the overall budget agreements. And yesterday’s deal will extend the compact until February 2001.

Kohl, co-chairing the statu quo would mean maintaining an unfair playing field, providing government protection to inefficient dairy farmers with midwestern, according to John Czwartacki, a spokesman for Lott, cautioned that no deal is final until the budget agreement is complete, but he suggested that midwestern senators asked Kohl and Rod Grams (R-Minn.), who also is up for reelection, will be unable to stop the bill.

"It’s all done but the fireworks," Czwartacki said. "I’m sure people will voice their unhappiness in true and true ways. But on this issue, you can’t make everyone happy."

Not even the regional alliance of compact supporters—who include likely New York Senate candidate Hillary Rodham Clinton, but not the two realms—reached agreement. It did not get a permanent extension of the Northeast Compact. And the agreement did not create a Southern Compact. Still, Kohl was determined to prevent the bill from being filibustered anything that hits the floor. And Grams warned that he might force the Senate to block the entire budget bill altogether, which could take days.

"We have the government picking winners and losers, and that’s wrong," Grams said. "It’s the whole country ganging up on the Midwest."

The Agriculture Department proposals, while somewhat more market-oriented that the current system, would have maintained the government’s estimate of a minimum milk price in all regions. But according to Christopher Galen, spokesman for the National Milk Producers Federation, they would have cost dairy farmers across the country about $230 million a year, at a time when prices have dropped precipitously after several good years.

"We know people are upset in the Midwest, but we think this deal would create a rising tide that will lift almost all dairy farmers," said Galen. "The government has no intention of the compact on the compact."

I also want to note that this bill is replete with gimmicks. This bill walks away from the majority party commitment to stick to the budget caps; it walks away from their let’s-pretend argument that they are saving Social Security; it hides $45 billion in budgetary sleight of hand.

We have in this bill, first of all, in spending that is not counted by Congress, $17 billion, $17 billion. We then have the so-called emergency spending, which is another way of avoiding the spending caps, we have over $11 billion in outlays; again, spending that is hidden in terms of whether or not it is going to be counted against the so-called budget limits that my Republican colleagues promised to live by in their own budget resolution.

Then we have what is called "delayed outlays." What this really means is that we legally delay spending until the final days of the fiscal year, so it is not counted this year, but it is still spent. That accounts for $4.2 billion. Then we have what is called "advance appropriations," spending that illegaly counts spending against last year, even though it is available for this year, and that comes in at $2.4 billion. Then we have other gimmicks worth $9.9 billion. This from the new century and the new era of bipartisan party, things were going to be different. They are different. They have gotten worse.

So it seems to me, as I said earlier, this would be laughable if it were not so corrosive of the public’s ability to believe what we are doing.

LIST OF GIMMICKS IN APPROPRIATIONS BILLS
(in millions of dollars)

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directing CBO to reduce their spending estimates, but actually spending</td>
<td></td>
</tr>
<tr>
<td>AG—Directed outlay scoring (1.14% of BA)</td>
<td>163</td>
</tr>
<tr>
<td>CI—Directed outlay scoring (1.14% of BA)</td>
<td>900</td>
</tr>
<tr>
<td>FD—Directed outlay scoring</td>
<td>101</td>
</tr>
<tr>
<td>E &amp; W—Directed outlay scoring (1.14% of BA)</td>
<td>101</td>
</tr>
<tr>
<td>FD—Directed outlay scoring (1.14% of BA)</td>
<td>148</td>
</tr>
<tr>
<td>MT—Directed outlay scoring (1.14% of BA)</td>
<td>970</td>
</tr>
<tr>
<td>LFMS—Directed outlay scoring (1.14% of BA)</td>
<td>134</td>
</tr>
<tr>
<td>Directed outlay scoring (highway and transit emergency)</td>
<td>1,341</td>
</tr>
<tr>
<td>TRANS—Directed outlay scoring (1.14% of BA)</td>
<td>134</td>
</tr>
<tr>
<td>TPO—Directed outlay scoring (1.14% of BA)</td>
<td>151</td>
</tr>
<tr>
<td>VA HHD—Directed outlay scoring (1.14% of BA)</td>
<td>820</td>
</tr>
<tr>
<td>DOD—Spectrum asset sales</td>
<td>310</td>
</tr>
</tbody>
</table>

Subtotal | 420 |

Declaratory of emergencies for normal program spending:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Declare Year 2000 Census emergency</td>
<td>4,476</td>
</tr>
<tr>
<td>Defense emergency designations</td>
<td>7,200</td>
</tr>
<tr>
<td>Declare part of Head Start an emergency</td>
<td>1,700</td>
</tr>
<tr>
<td>LEAP emergency declaration</td>
<td>1,100</td>
</tr>
<tr>
<td>Refuse emergency declaration</td>
<td>427</td>
</tr>
<tr>
<td>Forrest Service Wildland Fire Management</td>
<td>90</td>
</tr>
<tr>
<td>Public health emergency declaration</td>
<td>304</td>
</tr>
</tbody>
</table>

Subtotal | 15,377 |

FY 2000 Spending Counted Against 1999 or 2001

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>DOD—Delay contractor payments</td>
<td>0</td>
</tr>
<tr>
<td>Labor HHS—Delayed Obligations ($5.0 B in BA delayed until 9/29/00)</td>
<td>1,674</td>
</tr>
<tr>
<td>VA medical care delayed obligation of $900 M</td>
<td>720</td>
</tr>
<tr>
<td>FD—Delayed obligation</td>
<td>104</td>
</tr>
<tr>
<td>CIS—Delayed availability of balances in Crime Victims Fund until after FY 2000</td>
<td>485</td>
</tr>
<tr>
<td>Rescind section 8 housing funds</td>
<td>1,300</td>
</tr>
</tbody>
</table>

Subtotal | 3,233 |

Legally count spending against last fiscal year even though it is available for FY 2000:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOD—Advance Appropriations</td>
<td>1,800</td>
</tr>
<tr>
<td>DOD—Advance Appropriations</td>
<td>1,300</td>
</tr>
<tr>
<td>DOE—Advance Appropriations</td>
<td>36</td>
</tr>
<tr>
<td>DOE—Advance Appropriations</td>
<td>36</td>
</tr>
<tr>
<td>HHS—Advance appropriation for FY 2001 (total FY 2001 advances are $19 bil)</td>
<td>10,100</td>
</tr>
<tr>
<td>HHS—Advance appropriation for FY 2001 (37% of program)</td>
<td>4,200</td>
</tr>
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</table>

Subtotal | 14,136 |

Miscellaneous Special Accounting Gimmicks

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Across the Board cut 0.36%</td>
<td>3,243</td>
</tr>
<tr>
<td>Capture Federal Reserve Bank Profit</td>
<td>3,752</td>
</tr>
<tr>
<td>New Home Data Base for student loan collection (incl directed scoring)</td>
<td>878</td>
</tr>
<tr>
<td>Slip military and civilian pay by one day</td>
<td>3,589</td>
</tr>
<tr>
<td>Labor HHS—HEALTH loan</td>
<td>68</td>
</tr>
<tr>
<td>United Mine Workers Combined Benefit Fund</td>
<td>39</td>
</tr>
<tr>
<td>LTHPS—Title XX, social services block grant, cut below mandatory level</td>
<td>408</td>
</tr>
<tr>
<td>TRAMS—Mandatory offsets (rescission of FAA contract author)</td>
<td>30</td>
</tr>
<tr>
<td>Subtotal</td>
<td>17,487</td>
</tr>
</tbody>
</table>

Subtotal | 43,577 |
CONGRESSIONAL RECORD—HOUSE

VOTE—30663

NAME OF MEMBER AS COSPONSOR OF H.R. 1598

MESSRS. BONIOR, DICKEY, MATSUI, FLETCHER, BALDACCI, HINCHY, WEYGAND, MS. MALONEY of New York, and Mrs. MCCARTHY of New York changed their vote from "yea" to "nay.

Mr. DAVIS of Virginia changed his vote from "nay" to "yea.

So the resolution, as amended, was agreed to.

The vote of the House was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

Mr. YOUNG of Florida, Mr. Speaker, pursuant to House Resolution 386, I call up the conference report on the bill (H.R. 3194) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement of Mr. OBEY, the gentleman from Wisconsin (Mr. OBEY) for his own district and the gentleman from Wisconsin (Mr. OBEY) for his own district, see statements of proceedings of the House of November 17, 1999, Part II.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

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

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 3194, and that I may include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, we are coming to the successful conclusion of a long road toward completion of our fiscal responsibilities. I thank my friend and colleague from Wisconsin (Mr. OBEY) for calling for order in the House. I want to say “thank you” to him for the many, many long hours and long days we have spent together during this process as the House concluded its work on 13 separate appropriations bills.

Mr. Speaker, the bills that are included in this conference report today, all of these bills, have gone before the House in one form or another. They have also gone before the House as part of a conference report. Most of those bills have not even been changed to any great extent from their previous forms.

The District of Columbia bill, which is the main vehicle for this conference
report, has only one minor change that was acceptable to all parties involved. The bill on Foreign Operations is basically the same as passed the House, except for a minor change that was agreed to by all the parties. As for the other three bills remaining, the gentleman from Ohio (Mr. REGULA), the distinguished chairman of the Subcommittee on Interior Appropriations, will make some comments on that as we go through the debate.

The chairman of the Subcommittee on Labor, Health and Human Services, and Education Appropriations, the gentleman from Illinois (Mr. PORTER), will have some comments on that portion of the bill. And the chairman of the Subcommittee on Commerce, Justice, State and Judiciary Appropriations, the gentleman from Kentucky (Mr. ROGERS), will have some comments on that bill.

During the various discussions that have led up to the point where we are about to conclude consideration of our appropriations responsibilities, one of the complaints has been the size of the bill. And it is true that a number of nonappropriations issues have been added by virtue of reference to their bill number. But the fact is that the administration, the President’s team, was here until nearly 3 o’clock this morning reading all of those pages, and they did read them all and gave us a sign-off to go ahead and file the bill. Not that we needed that, but it was a courtesy that we extended to the administration.

Mr. Speaker, of course, the staff representatives of the majority leadership and the minority leadership had access not only to this process last night and early this morning, but there has been ample opportunity for those who wanted to read the agreement and spend the hours late last night and early this morning to do so. They had that opportunity.

We have spent a considerable amount of time, long days and long nights, in negotiation with the representatives of the President. The gentleman from Wisconsin (Mr. OBEY) and I have spent a lot of time together in that room where we did the negotiating. But it is important to note, Members ought to know this, the negotiations were basically managed by the leadership of the subcommittees involved. This was not done at some high level with someone who was not involved in the day-to-day activities relative to these bills.

So, this is a real product of the Committee on Appropriations and the appropriations process. I can give at least 237 reasons to vote against this bill. But also I could give hundreds of reasons why this is a good bill. Throughout the debate we will do that, Mr. Speaker. I hope that we can get a good bipartisan vote for a good bipartisan bill that is even agreed to by the administration.

Mr. Speaker, I would ask that all of our colleagues on our side of the aisle show the gentleman from Wisconsin (Mr. OBEY) the courtesy of listening to what he has to say. There are some very strong differences here, and I would hope that the House would remain in order so that we could all hear what each of our speakers has to say.

Mr. Speaker, at this point in the RECORD I would like to insert tables showing the details of the District of Columbia Appropriations, Foreign Operation, Export Financing, and Related Programs Appropriations, and Miscellaneous Appropriations.
## District of Columbia Appropriations Bill, 2000

(Amounts in thousands)

<table>
<thead>
<tr>
<th>Item</th>
<th>FY 1999</th>
<th>FY 2000 Request</th>
<th>H.R. 2597</th>
<th>H.R. 3084</th>
<th>H.R. 3194 vs. enacted</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FEDERAL FUNDS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District of Columbia Resident Tuition Support</td>
<td></td>
<td></td>
<td>17,000</td>
<td>17,000</td>
<td>17,000 + 17,000</td>
</tr>
<tr>
<td>Incentives for Adoption of Foster Children</td>
<td></td>
<td></td>
<td>5,000</td>
<td>5,000</td>
<td>5,000 + 5,000</td>
</tr>
<tr>
<td>Citizens Complaint Review Board</td>
<td></td>
<td></td>
<td>500</td>
<td>500</td>
<td>500 + 500</td>
</tr>
<tr>
<td>Federal Payment for Human Services</td>
<td></td>
<td></td>
<td>250</td>
<td>250</td>
<td>250 + 250</td>
</tr>
<tr>
<td>Metropolitan improvements and expansion</td>
<td>25,000</td>
<td></td>
<td></td>
<td></td>
<td>-25,000 -25,000</td>
</tr>
<tr>
<td>Federal payment for management reform</td>
<td>25,000</td>
<td></td>
<td></td>
<td></td>
<td>-25,000 -25,000</td>
</tr>
<tr>
<td>Federal payment for Boys Town, U.S.A.</td>
<td>7,100</td>
<td></td>
<td></td>
<td></td>
<td>-7,100 -7,100</td>
</tr>
<tr>
<td>Nation's Capital Infrastructure Fund, (cont.)</td>
<td>18,778</td>
<td></td>
<td></td>
<td></td>
<td>-18,778 -18,778</td>
</tr>
<tr>
<td>Federal payment to the Court Services and Offender Supervision Agency of the District of Columbia</td>
<td>59,400</td>
<td>80,300</td>
<td>93,800</td>
<td>93,800</td>
<td>93,800 +34,400</td>
</tr>
<tr>
<td>Federal payment for Children's National Medical Center</td>
<td>1,000</td>
<td></td>
<td>2,500</td>
<td>2,500</td>
<td>2,500 +1,500</td>
</tr>
<tr>
<td>Federal payment for Metropolitan Police Department</td>
<td>1,200</td>
<td></td>
<td>1,000</td>
<td>1,000</td>
<td>1,000 + 1,000</td>
</tr>
<tr>
<td>Federal payment to General Services Administration - Lorton Correctional Complex</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal payment for Fire Department</td>
<td>3,240</td>
<td></td>
<td></td>
<td></td>
<td>-3,240</td>
</tr>
<tr>
<td>Federal payment to the Georgetown Waterfront Park Fund</td>
<td>1,000</td>
<td></td>
<td></td>
<td></td>
<td>-1,000</td>
</tr>
<tr>
<td>Reappropriation (sec. 176)</td>
<td>6,700</td>
<td></td>
<td></td>
<td></td>
<td>+6,700</td>
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<tr>
<td>Federal payment to Historical Society for City Museum</td>
<td>2,000</td>
<td></td>
<td></td>
<td></td>
<td>-2,000</td>
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<tr>
<td>Federal payment for a National Museum of American Music and Downtown Revitalization</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>United States Park</td>
<td>8,500</td>
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<td></td>
<td></td>
<td>-8,500</td>
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<tr>
<td>Federal grant for waterfront improvements</td>
<td>3,000</td>
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<td></td>
<td>-3,000</td>
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<tr>
<td>Federal payment for mentoring services</td>
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<td>Economic Development</td>
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## Operating Expenses

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<tr>
<td>District of Columbia Financial Responsibility and Management Assistance Authority</td>
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<td>Water and Sewer Authority and the Washington Aqueduct</td>
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<td>(279,068)</td>
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<td>(490)</td>
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<td>Sports and Entertainment Commission</td>
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<td>Total, public benefit corporation</td>
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<td>(99,008)</td>
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November 18, 1999  | CONGRESSIONAL RECORD—HOUSE  | 30665
DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2000 — continued
(Amounts in thousands)

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<tr>
<th></th>
<th>FY 1999 Enacted</th>
<th>FY 2000 Request</th>
<th>H.R. 2557 H.R. 3064</th>
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<tr>
<td>D.C. Retirement Board</td>
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<td>(9,692)</td>
<td>(9,692)</td>
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<td>Correctional Industries Fund</td>
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<td>(1,810)</td>
<td>(1,810)</td>
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<td>Washington Convention Center</td>
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<td>(50,228)</td>
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<td>Total, Enterprise Funds</td>
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<td>(675,790)</td>
<td>(675,790)</td>
<td>(675,790)</td>
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<td>Total, operating expenses</td>
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<td>(5,320,472)</td>
<td>(5,362,626)</td>
<td>(5,362,626)</td>
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Capital Outlay

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<th>H.R. 2557 H.R. 3064</th>
<th>H.R. 3194 vs. enacted</th>
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<tbody>
<tr>
<td>General fund</td>
<td>(1,711,161)</td>
<td>(1,218,636)</td>
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<td>Water and Sewer Fund</td>
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<td>(197,169)</td>
<td>(197,169)</td>
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<td>Total, Capital Outlay</td>
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<td>(1,415,807)</td>
<td>(1,415,807)</td>
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<tr>
<td>Total, District of Columbia funds</td>
<td>(5,790,169)</td>
<td>(6,745,279)</td>
<td>(6,778,433)</td>
<td>(6,778,433)</td>
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<tr>
<td>Total</td>
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Federal Funds to the District of Columbia

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<th>FY 2000 Request</th>
<th>H.R. 2557 H.R. 3064</th>
<th>H.R. 3194 vs. enacted</th>
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<tr>
<td></td>
<td>683,639</td>
<td>393,742</td>
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<td>District of Columbia funds</td>
<td>(9,790,169)</td>
<td>(6,745,279)</td>
<td>(6,778,433)</td>
<td>(6,778,433)</td>
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### FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

#### APPROPRIATIONS BILL, 2000

*(Amounts in thousands)*

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<tr>
<th>FY 1999</th>
<th>FY 2000</th>
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<th>Senate</th>
<th>Conference</th>
<th>Conference vs. enacted</th>
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<tr>
<td>765,000</td>
<td>893,000</td>
<td>750,000</td>
<td>785,000</td>
<td>759,000</td>
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<td>(10,000)</td>
<td>(10,000)</td>
<td>(10,000)</td>
<td>(10,000)</td>
<td>(10,000)</td>
<td>(10,000)</td>
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<tr>
<td>(13,333,000)</td>
<td>(13,300,000)</td>
<td>(13,333,000)</td>
<td>(13,300,000)</td>
<td>(13,300,000)</td>
<td>(13,300,000)</td>
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<tr>
<td>(2,300,000)</td>
<td>(2,300,000)</td>
<td>(2,300,000)</td>
<td>(2,300,000)</td>
<td>(2,300,000)</td>
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<tr>
<td>(50,000)</td>
<td>(50,000)</td>
<td>(50,000)</td>
<td>(50,000)</td>
<td>(50,000)</td>
<td>(50,000)</td>
</tr>
<tr>
<td>+5,000</td>
<td>+5,000</td>
<td>+5,000</td>
<td>+5,000</td>
<td>+5,000</td>
<td>+5,000</td>
</tr>
<tr>
<td>-25,000</td>
<td>-25,000</td>
<td>-25,000</td>
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</tr>
<tr>
<td>790,400</td>
<td>881,000</td>
<td>799,000</td>
<td>825,000</td>
<td>799,000</td>
<td>+8,600</td>
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#### OVERSEAS PRIVATE INVESTMENT CORPORATION

| Noncredit account: | 32,500 | 35,000 | 35,000 | 31,500 | 35,000 | +2,500 |
| Direct loan: | 640 | -400 | -400 | -400 | -400 | -400 |
| Loan subsidy | 4,000 | 14,000 | 10,500 | 14,000 | 10,000 | +10,000 |
| Loan subsidy (Loan authorization) | (136,000) | (130,000) | (136,000) | (130,000) | (136,000) | (130,000) |
| Guaranteed loans: | 46,000 | 40,000 | 40,000 | 40,000 | 40,000 | +6,000 |
| Loan subsidy | 1,260 | 1,260 | 1,260 | 1,260 | 1,260 | 1,260 |
| Total, Overseas Private Investment Corporation | -175,400 | -244,000 | -247,500 | -244,000 | -244,000 | -244,000 |

#### TRADE AND DEVELOPMENT AGENCY

| Trade and development agency | 44,000 | 48,000 | 44,000 | 43,000 | 44,000 | 44,000 |

#### TITLE II - BILATERAL ECONOMIC ASSISTANCE

<table>
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<tr>
<th>FUNDS APPROPRIATED TO THE PRESIDENT</th>
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<tbody>
<tr>
<td>Agency for International Development</td>
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<tr>
<td>Child survival and disease programs fund</td>
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<td>UNICEF</td>
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<tr>
<td>Development assistance</td>
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<tr>
<td>Central America and the Caribbean Emergency Disaster Recovery Fund</td>
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<tr>
<td>Emergency funding</td>
</tr>
<tr>
<td>Development Fund for Africa</td>
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<tr>
<td>International disaster assistance</td>
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<tr>
<td>Micro &amp; Small Enterprise Development program account:</td>
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<tr>
<td>Subsidy appropriation</td>
</tr>
<tr>
<td>(Direct loan authorization)</td>
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<tr>
<td>Guaranteed loan authorization</td>
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<tr>
<td>Urban and environmental credit program account:</td>
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<td>Subsidy appropriation (Title VI Funding)</td>
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<tr>
<td>(Direct loan authorization)</td>
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<tr>
<td>Guaranteed loan authorization</td>
</tr>
<tr>
<td>Development credit authority program account:</td>
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<td>(By transfer)</td>
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<tr>
<td>(Guaranteed loan authorization)</td>
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<tr>
<td>Emergency funding (by transfer)</td>
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<td>Operating expenses of the Agency for International Development</td>
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<td>Office of Inspector General</td>
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<td>Total, Agency for International Development</td>
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<td>Item</td>
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<td><strong>Foreign Operations, Export Financing, and Related Programs</strong></td>
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<td><strong>Appropriations Bill, 2000 — continued</strong></td>
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<td><strong>(Amounts in thousands)</strong></td>
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<tr>
<td><strong>Other Bilateral Economic Assistance</strong></td>
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<td>Economic support fund</td>
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<td>Emergency funding (transfer out)</td>
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<td>International Fund for Ireland</td>
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<td>Assistance for Eastern Europe and the Baltic States</td>
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<tr>
<td>Emergency funding</td>
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<tr>
<td>Assistance for the Independent States of the former Soviet Union</td>
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<td><strong>Total, Other Bilateral Economic Assistance</strong></td>
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<td><strong>INDEPENDENT AGENCIES</strong></td>
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<td>Appropriation</td>
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<tr>
<td>(By transfer)</td>
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<td><strong>Total</strong></td>
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<td><strong>African Development Foundation</strong></td>
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<td>(By transfer)</td>
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<td>Y2K conversion (emergency funding)</td>
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<td><strong>Total</strong></td>
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<td><strong>Peace Corps</strong></td>
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<td>Appropriation</td>
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<td>Emergency funding (By transfer)</td>
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<td><strong>Total, Title I, Bilateral economic assistance</strong></td>
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<td>Appropriations</td>
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<td>(By transfer)</td>
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<td>(By transfer) (emergency appropriations)</td>
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<td>(Loan authorizations)</td>
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FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS
APPROPRIATIONS BILL, 2000 — continued
(Amounts in thousands)

<table>
<thead>
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<th>Item</th>
<th>FY 1999 Enacted</th>
<th>FY 2000 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Conference vs. enacted</th>
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<td>(30,000)</td>
<td>(30,495)</td>
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<tr>
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<td>(25,910)</td>
<td>(30,000)</td>
<td>(30,495)</td>
<td>(30,000)</td>
<td>(30,495)</td>
<td>(-585)</td>
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<td>(Loan authorization)</td>
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<td>(-167,000)</td>
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<td>(20,000)</td>
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<td></td>
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<td></td>
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<td>(672,745)</td>
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<td>Total, International Financial Institutions</td>
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<td>901,718</td>
<td>941,818</td>
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<td>(2,386,702)</td>
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FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS
APPROPRIATIONS BILL, 2000 — continued
(Amounts in thousands)

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<tr>
<th></th>
<th>FY 1999</th>
<th>FY 2000 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Conference vs. enacted</th>
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<td><strong>International Organizations and Programs</strong></td>
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<td>Appropriation</td>
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<td>293,000</td>
<td>167,000</td>
<td>170,000</td>
<td>183,000</td>
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<td>(By transfer)</td>
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<td>(2,500)</td>
<td>(2,500)</td>
<td>(2,500)</td>
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<tr>
<td><strong>Total, Title IV, Multilateral economic assistance</strong></td>
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<td>1,887,496</td>
<td>1,068,718</td>
<td>1,111,818</td>
<td>1,298,018</td>
<td>-340,246</td>
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<tr>
<td>Appropriations</td>
<td>1,938,924</td>
<td>1,887,496</td>
<td>1,068,718</td>
<td>1,111,818</td>
<td>1,298,018</td>
<td>-340,246</td>
</tr>
<tr>
<td>(By transfer)</td>
<td>(25,000)</td>
<td>(2,500)</td>
<td>(2,500)</td>
<td>(2,500)</td>
<td>(2,500)</td>
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<tr>
<td><strong>TITLE VI</strong></td>
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<td><strong>Funds Appropriated to the President</strong></td>
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<td>International Monetary Programs</td>
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<td>Loans to International Monetary Fund</td>
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<td>3,861,000</td>
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<td>United States Quota, International Monetary Fund</td>
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<td>14,500,000</td>
<td></td>
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<td>-14,500,000</td>
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<tr>
<td><strong>Total, International Monetary Programs</strong></td>
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<td>18,361,000</td>
<td></td>
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<td></td>
<td>-17,861,000</td>
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<tr>
<td>Grand total</td>
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<td>12,686,115</td>
<td>12,735,055</td>
<td>15,358,925</td>
<td>-17,970,468</td>
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<tr>
<td>Appropriations</td>
<td>33,330,393</td>
<td>14,919,535</td>
<td>12,686,115</td>
<td>12,735,055</td>
<td>15,358,925</td>
<td>-17,970,468</td>
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<tr>
<td>Emergency appropriations</td>
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<td>(12,919,535)</td>
<td>(12,686,115)</td>
<td>(12,735,055)</td>
<td>(13,324,925)</td>
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<td>(By transfer)</td>
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<td>Rescission</td>
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<td>(30,495)</td>
<td>(30,000)</td>
<td>(30,495)</td>
<td>(+18,495)</td>
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<td>(Loan authorizations)</td>
<td>(16,143,000)</td>
<td>(16,986,000)</td>
<td>(10,715,000)</td>
<td>(12,987,000)</td>
<td>(12,964,000)</td>
<td>(-3,179,000)</td>
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<td><strong>CONGRESSIONAL BUDGET RECAP</strong></td>
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<tr>
<td>Total discretionary</td>
<td>31,246,456</td>
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<td>12,686,115</td>
<td>12,735,055</td>
<td>12,934,025</td>
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<td>Mandatory</td>
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<td>43,837</td>
<td>43,837</td>
<td>43,837</td>
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<td>12,491,988</td>
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### Table: Miscellaneous Appropriations (H.R.3425)

(Amounts in thousands)

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<tr>
<td><strong>TITLE I - EMERGENCY SUPPLEMENTAL APPROPRIATIONS</strong></td>
</tr>
<tr>
<td><strong>CHAPTER 1</strong></td>
</tr>
<tr>
<td><strong>DEPARTMENT OF AGRICULTURE</strong></td>
</tr>
</tbody>
</table>

#### Farm Service Agency:

**Agricultural Credit Insurance Fund Program Account**:

- **Loan authorizations**:
  - **Farm ownership loans**:
    - Direct: (21,961)
    - Guaranteed: (568,627)
  - Subtotal: (590,588)
  - **Farm operating loans**:
    - Direct: (400,000)
    - Guaranteed unsubsidized: (302,156)
    - Guaranteed subsidized: (709,558)
  - Subtotal: (1,404,714)
  - **Emergency disaster loans**: (547,000)

Total, Loan authorizations: (2,542,254)

- **Loan subsidies**:
  - **Farm ownership loans**:
    - Direct (contingent emergency appropriations): 828
    - Guaranteed (contingent emergency appropriations): 3,184
  - Subtotal: 4,012
  - **Farm operating loans**:
    - Direct (contingent emergency appropriations): 23,441
    - Guaranteed unsubsidized (contingent emergency appropriations): 4,290
    - Guaranteed subsidized (contingent emergency appropriations): 61,885
  - Subtotal: 89,596
  - **Emergency disaster loans (contingent emergency appropriations)**: 84,949

Total, Agricultural Credit Insurance Fund Program Account: 178,557

- **Emergency conservation program (contingent emergency appropriations)**: 50,000

**Total, Farm Service Agency**: 229,557

#### Commodity Credit Corporation Fund:

- **Crop loss assistance (contingent emergency appropriations)**: 186,000
- **Specialty crop assistance (contingent emergency appropriations)**: 2,600
- **Livestock assistance (contingent emergency appropriations)**: 10,000

Total, Commodity Credit Corporation Fund: 198,600

#### Natural Resources Conservation Service:

- **Watershed and flood prevention operations (contingent emergency appropriations)**: 80,000

**Total, Natural Resources Conservation Service**: 80,000

#### Rural Housing Service:

**Rural Housing Insurance Fund Program Account**:

- **Loan authorizations**:
  - Single family (sec. 502): (50,000)
  - Housing labor (sec. 516): (5,000)
  - Subtotal: (55,000)
  - **Loan subsidies**:
    - Single family (sec. 502) (contingent emergency appropriations): 4,265
    - Housing repair (sec. 504) (contingent emergency appropriations): 4,384
    - Farm labor (sec. 516) (contingent emergency appropriations): 2,290
  - Total, Rural Housing Insurance Fund Program Account: 11,049

**Rural housing assistance grants (contingent emergency appropriations)**: 14,500

**Total, Rural Housing Service**: 25,549

#### General Provisions

- **Noninsured crop disaster assistance program (contingent emergency appropriations) (sec. 101)**: 20,000

**Total, title I**:

- **New budget (obligational) authority**: 552,956
  - **(Loan authorization)**: (2,612,294)
### MISCELLANEOUS APPROPRIATIONS (H.R.3425) — continued

(Amounts in thousands)

<table>
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<th>Department of Agriculture</th>
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<tbody>
<tr>
<td>Citrus canker tree replacement (sec. 204)</td>
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<td>Crop insurance pilot programs (sec. 206)</td>
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<td>Hamsey County losses (sec. 207)</td>
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<td>Tillamook Railroad disaster repairs (sec. 208)</td>
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<td>Operation and Maintenance, Defense-wide: Washington Square project (by transfer) (sec. 219)</td>
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<td>Federal Transit Administration: Capital investment grants (Highway Trust Fund, Mass Transit Account): Buses and bus-related facilities (sec. 229)</td>
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<td>Federal Railroad Administration: Pennsylvania Station redevelopment project (advance appropriations) (sec. 230)</td>
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<td>Office of National Drug Control Policy (sec. 237)</td>
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<table>
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<td>United States Secret Service: Salaries and expenses (sec. 246) (by transfer) (sec. 246)</td>
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<table>
<thead>
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<td>Loan authorization</td>
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<table>
<thead>
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<tr>
<td>Loan authorization</td>
<td>(2,612,264)</td>
</tr>
</tbody>
</table>
Mr. Speaker, I reserve the balance of my time.

Mr. OBEEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Missouri (Mr. GEPHARDT), the honorable minority leader.

Mr. GEPHARDT. Mr. Speaker, I want to thank the Members of the Committee on Appropriations on both sides of the aisle for their tremendous long hours and hard work. I want to thank all of the Members of the President's staff for the work that they did in trying to bring this to a successful conclusion.

Mr. Speaker, this has been an imperfect process, and this is an imperfect bill. But on balance, it has more to recommend it than not, and I will support its final passage. Procedurally, this bill repeats many of the same mistakes that were made last fall by the leadership. Members did not have adequate time to read the bill to understand all of its provisions.

On the substance of the bill, I am disappointed over the family planning provision that was contained and attached to the U.N. funding. I do not think it is the right thing to do. And I am upset that we failed to include a hate crimes provision in this bill, and I think we had a chance to do that.

But on balance, this budget is an overall victory for our priorities. The President and Democrats in Congress hung together in support of an agreement that has made a real commitment to the priorities that we feel are critical to the continued health and well-being of America's families. Once again, as we did last fall in our negotiations with Speaker Gingrich, we snatched a modest victory out of a missed opportunity, and we saw it through, and I thank them for their help in bringing that about.

Mr. Speaker, in that same spirit of can-do, I say to our friends in the Republican Party today: let us continue to work together next year. Let us get a Patients' Bill of Rights that really gets the job done. Let us get campaign reform. Let us get something done on gun safety. Let us pass a minimum wage increase. Let us get Medicare reform. Let us extend the solvency of Social Security. Let us get a prescription drug benefit for our senior citizens. If we could do this, we can do that, and the American people would be very happy for it.

Mr. YOUNG of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Texas (Mr. ARMLEY), the majority leader.

Mr. ARMLEY. Mr. Speaker, I thank the gentleman from Florida (Mr. YOUNG) for yielding me this time. Let me just say, Mr. Speaker, I believe this is a historic, very proud moment for this body. To think that we could in just these few short years move ourselves from where we had been in 1994, perennial debt as much as $250 billion a year for as long as anybody could see to the point where with this budget deal we will now commit ourselves and finalize forever an end to the raid on Social Security.

Beginning in 1998, fiscal year 1999, and now with this budget agreement in fiscal year 2000, we will have retired a third of a trillion dollars' worth of debt for the American people. We will have stopped the raid on Social Security forever. We will have enforced this with an across-the-board spending reduction that acknowledges truly it is time now for us to prevent waste, inefficiency, fraud in the use of the taxpayers' dollars. A new commitment of good government in government.

Then when we start looking at the details, some of the things we did in education to bring a real opportunity for the schools that serve the children better, and for those children in the most desperate or economic circumstances in their families who find themselves with the most desperate of situations in their schools, to actually have the opportunity now in this bill for public school choice is a wonderful new break, through reinforcing the consistent pattern of this year of providing respect for local communities as they manage their schools, providing greater opportunity to use the resources provided through the Federal Government for better management, better use, better accountability on behalf of the children. It is another good example of the good work we have done.

So I say to our colleagues, we saw the opportunity that was presented to us to stop the raid and to write good policy on education and defense and any number of ways. We seized the opportunity, and we saw it through, and today is the day.

Let us vote it through, and let us go home and enjoy the results with our schools, our communities, our families, and our constituents.

I say to everyone congratulations, and I thank all of my colleagues for their long, hard work. I know we are all tired at this time of the year, but we all should have such a sense of gratification. We did the right thing, and we did it well.

Mr. OBEEY. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip.

Mr. BONIOR. Mr. Speaker, I share the views of the gentleman from Missouri (Mr. GEPHARDT), my leader, with respect to the process in which we have
been engaged. Seven weeks late on a budget, and of course this budget is minus many important issues that he enumerated: Nothing for Social Security solvency, nothing on Medicare reform, nothing on prescription drugs, nothing on Patients’ Bill of Rights, nothing on the minimum wage.

We, indeed, have not done the people’s work, and we have squandered a good deal of our time debating a tax bill that did not meet the approval of the American public.

But the bill that we have before us today does have some good features in it. It is with that in mind that I rise in support of it. It is a victory, first of all, for our children because it provides funding to hire and train 100,000 new teachers and dramatically expand the after-school program.

It is big and the carry, in a sense, for public safety because it provides funding to hire and train 50,000 police officers to patrol our streets and neighborhoods and keep our children safe in school.

This, this budget is a victory for the environment because it increases funding to protect our clean water, to preserve community parks and forests and historic sites through the Lands Legacy Program, and to fight the congestion and pollution that threaten our quality of life of our constituents.

The fourth issue that I would mention here this afternoon is in the foreign policy area. This provides the resources to move the Middle East peace process forward, providing resources for the Israelis, the Palestinians, and the Jordanians. I think that moves on successes that we have had in the past.

This year, Federal funding allows schools in my congressional district in Macomb, Clair, Clinton, and Michigan to hire 60 new teachers. What has done is it has translated into smaller classes, greater discipline, more learning, higher academic performance. This is an investment in our future, and it is an investment that will pay dividends in years to come.

This year’s budget also provides funding to enable 675,000 students to participate in the after-school program where they can mentor with seniors and other adults working in athletic and computer rooms and the libraries and all the things that are necessary to keep them safe in a safe environment after school, to help them mentor in a way in which they can learn the respect of their elders and work with their elders and learn the skills of those who have gone before them.

Programs like the Kids Klub in Macomb and St. Clair Counties will directly benefit from this budget and will help young people set off on the right foot.

This budget will also help keep our families safe through the hiring of 50,000 new police officers. As with the teacher initiative, this builds on our past successes.

Because of Federal funding, 85 extra officers patrol in my district today. That makes people safer in their homes and their businesses, and serves as a strong deterrent to would-be criminals. It also makes our students strong in their places of education.

So, Mr. Speaker, let me just conclude by saying that I am very pleased that we Democrats were able to strip some of these environmental riders from the bill, protecting the environment, protecting the budget process itself. We have done good things for education.

We have done good things to protect our communities in terms of its safety with the addition of the police officers. We have done the responsible thing to preserve peace far and lands.

So for these reasons, for our children, for our communities, for our environment, for our international responsibilities and obligations, I am voting yes on this budget.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Speaker, I want to congratulate the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, on an outstanding performance in bringing this bill to the floor and finalizing the budget. As chairman of the Committee on Appropriations and the chairmen of the subcommittees have done an outstanding job.

I rise in support of this bill, but more importantly, I rise to set the record straight. The Republican majority in Congress has redefined the way that budgets are crafted. In so doing, we have set the Nation down the path to fiscal responsibility.

When I ran for the first time, I ran because I found a situation where we were running up the debt on my children and my grandchildren and no one wanting to pay down the debt; that we had a budget with that money for a fleet buyout in Alaska was there or for a wood lot in North Carolina was there or for all the other silly things.

The problem that I have with this bill is that, for the next 3 weeks, The Washington Post, the Washington Times, the New York Times are going to be running a series of articles every day of what was in this bill, and one is not going to know it was there. But one is going to have to tell one’s constituents, well, gosh, I did not know that money for a fleet buyout in Alaska was there or for a wood lot in North Carolina was there or for all the other silly things.

I encourage my Republican colleagues to vote against this. It is not necessarily that it is an entirely bad bill. But a year ago right now, all of us went around our respective districts and asked for the opportunity to spend the people’s money wisely.

The problem that I have with this bill that is, for the next 3 weeks, The Washington Post, the Washington Times, the New York Times are going to be running a series of articles every day of what was in this bill, and one is not going to know it was there. But one is going to have to tell one’s constituents, well, gosh, I did not know that money for a fleet buyout in Alaska was there or for a wood lot in North Carolina was there or for all the other sillier things.

I encourage my Republican colleagues to vote against it because many of them ran against Goals 2000. Yet, there is $491 million for Goals 2000 in here. Many of them said they were against the Department of Commerce. Well, it has got a $3.6 billion increase, but they call it emergency because it has got money for the census that apparently no one knew was coming even though the Constitution says we are going to do it every 10 years.

But more than everything else, I think my colleagues are playing a shell game with the men and women of the
Mr. REGULA. Mr. Speaker, it is clear that there is no appropriation, nor authorization, but on their insistence on spending money on this unauthorized and unappropriated initiative, how have you instructed the Forest Service managers in this?

Mrs. CHENOWETH-HAGE. Mr. Speaker, it is not right. We should not do it. If it takes us waiting a couple more days to do it right, then I encourage us to do so.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 1/4 minutes to the distinguished gentleman from Ohio (Mr. REGULA), chairman of the Subcommittee on Interior.

Mr. REGULA. Mr. Speaker, Webster defines ‘perfect’ as being without fault or flawless. He defines ‘good’ as praiseworthy, useful, or beneficial.

Well, the document before us is not perfect under Webster’s definition. It abundantly does fit Webster’s definition of good. It is praiseworthy. It is useful. It is beneficial.

In the conference report, we have modified a number of the riders. I believe many of my colleagues will be pleased with our changes. Most importantly, they are fair. I am especially pleased with this report as it continues our commitment to the American people in protecting the environment, in providing for our national parks, forests, wildlife refuges, and public lands, as well as our cultural resources.

As the gentleman from Michigan (Mr. BONIOR) said, this bill is a victory for the environment. It is a bill that will provide pride in America’s heritage, not only now, but far into the future. I think it is something we all could take pride in.

I urge each of my colleagues to support the bill.

Mr. Speaker. I yield to the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) for a colloquy.

Mrs. CHENOWETH-HAGE. Mr. Speaker, I would like to ask the gentleman from Ohio (Mr. REGULA), chairman of the Subcommittee on Interior, to clarify some matters concerning the President’s so-called American Heritage Rivers initiative that concerns the Interior and related agencies portion of the appropriations act.

Is it the understanding of the gentleman from Ohio (Mr. REGULA) that there is nothing in his bill that authorizes the American Heritage Rivers initiative?

Mr. REGULA. Yes, Mr. Speaker, I would like to clarify that matter. There is no language whatsoever in the Interior portion that provides an authorization for the American Heritage Rivers initiative.

Mrs. CHENOWETH-HAGE. Mr. Speaker, in addition, is it true that there is no separate appropriation for the American Heritage Rivers initiative in the Interior portion of the bill?

Mr. REGULA. Yes, Mr. Speaker, it is true that there is no appropriation for the American Heritage Rivers initiative in the appropriations act.
# DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2000

## (Amounts in thousands)

<table>
<thead>
<tr>
<th>FY 1999</th>
<th>FY 2000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enacted</td>
<td>Request</td>
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### TITLE I - DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

<table>
<thead>
<tr>
<th>Activity</th>
<th>FY 1999</th>
<th>FY 2000</th>
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</thead>
<tbody>
<tr>
<td>Management of lands and resources</td>
<td>812,511</td>
<td>641,100</td>
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<tr>
<td>Wetland management</td>
<td>288,895</td>
<td>305,850</td>
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<tr>
<td>Central hazardous materials fund</td>
<td>10,000</td>
<td>11,350</td>
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<tr>
<td>Construction</td>
<td>10,997</td>
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<tr>
<td>Payments in lieu of taxes</td>
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<td>125,000</td>
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<tr>
<td>Land acquisition</td>
<td>14,800</td>
<td>48,900</td>
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<tr>
<td>Oregon and California grant lands</td>
<td>97,037</td>
<td>101,850</td>
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<tr>
<td>Range improvements (indefinite)</td>
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<tr>
<td>Service charges, deposits, and forfeitures (indefinite)</td>
<td>8,555</td>
<td>8,600</td>
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<tr>
<td>Miscellaneous trust funds (indefinite)</td>
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<td>7,700</td>
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Total, Bureau of Land Management: 1,183,895

#### United States Fish and Wildlife Service

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<thead>
<tr>
<th>Activity</th>
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<tr>
<td>Resource management</td>
<td>651,130</td>
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<td>Construction</td>
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<td>43,566</td>
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<tr>
<td>Emergency appropriations</td>
<td>37,612</td>
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<tr>
<td>Land acquisition</td>
<td>46,220</td>
<td>73,632</td>
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<tr>
<td>Cooperative endangered species conservation fund</td>
<td>14,000</td>
<td>80,000</td>
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<tr>
<td>National wildlife refuge fund</td>
<td>10,779</td>
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<tr>
<td>North American wetlands conservation fund</td>
<td>15,000</td>
<td>15,000</td>
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<tr>
<td>Wildlife conservation and appreciation fund</td>
<td>800</td>
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<tr>
<td>Multinational species conservation fund</td>
<td>2,000</td>
<td>3,000</td>
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<tr>
<td>Commercial salmon fishery capacity reduction</td>
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<td>5,000</td>
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Total, United States Fish and Wildlife Service: 839,804

#### National Park Service

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<th>Activity</th>
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<th>FY 2000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operation of the national park system</td>
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<td>1,389,827</td>
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<tr>
<td>Emergency appropriations</td>
<td>2,230</td>
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<tr>
<td>National recreation and preservation</td>
<td>46,220</td>
<td>49,336</td>
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<tr>
<td>Historic preservation fund</td>
<td>72,412</td>
<td>80,512</td>
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<tr>
<td>Construction</td>
<td>226,658</td>
<td>194,000</td>
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<td>Emergency appropriations</td>
<td>13,690</td>
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<tr>
<td>Land and water conservation fund (recission of contract authority)</td>
<td>-30,000</td>
<td>-30,000</td>
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<tr>
<td>Land acquisition and state assistance</td>
<td>147,625</td>
<td>172,468</td>
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<td>Conservation grants and planning assistance</td>
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<td>Urban park and recreation fund</td>
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Total, National Park Service (net): 1,764,234

#### United States Geological Survey

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<tbody>
<tr>
<td>Surveys, investigations, and research</td>
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<td>838,485</td>
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<td>Emergency appropriations</td>
<td>1,000</td>
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#### Minerals Management Service

<table>
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<tr>
<th>Activity</th>
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<th>FY 2000</th>
</tr>
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<tbody>
<tr>
<td>Royalty and offshore minerals management</td>
<td>217,800</td>
<td>234,062</td>
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<tr>
<td>Additions to receipts</td>
<td>-120,000</td>
<td>-124,000</td>
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<tr>
<td>Oil spill research</td>
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<td>6,118</td>
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Total, Minerals Management Service: 124,020

#### Office of Surface Mining Reclamation and Enforcement

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<tr>
<th>Activity</th>
<th>FY 1999</th>
<th>FY 2000</th>
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<tbody>
<tr>
<td>Regulation and technology</td>
<td>93,078</td>
<td>94,391</td>
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<tr>
<td>Receipts from performance bond forfeitures (indefinite)</td>
<td>275</td>
<td>275</td>
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<tr>
<td>Subtotal</td>
<td>93,353</td>
<td>94,666</td>
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<tr>
<td>Abandoned mine reclamation fund (definitive, trust fund)</td>
<td>185,416</td>
<td>211,158</td>
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</table>

Total, Office of Surface Mining Reclamation and Enforcement: 278,769

#### Bureau of Indian Affairs

<table>
<thead>
<tr>
<th>Activity</th>
<th>FY 1999</th>
<th>FY 2000</th>
</tr>
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<tr>
<td>Operation of Indian programs</td>
<td>1,564,124</td>
<td>1,684,387</td>
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<tr>
<td>Construction</td>
<td>123,421</td>
<td>174,256</td>
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<tr>
<td>Indian land and water claim settlements and miscellaneous payments to Indians</td>
<td>28,682</td>
<td>28,401</td>
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<tr>
<td>Indian guaranteed loan program account</td>
<td>5,001</td>
<td>5,005</td>
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<tr>
<td>Indian land consolidation plot</td>
<td>5,000</td>
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Total, Bureau of Indian Affairs: 1,745,426
### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES
#### APPROPRIATIONS BILL, 2000—continued

**(Amounts in thousands)**

<table>
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<tr>
<th></th>
<th>FY 1999 Enacted</th>
<th>FY 2000 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Conference vs. enacted</th>
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<tbody>
<tr>
<td><strong>Invasive Affairs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Assistance to Territories</td>
<td>58,455</td>
<td>45,355</td>
<td>34,900</td>
<td>36,825</td>
<td>42,451</td>
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<td>Northern Mariana Islands Covenant</td>
<td>27,920</td>
<td>27,920</td>
<td>27,920</td>
<td>27,920</td>
<td>27,920</td>
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<tr>
<td><strong>Subtotal, Assistance to Territories</strong></td>
<td>66,375</td>
<td>46,275</td>
<td>62,820</td>
<td>64,645</td>
<td>70,371</td>
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<td><strong>Compensated Fine Programs</strong></td>
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<td>8,545</td>
<td>8,545</td>
<td>8,545</td>
<td>8,545</td>
<td>-35</td>
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<td>Mandate Payments</td>
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<td>12,050</td>
<td>12,050</td>
<td>12,050</td>
<td>12,050</td>
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<tr>
<td><strong>Subtotal, Compensated Fine Programs</strong></td>
<td>20,400</td>
<td>20,595</td>
<td>20,595</td>
<td>20,595</td>
<td>20,595</td>
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<td><strong>Total, Invasive Affairs</strong></td>
<td>87,775</td>
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<td>65,370</td>
<td>65,645</td>
<td>70,921</td>
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<td><strong>Departmental Management</strong></td>
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<td>65,065</td>
<td>62,665</td>
<td>65,064</td>
<td>62,664</td>
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<td><strong>YFS conversion (emergency appropriations)</strong></td>
<td>80,347</td>
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<td>Office of the Solicitor</td>
<td>36,764</td>
<td>41,300</td>
<td>36,764</td>
<td>36,764</td>
<td>40,196</td>
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<td>Office of Inspector General</td>
<td>25,461</td>
<td>27,614</td>
<td>26,686</td>
<td>26,614</td>
<td>28,086</td>
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<td>Office of the Special Trustee for American Indians</td>
<td>61,199</td>
<td>90,025</td>
<td>90,025</td>
<td>90,025</td>
<td>90,025</td>
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<tr>
<td>Indian land consolidation pilot program</td>
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<td>10,000</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
<td>-5,000</td>
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<tr>
<td>Natural resource damage assessment fund</td>
<td>4,482</td>
<td>7,400</td>
<td>4,482</td>
<td>4,482</td>
<td>5,400</td>
<td>+1,000</td>
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<td>Management of Federal lands for subsistence use</td>
<td>5,000</td>
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<td></td>
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<td>Glacier Bay fishing (emergency appropriations)</td>
<td>25,000</td>
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<td><strong>Total, Departmental Offices</strong></td>
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<td>326,733</td>
<td>309,024</td>
<td>305,326</td>
<td>320,287</td>
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<td><strong>Total, Interior Department</strong></td>
<td>942,784</td>
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<td>2,058,065</td>
<td>2,058,065</td>
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<tr>
<td><strong>River Basin and Wetland Restoration Appropriations</strong></td>
<td>7,120,235</td>
<td>7,786,830</td>
<td>7,181,904</td>
<td>7,190,673</td>
<td>7,250,520</td>
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<td><strong>Emergency Appropriations</strong></td>
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<td><strong>Resolutions</strong></td>
<td>(30,000)</td>
<td>(30,000)</td>
<td>(30,000)</td>
<td>(30,000)</td>
<td>(30,000)</td>
<td>(30,000)</td>
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<td><strong>Title IV—Related Agencies</strong></td>
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<td><strong>DEPARTMENT OF AGRICULTURE</strong></td>
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<td><strong>Forest Service</strong></td>
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<tr>
<td>Forestry and rangeland research</td>
<td>157,444</td>
<td>236,844</td>
<td>254,770</td>
<td>254,770</td>
<td>252,750</td>
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<td>State and private forestry</td>
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<td>252,425</td>
<td>161,864</td>
<td>190,793</td>
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<td>National forest system</td>
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<td>1,291,716</td>
<td>1,254,354</td>
<td>1,256,351</td>
<td>1,269,504</td>
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<td>Wildland fire management</td>
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<td>Reconstruction and maintenance</td>
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<td><strong>Total, Forest Service</strong></td>
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<td>2,871,404</td>
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<td>Defense</td>
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<td>Fossil energy research and development</td>
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<td>Biomass energy development (by transfer)</td>
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<td>24,000</td>
<td>24,000</td>
<td>(24,000)</td>
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### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

#### APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

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</table>

Across the board cut in Floor action: 48,000

**Title V**

United Mine Workers of America combined benefit fund (emergency appropriations) | | | | | | | | |
# DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES
## APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

<table>
<thead>
<tr>
<th></th>
<th>FY 1999 Enacted</th>
<th>FY 2000 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Conference vs. enacted</th>
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</table>

+630,908
Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mrs. LOWEY), a member of the committee.

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

Yes, my colleagues, there is good news in this bill; but there is a strong commitment to the education of our young people, there is a significant increase to Title X, America’s family planning program, and there is desperately needed relief for hospitals, which have been struggling with budget cuts.

The bill demonstrates our ongoing support for a secure and lasting peace in the Middle East. The Wye River package will help bolster Israel’s security and provide the momentum needed to carry this peace process through this delicate period in the peace process.

The bill also fulfills our obligation to our U.N. arrears. I have fought hard with my colleagues to make this a reality, but my enthusiasm has been dampened by the dangerous family planning restrictions that were forced upon us by the majority in return for these critical dues. The restrictions are unreasonable and irresponsible, and my colleagues can be sure I will fight to ensure that they are never again codified in U.S. law.

I am also very disturbed that Federal employees’ access to contraceptive coverage has been damaged in this bill. The majority has modified the provisions which the President just signed into law only 2 months ago to dramatically expand the number of individuals who can opt out of providing contraceptives. My colleagues, this is sneaky politics, and it is bad policy.

I want to make it clear today that I will not rest in my efforts to ensure that Americans have true access to family planning services. We cannot continue to let a few extremists hold good public policy hostage to their narrow agenda.

Mr. YOUNG of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I rise in support of the bill.

Today, America’s seniors will be able to breathe easier and worry less about their health care. Why? Because with the passage of the Medicare Balanced Budget Refinement Act of 1999, health care providers who have been struggling under the burden of money-saving regulations imposed in 1997 will now be getting some much-needed relief.

For several years Medicare Providers have been caring for Medicare patients day in and day out—often for Medicare payments that are not adequate to cover their costs. In my district, one hospital was losing approximately $700,000 a year caring for Medicare cancer patients. Until now, this bill will give cancer hospitals the opportunity to break even. Hospices, which care for the most vulnerable Medicare patients will also benefit. They will get the help they need to provide the newest medications to comfort the patient.

In the last year I have worked with Chairman THOMAS, who I want to thank for his efforts in addressing the many concerns that have been brought to my attention by Medicare providers and beneficiaries in my district. The result of that work is this bill. While it doesn’t provide all the Medicare fixes that are needed—it does address the most urgent needs immediately.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I rise to engage the majority leader in a colloquy regarding the satellite legislation which has been added to this omnibus bill.

As the majority leader is aware, I have been working for some time with my colleague, the gentleman from Virginia (Mr. BOUCHER), and many others, to pass legislation that will reauthorize the compulsory license for satellite broadcasters to continue the development of technology that will deliver local network signals to satellite owners.

We passed the Satellite Home Viewer Act reauthorization earlier this year with overwhelming bipartisan support and engaged the other body in a lengthy and difficult conference. The conference report was filed and passed last week in the House by a vote of 411 to 8. Few bills of this magnitude have passed by such a wide margin. Included in this conference report was important language supported unanimously by the conferees to ensure that rural Americans are not left behind as this new local-into-local technology is rolled out by the satellite companies.

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

Mr. GOODLATTE. Mr. Speaker, I yield to the gentleman from Virginia.

Mr. BOUCHER. Mr. Speaker, I thank the gentleman for yielding to me, and let me simply compliment my friend and colleague, the gentleman from Virginia (Mr. GOODLATTE), for the excellent work he has done in the face of very difficult circumstances in order to obtain a way that viewers in the cities, medium-sized and small, and throughout rural America will have the opportunity to have their local TV stations delivered to them by satellite.

We have had a range of problems. We are about to have those resolved in a manner that I think is satisfactory, and I want to thank my colleague and friend from Virginia for his very able assistance in reaching that satisfactory result.

Mr. GOODLATTE. Reclaiming my time. Mr. Speaker, I thank the gentleman for his kind words and for his critical support in this effort.

Yesterday, we delivered to the Speaker a letter that included over 265 signatures from Members who supported the rural provisions of this conference report. Similar letters were delivered to the Senate majority leader from rural Senators.

Mr. Speaker, Rural America should take note of the high level of support for this language in Congress and the hard work of members like Senator CONRAD BURNS of Montana, Senator TED STEVENS of Alaska, Senator PATRICK LEAHY of Virginia, Congresswoman BARBARA CUBIN of Wyoming, and Congresswoman JOANN EMERSON of Missouri.

Unfortunately, problems in the other body have doomed this language for the year. Because the other body did not wish to take the steps required to pass the bill over a threatened filibuster, they have reached an agreement with our leadership in the House on the Satellite Home Viewer Act to the D.C. appropriations bill next year.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BOUCHER) so that the gentle-
guarantee package and move appropriate legislation forward expeditiously.

However, if for whatever reason such legislation is not ready for floor consideration in the House under regular order by early spring, I further commit that I will allow the gentleman from Virginia an opportunity to have an up or down floor vote by March 31, 2000, on the rural loan guarantee program, similar to that which appeared in the Satellite Home Viewer Act conference report which passed in the House.

Mr. GOODLATTE. Mr. Speaker, will the gentleman continue to yield?

Mr. BOUCHER. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I thank the distinguished majority leader for his support and commitment to scheduling floor time for this important legislation by April of next year.

Am I to understand that the legislation to be scheduled for a vote will authorize a level of appropriations that is both sufficient to accomplish such a program and at least $1.2 billion?

Mr. ARMEY. If the gentleman will continue to yield, it is my understanding that is consistent with the language in the Satellite Home Viewer Act conference report; that is correct.

Mr. GOODLATTE. It is also my understanding that the Senate leadership has made a similar commitment to floor consideration by a time certain next year.

Mr. ARMEY. That is also my understanding; yes.

In addition, I will commit to placing time limits on the referral of the legislation to committees in such a way that causes the legislation to be discharged by all relevant committees by the March 31 deadline, and I will work with the Speaker on committee referrals and understand that he shares my commitment to this timetable.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for his courtesy.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. ROGERS), the distinguished chairman of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations.

Mr. ROGERS. Mr. Speaker, this bill contains a victory for the American agenda. In my portion of the bill there is extra money for disasters through the disaster loan program in SBA. We fully fund the year 2000 census, every penny that is needed; we increase the drug and crime funding, FBI, DEA and local law enforcement block grants, as well as the COPS program of the President, which is fully funded at less than half of what he requested; and there is embassy security money here to beef up the security for our personnel serving overseas in our embassies.

But most importantly to me is a final vindication in this bill of an effort started by this subcommittee many years ago to reform the U.N. Along with the monies in the bill to fully pay the U.N. arrears payments of the U.S., there are conditions which the U.N. must agree to. This subcommittee several years ago began what now has become a full-blown U.N. reform agenda which now requires the U.N. to consider our payments of arrearages to be payment in full, reduces the rate of U.S. contributions to the U.N. from 25 to 22 percent for the annual assessment, plus a reduction from 31 to 25 percent for the peacekeeping rate of contributions, requires the U.N. to live with a zero-growth budget, requires personnel reforms at the U.N., opens their books to GAO scrutiny, requires IGs, inspectors general, in the affiliated organizations of the U.N., like the ILO, the WHO, and the FAO, and gives the U.S. a voice on the budget committee of the U.N., among other reforms. This is an effort that now is vindicated.

This subcommittee led the way many years ago. It gained a head of steam, and it has been a rough and rocky road; but now we can say that with these payments of the arrearages to the U.N. comes the conditions of reform in the U.N. that will make the U.N. a better agency for all of us.

I would like, at this point, to insert into the Record a table detailing the funding for the Commerce, Justice, State, and Judiciary section of the bill.
## DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES
### Appropriations Bill, 2000

(Amounts in thousands)

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<th>Senate</th>
<th>Conference vs. enacted</th>
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**Notes:**
1. Figures represent estimated amounts for the fiscal year ending September 30, 2000.
2. Figures include congressional and administrative costs, as well as other related expenses.
3. The table includes all subcomponents of the department or agency.

**Source:** Congressional Record, November 18, 1999.
### DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES

**APPROPRIATIONS BILL, 2000 — continued**

(Amounts in thousands)

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<th>House</th>
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<th>Conference</th>
<th>Conference vs. enacted</th>
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<td>316,792</td>
<td>304,014</td>
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<td>316,792</td>
<td>+12,776</td>
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| **Federal Bureau of Investigation** |                 |                 |       |        |            |                        |
| Salaries and expenses | 2,386,239       | 2,742,678       | 2,044,542 | 2,432,791 | 2,044,542 | -351,897               |
| Counterintelligence and national security | 292,473          | 290,000         | 292,473 | 290,000 | 292,473 |                        |
| FBI Fingerprint identification | 47,800           |                 |       |        |            | -47,800               |
| Direct appropriation | 2,736,512        | 3,002,878       | 2,337,015 | 2,860,791 | 2,337,015 | -388,497               |
| Crime trust fund | 223,306           | 280,501         | 752,853 | 752,853 | 752,853 | +529,467               |
| **Subtotal, Salaries and expenses** | 2,959,818        | 3,283,377       | 2,609,868 | 2,817,129 | 2,609,868 | +130,000               |
| Construction | 1,297            | 10,287          | 1,297 | 1,297 | 1,297 |                        |
| **Total, Federal Bureau of Investigation** | 2,961,115         | 3,293,664       | 2,610,155 | 2,818,515 | 2,610,155 | +130,000               |
| Appropriations | (2,737,796)      | (3,013,163)     | (2,338,309) | (2,703,078) | (2,338,309) | -386,497               |
| Crime trust fund | (252,419)        | (280,501)       | (752,853) | (752,853) | (752,853) | -529,467               |

| **Drug Enforcement Administration** |                 |                 |       |        |            |                        |
| Salaries and expenses | 875,523          | 1,055,572       | 1,012,330 | 878,517 | 1,012,330 | +137,807               |
| Diversification fund | -76,710          | -90,530         | -90,530 | -90,530 | -90,530 | -8,290                |
| Direct appropriation | 784,813          | 975,242         | 892,000 | 798,157 | 893,000 | +13,157               |
| Crime trust fund | 405,000           | 405,000         | 344,250 | 419,459 | 343,250 | -81,750               |
| **Subtotal, Salaries and expenses** | 1,230,613         | 1,360,242       | 1,179,250 | 1,217,494 | 1,276,250 | -73,437               |
| Construction | 8,000            | 8,000           | 8,000 | 5,500 | 8,000 | -2,500                |
| **Total, Drug Enforcement Administration** | 1,238,613         | 1,368,242       | 1,184,250 | 1,223,494 | 1,284,250 | -79,937               |
| Appropriations | (806,813)        | (863,242)       | (840,500) | (803,867) | (836,500) | (+131,887)            |
| Crime trust fund | (405,000)        | (405,000)       | (344,250) | (419,459) | (343,250) | (+61,835)             |

| **Immigration and Naturalization Service** |                 |                 |       |        |            |                        |
| Salaries and expenses | 1,617,269        | 2,435,638       | 1,621,041 | 1,657,194 | 1,642,440 | +25,171               |
| Enforcement and border affairs | (1,069,754)      | (1,960,627)     | (1,069,036) | (1,107,429) | (1,376,875) |                        |
| Citizenship and benefits, Immigration support and program direction | (547,515)        | (535,511)       | (535,511) | (535,511) | (535,511) | (-12,004)             |
| Crime trust fund | 642,490           | 900,000         | 873,000 | 1,267,255 | 1,267,255 | +424,755              |
| **Subtotal, Direct and crime trust fund** | 2,459,759         | 2,935,638       | 2,393,296 | 2,570,164 | 2,906,065 | +449,096              |
| Construction | 1,060,406         | 1,334,799       | 1,265,475 | 1,290,182 | 1,265,597 | (-36,449)             |
| **Total, Immigration and Naturalization Service** | 3,519,165         | 4,270,528       | 3,658,771 | 3,860,346 | 3,871,662 | (+423,121)            |
| Appropriations | (1,707,268)      | (2,525,302)     | (1,711,041) | (1,836,128) | (1,742,104) | (+134,938)            |
| Crime trust fund | (842,490)        | (900,000)       | (873,000) | (1,267,255) | (1,243,755) | (-23,500)             |
| (Fee accounts) | (1,060,406)      | (1,334,799)     | (1,265,475) | (1,290,182) | (1,265,597) | (-36,449)             |
| **Federal Prison System** |                 |                 |       |        |            |                        |
| Salaries and expenses | 2,052,154        | 3,191,928       | 3,140,004 | 3,166,774 | 3,179,110 | +225,956              |
| Prior year carryover | 90,000           | -70,000         | -90,000 | -50,000 | -90,000 |                        |
| Direct appropriation | 2,882,154        | 3,121,928       | 3,050,064 | 3,116,774 | 3,086,110 | -225,956              |
| Crime trust fund | 24,499           | 24,499          | 22,524 | 46,599 | 22,524 | -2,975               |
| **Subtotal, Salaries and expenses** | 2,888,653         | 3,146,427       | 3,072,528 | 3,163,373 | 3,111,634 | +222,956              |
| Buildings and facilities | 410,997           | 556,791         | 556,791 | 549,791 | 556,791 | +14,794               |
| Federal Prison Industries, Incorporated (limitation on administrative expenses) | 3,000            | 3,429           | 4,260 | 3,429 | 3,429 | +429                 |
| **Total, Federal Prison System** | 3,302,650         | 3,710,647       | 3,631,809 | 3,716,583 | 3,671,854 | +369,204              |
### DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES

**APPROPRIATIONS BILL, 2000 — continued**

(Amounts in thousands)

<table>
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<th>FY 1999</th>
<th>FY 2000</th>
<th>House</th>
<th>Senate</th>
<th>Conference vs. enacted</th>
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<td>(7,000)</td>
<td>(7,000)</td>
<td>(7,000)</td>
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<tr>
<td>Direct appropriations:</td>
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<tr>
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<td>-47,000</td>
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<td>-5,000</td>
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<td>523,000</td>
<td>-523,000</td>
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<td>(50,000)</td>
<td>(+10,000)</td>
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<td>(50,000)</td>
<td>(+10,000)</td>
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<td>286,597</td>
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<td>Safe school initiative</td>
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### DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES
### APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

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<th>FT 2000 Request</th>
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<th>Senate</th>
<th>Conference</th>
<th>Conference vs. enacted</th>
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<td>(1,238,450)</td>
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## DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES

**APPROPRIATIONS BILL, 2000—continued**

(Amounts in thousands)

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### SCIENCE AND TECHNOLOGY

Technology Administration  
Under Secretary for Technology/Office of Technology Policy

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### National Oceanic and Atmospheric Administration

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<th>Senate</th>
<th>Conference</th>
<th>Conference vs. enacted</th>
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<td>1,738,911</td>
<td>1,475,126</td>
<td>1,783,118</td>
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### Procurement, Acquisition, and Construction

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<th>Senate</th>
<th>Conference</th>
<th>Conference vs. enacted</th>
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### Appropriations

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### DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES

#### APPROPRIATIONS BILL, 2000—continued

(Amounts in thousands)

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<td>240,375</td>
<td>240,375</td>
<td>240,375</td>
<td>240,375</td>
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<td>2,563,492</td>
<td>2,976,551</td>
<td>2,669,763</td>
<td>2,851,890</td>
<td>2,717,763</td>
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<td>26,395</td>
<td>156,539</td>
<td>156,000</td>
<td>156,539</td>
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<td>2,962,285</td>
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<td>2,515</td>
<td>2,515</td>
<td>2,515</td>
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<td>374,639</td>
<td>361,548</td>
<td>353,888</td>
<td>358,648</td>
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<td>25,247</td>
<td>25,247</td>
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<td>60,918</td>
<td>60,918</td>
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<td>190,029</td>
<td>196,026</td>
<td>193,026</td>
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<td>3,938,868</td>
<td>3,710,039</td>
<td>3,606,678</td>
<td>3,756,233</td>
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<td><strong>Administrative Office of the United States Courts</strong></td>
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<td></td>
<td></td>
<td></td>
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<td>54,500</td>
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<tr>
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<td>18,997</td>
<td>17,716</td>
<td>18,476</td>
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### DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES

#### APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

<table>
<thead>
<tr>
<th>Item</th>
<th>FY 1999</th>
<th>FY 2000</th>
<th>House</th>
<th>Senate</th>
<th>Conference vs. enacted</th>
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<td>36,700</td>
<td>36,700</td>
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<td>8,500</td>
<td>9,743</td>
<td>8,500</td>
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<td><strong>General Provisions</strong></td>
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<td>9,011</td>
<td>8,911</td>
<td>8,911</td>
<td>+1,011</td>
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<td>4,163,972</td>
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<td>3,813,665</td>
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<td>(4,067,872)</td>
<td>(2,671,487)</td>
<td>(3,713,665)</td>
<td>(3,776,506)</td>
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<td>8,000</td>
<td>(182,745)</td>
<td>(109,000)</td>
<td>(162,745)</td>
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### TITLE IV - DEPARTMENT OF STATE

#### Administration of Foreign Affairs

| Diplomatic and consular programs | 1,544,300 | 2,383,804 | 2,472,825 | 2,571,429 | 2,569,825 | +925,525 |
| Worldwide security upgrades | 254,000 | 254,000 | 254,000 | 254,000 | +254,000 |
| **Total, Diplomatic and consular programs** | 1,544,300 | 2,383,804 | 2,472,825 | 2,571,429 | 2,569,825 | +1,179,525 |
| **Salaries and expenses** | 358,000 | 358,000 | 358,000 | 358,000 | -358,000 |
| **Capital investment fund** | 80,000 | 90,000 | 80,000 | 50,000 | 80,000 |
| **Office of Inspector General** | 27,465 | 30,054 | 28,468 | 26,468 | 27,468 |
| **Education and cultural exchange programs** | 210,929 | 170,000 | 218,476 | 205,000 | 205,000 |
| **Representation allowances** | 4,350 | 5,850 | 4,350 | 5,850 | 5,850 | +1,500 |
| **Protection of foreign missions and officials** | 8,120 | 5,405 | 8,120 | 8,120 |
| **Security and maintenance of United States missions** | 403,561 | 747,563 | 403,561 | 583,496 | 428,561 | +25,000 |
| **Worldwide security upgrades** | 313,617 | 313,617 | 313,617 | 313,617 |
| **Advance appropriations, FY 2001 - 2005** | 3,600,000 | 3,600,000 |
| **Emergency in the diplomatic and consular service** | 5,500 | 15,000 | 5,500 | 7,000 | 5,500 |
| **[federal transfer]** | 4,000 | 4,000 | 4,000 | 4,000 | 4,000 |
| **Commissions on Holocaust Assets in U.S. [federal transfer]** | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 |

#### Repatriation Loans Program Account

| Direct loans subsidy | 593 | 593 | 593 | 593 | 593 |
| Administrative expenses | 607 | 607 | 607 | 607 | 607 |
| **Total, Repatriation loans program account** | 1,200 | 1,200 | 1,200 | 1,200 | 1,200 |

#### Payment to the American Institute in Taiwan

| 14,750 | 15,760 | 14,750 | 16,000 | 15,757 | +625 |

#### Payment to the Foreign Service Retirement and Disability Fund

| 132,500 | 128,514 | 132,500 | 128,541 | 128,541 | -3,958 |

#### Total, Administration of Foreign Affairs

| 2,676,756 | 7,694,841 | 3,880,309 | 3,714,567 | 4,043,064 | +1,366,308 |

| Appropriations | 2,676,756 | (4,094,641) | (3,889,939) | (3,714,567) | (4,043,064) | (-1,366,308) |

#### Advance appropriations

| (3,900,000) | (3,900,000) |

#### International Organizations and Conferences

| Contributions to international organizations, current year assessment | 922,000 | 962,938 | 943,308 | 943,308 | 885,203 | -36,797 |
| Contributions for international peacekeeping activities, current year | 251,000 | 485,000 | 200,000 | 387,925 | 500,000 | +295,000 |
| Arrangement payments | 475,000 | 446,000 | 351,000 | 351,000 | 124,000 |
| International conferences and contingencies [federal transfer] | (18,000) | (18,000) |

#### Total, International Organizations and Conferences

| 1,628,000 | 1,884,308 | 1,393,837 | 1,331,233 | 1,752,203 | +128,203 |

#### International Commissions

| International Boundary and Water Commission, United States and Mexico: Salaries and expenses | 19,551 | 20,413 | 19,551 | 19,551 | 19,551 |
| American sections, international commissions | 5,930 | 6,875 | 5,750 | 5,930 | 5,930 |
| International fisheries commissions | 5,733 | 6,533 | 5,733 | 5,733 | 5,733 |

#### Total, international commissions

| 45,772 | 52,043 | 45,772 | 45,772 | 45,772 | +1,000 |

#### Other

| Payment to the Asia Foundation | 8,250 | 15,000 | 8,000 | 8,250 |
| Eisenhower Exchange Fellowship Program, trust fund | 525 | 525 | 455 | 455 |
| Israeli Arab scholarship program | 350 | 350 | 340 | 340 |
| East West Center | 12,500 | 12,500 | 12,500 | 12,500 | +12,500 |
| North/South Center | 2,500 | 2,500 | 2,500 | 2,500 | +1,500 |
| National Endowment for Democracy | 32,000 | 31,000 | 30,000 | 31,000 | 31,000 |

#### Total, Department of State

| 4,258,779 | 9,740,067 | 5,389,334 | 5,135,687 | 5,880,344 | +1,521,966 |

| Appropriations | (4,258,779) | (6,104,067) | (5,389,334) | (5,135,687) | (5,880,344) | (-1,521,966) |

| Advance appropriations | (3,900,000) | (3,900,000) | (3,900,000) | (3,900,000) | (3,900,000) | (3,900,000) |
### DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES

#### APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

<table>
<thead>
<tr>
<th>FY 1999</th>
<th>FY 2000</th>
<th>Conference vs. enacted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enacted</td>
<td>Request</td>
<td>House</td>
</tr>
</tbody>
</table>

#### RELATED AGENCIES

<table>
<thead>
<tr>
<th>Activity</th>
<th>FY 1999</th>
<th>FY 2000</th>
<th>Conference vs. enacted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arms control and disarmament activities</td>
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<td></td>
<td>-41,500</td>
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<tr>
<td>United States Information Agency</td>
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<td></td>
</tr>
<tr>
<td>International information programs</td>
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<td></td>
<td>-455,246</td>
</tr>
<tr>
<td>Technology fund (by transfer)</td>
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<td></td>
</tr>
<tr>
<td>Educational and cultural exchange programs</td>
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<tr>
<td>Eisenhower Exchange Fellowship Program, trust fund</td>
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<td></td>
<td>525</td>
</tr>
<tr>
<td>Israeli Arab scholarship program</td>
<td>350</td>
<td></td>
<td>350</td>
</tr>
<tr>
<td>International Broadcasting Operations</td>
<td>362,365</td>
<td></td>
<td>-362,365</td>
</tr>
<tr>
<td>Broadcasting to Cuba (direct)</td>
<td>22,095</td>
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<tr>
<td>Radio construction</td>
<td>13,245</td>
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<td>-13,245</td>
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<tr>
<td>East-West Center</td>
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<td>-12,500</td>
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<tr>
<td>North/South Center</td>
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<tr>
<td>National Endowment for Democracy</td>
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<tr>
<td>Total, United States Information Agency</td>
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Broadcasting Board of Governors

<table>
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<tr>
<th>Activity</th>
<th>FY 1999</th>
<th>FY 2000</th>
<th>Conference vs. enacted</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Broadcasting Operations</td>
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<tr>
<td>Broadcasting to Cuba</td>
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<td>721,214</td>
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Total, title IV, Department of State

<table>
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<tr>
<th>Activity</th>
<th>FY 1999</th>
<th>FY 2000</th>
<th>Conference vs. enacted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maritime Security Program</td>
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<td>98,700</td>
<td>98,700</td>
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<td>Operations and training</td>
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<td>72,164</td>
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<td>6,000</td>
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Total, Maritime Administration

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<th>Activity</th>
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<th>FY 2000</th>
<th>Conference vs. enacted</th>
</tr>
</thead>
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<td>Census Monitoring Board</td>
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<td>1078</td>
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<td>4,000</td>
<td>4,000</td>
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<td>265</td>
<td>265</td>
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<td>250</td>
<td>250</td>
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<td>Commission on Civil Rights</td>
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<td>8,000</td>
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<td>1,250</td>
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<td>Equal Employment Opportunity Commission</td>
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<td>279,000</td>
<td>279,000</td>
</tr>
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<td>200,000</td>
<td>200,000</td>
</tr>
<tr>
<td>Salaries and expenses</td>
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<td>200,000</td>
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<td>Federal Maritime Commission</td>
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<td>14,150</td>
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### DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES

**APPROPRIATIONS BILL, 2000 — continued**

(Amounts in thousands)

<table>
<thead>
<tr>
<th></th>
<th>FY 1999 Enacted</th>
<th>FY 2000 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Conference vs. enacted</th>
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<td>120,000</td>
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<td>246,300</td>
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<td>14,000</td>
<td>10,600</td>
<td>13,250</td>
<td>11,000</td>
<td>+200</td>
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<tr>
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<td>128,000</td>
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<td>84,000</td>
<td>92,000</td>
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<td>267,368</td>
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<td>77,700</td>
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<td>86,000</td>
<td>116,000</td>
<td>86,000</td>
<td>136,000</td>
<td>+20,000</td>
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<td>75,000</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Total, Disaster loans program account</td>
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<td>358,400</td>
<td>255,400</td>
<td>163,700</td>
<td>276,400</td>
<td>+84,071</td>
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<tr>
<td>Surety bond guarantees revolving fund</td>
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<tr>
<td>Total, Small Business Administration</td>
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<td>911,798</td>
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<td>720,018</td>
<td>877,000</td>
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</tr>
<tr>
<td>State Justice Institute</td>
<td>6,850</td>
<td>15,000</td>
<td>6,850</td>
<td>6,850</td>
<td>6,850</td>
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<tr>
<td>Total, title V, Related agencies</td>
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<td>2,196,573</td>
<td>1,786,591</td>
<td>1,940,866</td>
<td>2,066,370</td>
<td>+212,002</td>
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<tr>
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<td>2,066,370 (2,066,370)</td>
<td>(212,002)</td>
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<td>(233,000)</td>
<td>(233,000)</td>
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</tbody>
</table>

**TITLE VII - RECISSIONS**

**DEPARTMENT OF JUSTICE**

**General Administration**

Working capital fund (recission) | -99,000 | -22,577 | +99,000 |

**Legal Activities**

Assets forfeiture fund (recission) | -2,000 | -5,500 | +2,000 |

**Federal Bureau of Investigation**

FY 1998 FBI construction (recission) | -4,000 |        | +4,000 |

No Year FBI salaries and expenses (recission) | -6,400 |        | +6,400 |

FY 1998 VCIF (recission) | -2,000 |        | +2,000 |

FY 1997 VCIF (recission) | -300 |        | +300 |

Total, Federal Bureau of Investigation | -12,700 |        | +12,700 |

**Drug Enforcement Administration**

Drug diversion fund (recission) | -35,000 | -35,000 | -35,000 |

Immigration and Naturalization Service

Immigration emergency fund (recission) | -5,000 | -1,137 | -1,137 | +3,863 |
### DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES
### APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

<table>
<thead>
<tr>
<th>Department of Commerce</th>
<th>FY 1999 Enacted</th>
<th>FY 2000 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference vs. enacted</th>
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<td>National Institute of Standards and Technology</td>
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<td>Industrial technology services (recession)</td>
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<td>National Oceanic and Atmospheric Administration</td>
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<td>Operations, research and facilities (recession of emergency appropriations)</td>
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<td>Department of State</td>
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<tr>
<td>Administration of Foreign Affairs</td>
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<tr>
<td>Security and maintenance of United States Missions (recession)</td>
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<td>-58,436</td>
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<tr>
<td>Buying power maintenance (recession)</td>
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<td>Broadcasting Board of Governors</td>
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<td>International broadcasting operations (recession)</td>
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<tr>
<td>Maritime Administration</td>
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<td>Ship construction fund (recession)</td>
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<td>Small Business Administration</td>
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<tr>
<td>Business Loans Program Account:</td>
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<tr>
<td>Guaranteed loans subsidy (recession)</td>
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<td>General reduction</td>
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<td>-235,693</td>
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<td>Appropriations</td>
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<td>Recissions</td>
<td>-163,790</td>
<td>(26,395)</td>
<td>(-140,295)</td>
<td>(64,753)</td>
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**TITLE VII - OTHER APPROPRIATIONS**

#### DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Salaries and expenses | 21,680 |
Drug Enforcement Administration
Salaries and expenses | 10,200 |

Immigration and Naturalization Service
Salaries and expenses | 10,000 |
Border affairs | 80,000 |
Department of Justice (Y2K conversion) | 84,396 |

Total, Department of Justice | 206,276 |

#### DEPARTMENT OF COMMERCE AND RELATED AGENCIES

National Oceanic and Atmospheric Administration

Operations, research, and facilities | 5,000 |
Department of Commerce (Y2K conversion) | 57,920 |

Total, Department of Commerce | 62,920 |

#### THE JUDICIARY

Judicial information technology fund (Y2K conversion) | 13,044 |

#### DEPARTMENT OF STATE

Administration of Foreign Affairs

Diplomatic and consular programs | 790,771 |
Salaries and expenses | 12,000 |
Office of Inspector General | 1,000 |
Security and maintenance of United States missions | 877,500 |
Emergencies in the diplomatic and consular service | 12,929 |
Department of State (Y2K conversion) | 64,918 |

Total, Department of State | 1,559,116 |
### DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES

#### APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

<table>
<thead>
<tr>
<th>Related Agencies</th>
<th>FY 1999 Enacted</th>
<th>FY 2000 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Conference vs. enacted</th>
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<tr>
<td><strong>Small Business Administration</strong></td>
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<td>Administrative expenses</td>
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<td>Securities and Exchange Commission (Y2K conversion)</td>
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<td></td>
<td></td>
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<td>-1,975,067</td>
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<td><strong>Grand total</strong></td>
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<td>New budget (obligational) authority</td>
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<td>49,812,860</td>
<td>37,077,253</td>
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<td>(4,475,253)</td>
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<td></td>
<td>(233,000)</td>
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<tr>
<td>Total, title VIII, emergency appropriations</td>
<td>1,975,067</td>
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</tbody>
</table>

1) The Administration's request proposes to eliminate this account and distribute the funding to GSA, US Attorneys, US Marshals, FBI, DEA, and INS.

2) The Administration's June 8, 1999 budget amendment proposes to reinstate the 2450 adjustment of status fee, which would increase receipts in the Breached Bond Fund by $110 million.

3) The President's request includes $30 million for the Police Corps within the hiring program.

4) As a result of the Foreign Affairs Reform and Restructuring Act of 1998 and other changes, the amounts requested and recommended in FY 2000 include amounts appropriated separately in previous fiscal years for State Department, USAID and AID salaries and expenses.

5) The President's budget processed $5 million for State Justice Institute.
Mr. YOUNG of Florida. Mr. Speaker, will the Chair advise how much time is remaining on each side of the aisle?

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Florida (Mr. YOUNG) has 15 1/4 minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 15 minutes remaining.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 1/2 minutes to the gentleman from Illinois (Mr. PORTER), the chairman of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations.

Mr. PORTER. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership in bringing this bill to final passage.

Mr. Speaker, compromise is the nature of our process under the Constitution, and the American people are the winners with this legislation.

In the Labor, Health and Human Services, and Education portion of the bill we have plussed up Job Corps, consolidated health centers, and Ryan White AIDS they are at the highest priority. I am particularly proud that we have funded biomedical research through the National Institutes of Health with a 15 percent increase, or $2.3 billion. This is the second 15 percent increase in a row toward our goal of doubling funding for biomedical research over 5 years. This is the best spent money in all of government and lengthens and protects the lives of every American.

In education, we increased the overall account by $2.2 billion over FY 1999 and included large increases for impact aid, for Pell Grants, for the TRIO program, and a very large increase for special education, allowing our local school districts a great deal more flexibility with their own money.

Now, Mr. Speaker, for the record, I want to point out that our intent on section 210, the provision concerning the Secretary’s organ transplantation rule, is totally clear. Section 210 delays for 42 days publication of the organ transplant plant rule to allow the Secretary to consult with the transplant community. The provision is the result of difficult negotiations between Members of both bodies and the administration.

Mr. OBEY. The Republican majority in this House, Mr. Speaker, has been fighting for, it is clear that the American people are the winners with this legislation.

Our provision originally provided for a 90-day delay with a required 60-day comment period. Based on the agreement between myself; the gentleman from Florida (Mr. YOUNG), the chairman of the Subcommittee on the gentleman from Wisconsin (Mr. OBEY), the ranking member of the subcommittee and the full committee; the chairman of the Senate subcommittee, Senator SPECTER; and the administration, we changed the comment period from 60 days to 42 days to allow the Secretary to review the comments.

There has been a major study by the Institute of Medicine Study on this issue and several periods of comment either have occurred or will occur under the proposed rule. The compromise agreement assures that those with an interest in this issue will have one more chance to comment and have these comments reviewed. As a result, our agreement includes language in the Statement of the Managers that there will be no further delay following the 42-day period.

Mr. Speaker, this was a difficult negotiation. However, I believe that the provisions of this bill represent the true compromise between all parties, and not a provision placed in the work or incentive bill without the knowledge or any participation in the negotiations by those at our table, including the Secretary of Health and Human Services and the Director of OMB that were there in our negotiation.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds to engage in a colloquy with the gentleman from Illinois (Mr. PORTER).

Mr. Speaker, the conference agreement encourages the Secretary of Labor to spend up to $2 million to answer several questions relating to the costs and benefits of safety and health programs. But am I correct in stating that the conferees do not intend in any way that the Secretary delay her rule-making on safety and health programs while developing this information?

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

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

Mr. PORTER. Mr. Speaker, the gentleman is correct. It was not our intent in funding this data collection to block or delay the issuance of the safety and health program standard.

Mr. OBEY. Mr. Speaker, I thank the gentleman for his comments; and I want to say it has been a pleasure to work with him, as usual.

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

Mr. Speaker, we have come a long way from where we started in this session. Originally, the Republican budget resolution that was presented in this House maintained the fiction that we could afford a huge tax cut with 70 percent of the 10.3 million people earning over $100,000 a year and still not do damage to the rest of our national priorities.

That tax cut would have used every single dollar that could have been used to extend the life of Social Security and Medicare. And the public understands that; and in the end they, I think, by their actions in the polls, convinced our friends on the Republican side to begin to walk away from that issue.

In September, we were given a different problem because the majority established a budget allocation for the bill containing Education and Health and Labor programs which would have resulted in cutting education funding by almost one-third in real terms. We said, no, we do not have to do that. And the shape of these appropriations bills today is far different as a result.

I want to publicly thank the President. I want to publicly thank the Vice President. I want to thank the President’s Chief of Staff, John Podesta; Jack Lew, his principal budget negotiator; and all the others who stood with us fighting for smaller class sizes, fighting for quality teachers, fighting for more cops on the beat, fighting against legislation that threatened environmental cleanup, fighting against short-sighted efforts to limit our international leadership responsibilities abroad.

I am also proud of the fact that we have in the area of education provided for additional support for comprehensive school reform, for additional support for teacher training, additional support to assist local school districts to reduce high school size in order to get a better handle on student violence and juvenile adolescent behavior.

I am also proud of the fact that, under this bill, 10 States will be provided planning grants in order to develop plans for a Federal-State partnership to cover all of their citizens with health coverage. I think that is a major breakthrough; and I hope it leads to ending the abomination in this country, the moral abomination of having some 40 million people in this country without health insurance.

But I am still going to oppose this bill despite all of those features because someone, I believe, has to stand for the institution to present budgets in a forthright way.

Three years ago, when the executive and legislative branches of Government agreed on a budget deal, I called it a public lie. I said, if it was not a public lie, it was at least a giant public fib, because it was promising that Congress would live by spending levels that, in fact, it would never live by. And history has demonstrated that to be correct.

Last year, Congress spent $35 billion more than that budget agreement provided; and this year it is spending much more than that before the limits. Some of that spending is outrageous, and some of it is perfectly defensible. I do not so much object to some of that spending as I object to the fact that the Congress, in my view, is simply lying about it and pretending that it is not taking place. That, I think, is an even more fundamental problem.
in order to get out of town, was willing to give the President virtually everything he asked for in spending for as long as we accounted for the fiction that would hide what, in fact, we were doing. And that is the honest truth.

So, Mr. Speaker, I will vote against this. I understand there are many good things in the bill, and I am proud to have helped negotiate some of them. But, in the end, I believe that next year we are going to come back here with the budget problem being fundamentally worse because of the fictions we have in this bill.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Virginia (Mr. BLILEY), the chairman of our Committee on Commerce.

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

Mr. Speaker, I rise in strong support of this bill. There are a few items in particular that I would like to highlight from the Medicare provisions of this bill.

First, it directs a significant amount of new monies toward hospitals. This includes more funds for small, rural hospitals and for patients who receive cancer treatments, those most in need of assistance. Congress cannot allow these hospitals, which serve an important role in our communities, to close their doors.

Additionally, we provide new monies for the Medicare+Choice program. This vital program gives seniors the option to choose a private health plan instead of remaining in the traditional Medicare program.

I am also proud to have strengthened this bill by including $150 million to pay for immunosuppressive drugs for transplant patients. Medicare currently only covers these drugs for 36 months. Through our work in the Conference Committee, however, we have ensured that organ transplants will have greater access to these life-saving drugs for a longer period of time. Access to these drugs to patients could literally mean the difference between life and death.

Finally, this bill dedicates more funding for community health centers and rural health clinics, for SCHIP, and also for State outreach efforts for former welfare recipients.

Mr. Speaker, I rise today in strong support of the "Medicare, Medicaid and SCHIP Balance Budget Reconciliation Act of 1999." This bill restores needed funds to hospitals, nursing homes, managed care providers, and home health agencies most seriously impacted by changes made in the Balanced Budget Act of 1997.

The Conference Report, included in this omnibus bill, reflects many hours of hard work in the House and the Senate. I want to particularly commend the efforts of Members of the Commerce Committee, Ways and Means Committee and the Senate Finance Committee. I am pleased that we were able to come together and craft this bill—there is much to be proud of in the legislation.

Congress made some very important changes to the Medicare and Medicaid programs when it passed the Balanced Budget Act. The Medicare program was facing bankruptcy and seniors' choice of private health plans and providers was limited. The Balanced Budget Act changed that and helped ensure the vitality of this program for years into the future.

In that legislation, the Commerce Committee also helped create the State Children's Health Insurance Program—otherwise known as SCHIP—to provide health coverage for millions of low-income uninsured children. It was historic legislation and I am very proud of it.

But in some areas we all went a little too far. Now we are doing the right thing by going back and refining some of the policies put into effect by the BBA to address some of the unintended consequences of that legislation.

Mr. Speaker, I'm proud of the work the Committees in both chambers put into this bill. I am not one that enjoys support at first and disavows the support of all my colleagues.

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

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding the 1 minute.

Mr. Speaker, I am here to point to that portion of the deal that deals with seniors and the disabled in the Medicare section. This would not have happened without a bipartisan, cooperative effort.

I especially want to thank the staff: Ann Marie Lynch and the majority committee, Bill Vaughn, for his willingness to maintain confidentiality as we worked on this; the commerce staff, especially the members of the Subcommittee on both Ways and Means and Commerce; chairman of the full committee, the gentleman from Texas (Mr. Archer); and the gentleman from Virginia (Mr. BLILEY), who just spoke; my friends and colleagues, the gentlewoman from Connecticut (Mrs. Johnson) and the gentleman from Louisiana (Mr. McCrery), without which the congressional portion would not have been put together.

I want to thank Chris Jennings from the White House, Nancy Ann MinDeParle at the Health Care Financing Administration and Bonnie Washington.

Details of the Medicare measure can be found at TND.house.gov. This lays the groundwork for next year.

Republicans brought prevention in Medicare to the forefront this year. And working in a cooperative way, as evidenced by my friend the gentleman from Maryland (Mr. Cardin), the gentleman from Wisconsin (Mr. KLEZEKA), and other Democrats, we can move forward in modernizing Medicare next year.

I want to thank them all. There is no reason in the world why my colleagues should not vote yes on this measure.

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

Mr. RYAN of Wisconsin. Mr. Speaker, I thank my colleague from Wisconsin for yielding 1 minute to me.

I really do applaud this Medicare provision. I would like to thank the gentleman from California (Mr. THOMAS), the chairman of the Subcommittee on Health, for including very important Medicare language which helps southern Wisconsin.

But what this legislation includes is legislation that has not even passed through the House of Representatives or through the United States Senate which goes right to the bottom line of the dairy farmers in the upper Midwest.

Mr. Speaker, I implore my colleagues, let us bring this legislation down the pike on regular order, not tack it on this ugly Christmas tree as a big ugly ornament.

This legislation is not fair for our dairy farmers. This legislation takes them and puts them at a competitive disadvantage against all other farmers in the country. And it revokes the free market principles that we were elected to protect.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. GILMAN), chairman of the Committee on Foreign Affairs.

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

Mr. Speaker, I am pleased to rise in support of this omnibus bill. I commend the House leadership, the majority whip, in addition to the Committee on Appropriations chairman, the distinguished gentleman, for their untiring efforts to finalize the conference report on the H.R. 3194 and for their willingness to include it in certain important authorization measures. I also extend thanks to House staffers Bill Inglee, Brian Gunderson, and Susan Hirschman for their diligent efforts on our behalf.

In particular, this package includes the authorization for the important U.N. reform and arrears payment package as well as other significant programs, such as the 5-year authorization for a greatly enhanced embassy security program to protect American personnel and facilities abroad and a 10-year reauthorization for Radio Free Asia.

The legislative vehicle by which this is accomplished is the inclusion of H.R. 3427, introduced by the distinguished gentleman from New Jersey (Mr.
Smith of the Subcommittee on International Operations and Human Rights; the gentleman from Georgia (Ms. McKinney), the ranking Democrat on that subcommittee; and the gentleman from Connecticut (Mr. Gledson), the committee’s ranking member; and myself.

H.R. 3427 reflects the House and Senate agreements that were reached on H.R. 2415 and S. 886, the Senate amendments to H.R. 2415. This compromise measure also accommodates numerous requests of the administration. The House Committee on International Relations worked diligently to produce a bipartisan bill in concert with our colleagues on the Senate Foreign Relations Committee.

I thank the leadership of the Committee on Appropriations, and I urge my colleagues to fully support this omnibus measure.

The SPEAKER pro tempore (Mr. Hansen). The gentleman from Florida (Mr. Young) has 9 minutes remaining, and the gentleman from Wisconsin (Mr. Obey) has 8 1/2 minutes remaining.

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

Mr. Green of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me the time and for his leadership on the issue that he and I are joined together on, and that is dairy.

I must reluctantly urge my colleagues to vote against this bill today because of the dairy provisions that it contains.

It is real important to understand what has not happened today with the inclusion of these provisions. We have not done one thing to help dairy farmers in this Nation. We have not addressed the fact that most of the dairy farmers that we are losing in this Nation we are losing in the upper Midwest. In my home State, we are losing five each and every single day.

We have not addressed the fact that many of the Nation’s largest co-ops are gouging our dairy farmers, underpaying them. And we have not taken one step away from the Soviet style dairy system that has ruled this country since 1937.

Because of what this bill does not do in dairy, I must reluctantly urge a no vote.

Mr. Young of Florida. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. Walsh), the very distinguished chairman of our Subcommittee on VA. HUD and Independent Agencies.

Mr. Walsh. Mr. Speaker, congratulations to the chairman. We did it. We balanced the budget, as we said we would. We cut the national debt by over $100 billion with this budget, as we said we would. And we did it without touching the Social Security trust fund for the first time in this half century.

Remember back in his State of the Union address, the President promised to spend 38 percent of the Social Security trust fund for the surplus for Social Security. As I said, no. Mr. President—want 100 percent of that surplus. And that is what we did. We gave our troops in the field a good solid pay raise, and they deserve it.

Let me say, Mr. Speaker, on dairy, it would be terrible if we harm 75 percent of the farmers, the dairy farmers in this country by supporting the Glickman-Clinton dairy proposal. It is wrong for the country. The Congress is on record opposing that legislation.

What is in this bill was supported by 380 Members of the Congress. This is good legislation. I urge my colleagues to support it.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Speaker, I am also pleased that this bill enacts by reference the provisions of H.R. 3427, the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000-2001, which incorporates the provisions of the original Senate version of H.R. 2415, the Admiral James W. Nance and Meg Donovan Foreign Relations Act, Fiscal Years 2000-2001, which I introduced yesterday, November 17, 1999, along with Representatives Cynthia McKinney, Ben Gilman, and Sam Gejdenson. I insert at this point in the RECORD an agreed statement of the legislative history of H.R. 3427.

The original Senate version of H.R. 2415 is a compromise between H.R. 2415, the American Embassy Security Act, as passed by the Senate, and S. 886, the James W. Nance and Meg Donovan Foreign Relations Act, Fiscal Years 2000-2001, which incorporates the provisions of the original Senate version of H.R. 2415, the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000-2001, which I introduced yesterday, November 17, 1999, along with Representatives Cynthia McKinney, Ben Gilman, and Sam Gejdenson.

Let me state for the record that H.R. 3427 is a compromise between H.R. 2415, the American Embassy Security Act, as passed by the Senate, and S. 886, the James W. Nance and Meg Donovan Foreign Relations Act, Fiscal Years 2000-2001, which I introduced yesterday, November 17, 1999, along with Representatives Cynthia McKinney, Ben Gilman, and Sam Gejdenson.

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

The original Senate version of H.R. 2415, S. 886, was reported by the Committee on Foreign Relations on April 28, 1999 (S. Rept. 106-43) and passed the Senate, amended, on June 22, 1999, by a vote of 97-2. H.R. 2415 passed the House, amended, on July 21, 1999. It was not reported by our committee but was sent directly to the floor by action pursuant to the special Rule. H.R. 2415 was a successor to H.R. 1211. H.R. 1211 was reported by the Committee on International Relations on March 28, 1999 (H. Rept. 106-121).

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

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

Mr. Speaker, the Foreign Relations Authorization Act (H.R. 3427) also contains important United Nations reforms—standards to which the United Nations must live up in order to receive the amounts provided in the settlement of the dispute over arrearages. It authorizes $4.5 billion over five years for Embassy construction and improvements to reduce dramatically the vulnerability of our overseas facilities to terrorism, and provides strict conditions to make sure the State Department really spends the money on security instead of any other preferences it might have.

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

Mr. Speaker, this bill makes clear that Congress expects important reforms in our Vietnam refugee programs for allied combat veterans, former U.S. government employees, and their families. It continues a requirement of current law that the programs the United Nations Development Program conducts in Burma be conducted in consultation with the United Nations Development Program in that country, and that these programs not serve the interests of the brutal military dictatorship that currently holds power in Burma. The bill also provides funding for UNICEF, the United Nations Voluntary Fund for Victims of Torture, the World Food Program, for the Tibet, Burma, East Timor, and South Pacific Scholarships, and for other programs which will promote American interests and American values around the world.
telling people that we did not spend the Social Security surplus. It is a bald-faced lie. Each one of us knows that.

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

Mr. BARRETT of Wisconsin. Mr. Speaker, I rise in opposition to this bill. I just have to comment on the dairy part of this bill. We have people in this chamber who sing the praises of free trade with countries all over this world. Yet this chamber refuses to allow free trade in our own country. There is only one product, milk, only one product in this entire economy where the price of the product is dependent upon where it is made. That is wrong; that is a Soviet-style economy and everyone here knows it. The President didn't do it; the President tried to reform this system. Yet the Republican leadership in this House refuses to allow those market reforms to go into place. It is an embarrassment, and it is causing consumers all over this country to pay more for their milk. This bill should be defeated.

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

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

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

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

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

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

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

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

Mr. YOUNG of Florida. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. HASTERT).

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

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

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

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

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

With this bills passage today, we will be on target to pay down $131 billion national debt this year.

When I arrived in Congress in 1987, the idea of passing a budget that would actually pay down $130 billion worth of debt would have been laughable, and even 5 years ago the thought of debt reduction was just that, a thought, but now it is a reality.

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

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

The debate over education has now changed. Instead of arguing about whether there should be local control of education dollars, we are now debating about how much local control there should be. There is money in this bill that can be used to hire more teachers and lower classroom size, but there is also flexibility in this bill. Parents and teachers will have more freedom to use this money as they see fit. Keeping more dollars and decisions in our classrooms is a victory for this Congress and a victory for our children.
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The Medicare BBA Refinement Act is a sweet and sour bill—it has good features and bad features. First, the good features. The move toward prospective payment systems is continued. The arbitrary $1500 caps on rehabilitation services have been lifted for two years while we develop a better payment system. Medicare’s coverage of immuno-suppressive drugs for transplant patients has been extended 8 months. Patients in hospital outpatient departments are protected against ever having to pay more than a single day’s hospital deductible for the cost of the outpatient procedure. Today, patients face out-of-pockets costs $2000 to $3000 for certain outpatient procedures. Now, their costs will be limited to about $776.

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

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

It still is not paid for—and now reduces solvency by more than a year, and increases beneficiaries’ costs by several billion dollars over the next five years, increasing premiums about a dollar a month. It spends about $16 billion of the Social Security surplus over the next five years, and $27 billion over ten years. It didn’t need to be this way. In the $212 billion a year Medicare program, there is fraud, waste, and abuse, and we could have saved several billion a year to pay for the relief that some providers needed.

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

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

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

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

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

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

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

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

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

I ask for support on this bill.

Mr. STARK. Mr. Speaker, the DC Appropriations bill is the shell in which the Republican leadership has chosen to place the legislative kitchen sink, so the speak. This bill includes a myriad of provisions that have nothing to do with the District of Columbia—Interior Appropriations; Labor-HHS Appropriations; a Satellite Home Viewers Act; certain dairy provisions and the bill about which I am here to speak today: The Medicare BBA Refinement Act.
While this is nowhere near enough—it is an important first step in improving the education for all K–3 children in New York City and across the country.

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

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

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

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

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

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

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

My own Congressional District spans two Boroughs in New York City with rapidly growing AIDS cases. In the Bronx, the Pelham and Throgs Neck area covered by the 7th Congressional District has reported 3,045 AIDS cases and 1,957 deaths due to the AIDS virus in 1998. In Queens, a Borough with a rapidly growing population 6,182 AIDS cases and 4,082 known dead from AIDS related causes as reported in 1998.

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

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

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

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

Another area addressed by the Omnibus is family planning within Title X programs. On October 28, I sent a letter to President Clinton, signed by 53 of my colleagues, expressing our support for Title X of the Public Health Service Act, the only federal program devoted solely to the provision of high quality contraceptive care to almost five million low-income Americans. Title X has had a tremendous impact over the years on reducing rates on unintended pregnancy and abortion as well as improving maternal and child health. Primary care services provided by clinics receiving Title X funds range from contraceptive supplies and services to breast and cervical cancer screening, tounami testing and STD/HIV screening.

I also express my disappointment with the majority on adding a provision to the Commerce-Justice-State section of the Appropriations conference report, which allows physicians to refuse to “prescribe” contraceptives on the basis of moral or religious beliefs. This is in complete opposition to the provision passed by recorded vote in the FY 2000 Treasury Department Appropriations that provides contraceptive coverage to federal employees covered by the Federal Employee Health benefits Plan.

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

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

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

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

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

Further, I am pleased that the Urban and Community Forestry Program at the Department of Agriculture continues to receive stable funding under this measure. Over the last four years, the Urban and Community Forestry program (UCF) has provided over $13 million to control and prevent further tree loss associated with Asian Longhorned Beetle outbreaks in New York City. That includes providing specially trained smoke jumpers to assist city foresters in checking the tops of trees for beetle infestation where they are more difficult to detect. U&CF has also provided technical assistance to help city officials plant and care for trees that are resistant to the beetle to prevent future outbreaks. We’ve lost over 1400 trees in Queens alone from the Asian Longhorned Beetle outbreak in New York City.

This legislation also includes important funding for the Arts or awarding the NEA’s financial assistance for projects and workshops that serve these communities.

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

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

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

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

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

Following the 1994 election, Congress inherited a projected four-year budget deficit of $906 billion. By the time I arrived in a Republican majority, worked to limit the growth of Federal spending and the President joined us in the 1997 balanced budget agreement. Limitations on the growth of Federal spending and the continued strong performance of our economy helped to produce a net surplus of $43 billion in the Federal budget in fiscal years 1996 through 1999. In fiscal year 1999 the Federal Government enjoyed a $123 billion surplus, and the surplus is growing as we begin fiscal year 2000. Congress has ended the discretionary spending of the late 1980's and early 1990's and Federal spending is more responsible today.

With the goal of protecting the Social Security trust fund surplus, Congress is holding the line on expanding Government programs and is finally starting to pay down the national debt. We are accomplishing these goals while still fulfilling our obligation to improve our education programs by increasing funding and education and health care programs, and paying the United States overdue commitments to the United Nations. This legislation meets the basic needs of our country in a responsible manner.

To help meet our goal of limiting the growth of Federal spending, his legislation includes a 0.38 percent across-the-board spending reduction which applies to all thirteen annual appropriations bill, saving taxpayers about $1.3 billion. I support this type of “belt tightening.” The Federal Government should find savings in every program to demonstrate to our constituents that the Federal Government can cut costs in a responsible manner.

When Republicans became the majority party in Congress in January 1995, we promised to reform and improve our education programs to ensure that they help all children reach their full academic potential—regardless of their economic status or other personal challenges. According to the nonpartisan Congressional Research Service, in 1995 spending for elementary and secondary education programs totaled almost $115 billion, with all Department of Education programs funded at $32.3 billion (fiscal year 1995).

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

Most important, this bill provides very generous funding for those programs that help all children receive a quality education. Specifically, it provides $8.7 billion for Title 1, the program that helps educate our most disadvantaged students—an increase of $265 million over fiscal year 1999. In addition, State grants for the education of children with disabilities are increased $700 million over fiscal year 1999, bringing the total to $6.9 billion. While this increase will not fully fund the Federal Government’s share for the education of our disabled children, it will increase the per pupil contribution to 13 percent—the highest level in the history of the program.

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

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

Of particular importance to many of Delaware's hospitals, nursing facilities and other providers, this bill also incorporates the budget fixes of the Medicare Refinement Act. This language ensures that America's seniors will continue to receive high quality health care by correcting the funding concerns that inadvertently arose as the result of the Medicare reforms in the Balanced Budget Act of 1997. I am particularly pleased to note that the annual Medicare therapy cap payments will not be lifted entirely for the next two years. This will ensure that those with multiple ailments can get the treatment they need to fully recover while experts consider a better way to implement payment modifications that address the real needs of rehabilitation patients. I am also pleased to note that this bill increases access to cervical cancer screening through the use of pap smears. By increasing the Medicare reimbursement rate, we ensure that more women will get the screening they need to identify and treat problems before they become a threat to their health, their fertility or their lives.

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

This bill also goes a long way toward restoring protections for the environment that were absent when the Interior appropriations conference report passed the House without my support. Seven of the twenty-four anti-environmental riders added by the Senate were stripped and the remaining riders were significantly changed to reduce their threat to the environment. The congressional leadership was responsive to concerns I raised that Congress should not attempt to prevent EPA enforcement action against midwest electric utility companies whose emissions are polluting Delaware's air and water. The judicial system is fully equipped to give these companies their day in court to defend their actions. I am extremely pleased that this bill provides $4 million over fiscal year 2000 to States, who getting funds to the local level—a dangerous step towards taking precious Federal funds away from those who instruct our children on a day to day basis. I expect the Department of Education to issue regulations or guidance which will target these funds to either the school districts with the highest numbers of schools in school improvement or through the existing Title I formula.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Speaker, Chairman ROGERS has ex-plained our part of this package, but I will just note that there is more money for COPS, for SBA, for NOAA, for various civil and employ-ment programs, and most of the President's funding priorities have been ad-dressed.

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

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

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

Mr. Speaker, the procedure used to create this wrap-up bill was most unusual, and while I know there are very positive provisions in the bipartisanship work has mostly been well done and I intend to support the conference report.

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

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

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

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

As used in this legislation, the term "meth-od" is intended to be construed broadly. The
term “method” is defined as meaning “a method of doing or conducting business.” Thus, “method” includes any internal methods of doing business or any system or process of making machines or apparatuses in the course of doing business, or a method for conducting business in the public marketplace. It includes a practice, process, activity, or system that is used in the design, formulation, testing, or manufacture of any product or service. The defense will be applicable against method claims, as well as the claims involving machines or articles the manufacturer used to practice such methods (i.e., apparatus claims).

New technologies are being developed every day, which includes technology that employs both methods of doing business and physical apparatus design to carry out a method of doing business. The first inventor defense is intended to protect both method claims and apparatus claims.

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

As the joint explanatory statement of the Conference Committee on H.R. 1554 notes, the provision “focuses on methods for doing and conducting business, including methods used in connection with internal commercial operations as well as those used in connection with the sale or transfer of useful end results—whether in the form of physical products, or in the form of services, or in the form of some other useful results; for example, results produced through the manipulation of data in computers. It is also important to emphasize that the above-named methods have been used for private school vouchers and purposes unrelated to class size reduction.” H. Rept. 106–464, p. 122.

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

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

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

Mr. CLAY. Mr. Speaker, I am pleased this Omnibus bill rejects the devastating cuts on seniors, children, and young adults proposed only last month by the Republican majority. The Lawton K Hempstead amendment, which added $7.3 billion over last year’s bill, more appropriately reflects the overwhelming public support for increased investment in education and fairness in the workplace.

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

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

It also provides new provisions, strongly advocated by President Clinton, that allows $134 million in Title I funds to be used to improve low-performing schools. The conference report also increases investment in critical education and labor initiatives above the last conference agreement. It provides $454 million for After School Centers, an increase of $154 million over the vetoed bill and $254 million over 1999. It provides $8.6 billion for Title I grants for the disadvantaged, an increase of $144 million over the vetoed bill and $265 million over 1999. It provides $136 million for Historically Black Colleges and Universities, an increase of $7.25 million over the vetoed bill and $12.7 million over 1999. It also provides $7.7 billion for Pell Grants to fund a maximum award of $3,300—the same as the vetoed bill and a $175 increase over 1999.

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

I urge support for the bill. Mr. PAUL. Mr. Speaker, I wish to take this opportunity to express my agreement with language contained in the report accompanying H.R. 3075, which was included in the Omnibus Appropriations bill, encouraging the Secretary of Health and Human Services to allow home health agencies to use technology to supervise their branch offices. This language also calls on the government to allow home health agencies to determine the adequate level of on-site supervision of their branch offices based on quality outcomes. I need not remind my colleagues that Congress is ex-
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Declaring things like the Head Start program—began in 1964—as an ‘emergency,’ along with the census, operations of the Pentagon and other budgetary add-ons. If we intend to ‘bust the budget caps’ and declare them obsolete now that we have a budget surplus, we should do so in an honest way and be straight with the American people.

Therefore, it is my fervent hope that this legislation, along with the budget provisions, it provides with the President his priorities of 100,000 new teachers and tools to create smaller teacher/student classrooms; 50,000 more police on America’s streets; and a much-needed pay raise for military personnel.

However, there is no reason why this Congress could not have passed these initiatives in a deliberative manner with full debate in this House, instead of in this format. Instead, the majority has cobbled together a massive Thanksgiving turkey of a bill, to present to the American people who have come to the realization that the government is not the cause of some of the more controversial provisions in this legislation. These are the same leaders that told the American people that if they were in charge they would pass a budget on time, with 133,000 new teachers paid, and no spending any of the Social Security Trust Fund.

Their failure to keep their word has resulted in this bill, which I urge my colleagues to oppose.

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

What makes the above problems all the more tragic is that there are many positive aspects to this measure. As a sponsor of the COPS 2000 legislation, which will authorize the placement of 50,000 additional police officers on our streets, I am especially pleased that a down payment on this funding is included in this bill. In addition, money to add 100,000 new teachers to our schools to reduce class size is also included, as well as an increased commitment to the Lands Legacy Initiative, which will protect our natural areas.

I voted for funds to help implement the Wye River peace agreement when they were considered previously, and I would like to be able to vote for them today. This bill restores resources, at least modestly, to our hospitals, nursing homes, and home health facilities that have been negatively impacted by the Balanced Budget Act of 1997, but it does not do enough to solve the long term problems with Medicare reimbursement levels. I have been a leader of this effort, and I voted for similar provisions when they passed the House a few weeks ago. But I said at that time that more needed to be done to be adequate to address unfair cuts in Medicare. This budget puts pork barrel projects before health care, hospitals and nursing homes, and this is wrong.

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

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

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

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

For instance, this bill includes clarifications and corrections to the Medicare changes contained in the 1997 Balanced Budget Act which exceeded spending reduction targets at the expense of our seniors and teaching hospitals. This bill provides $12.8 billion over five years in new funding for Medicare reforms which are necessary and vital to the health of our nation’s seniors. Specifically, these provisions include a section based upon legislation, H.R. 1224, which I have sponsored, along with Representative Cardin, to ensure fair and equitable Medicare funding for residents being trained to be physicians. Section 541 of Title V of this bill would, in fact, ensure that hospitals, such as those at the Texas Medical Center, will receive higher Medicare reimbursements for their physician residents.

Under current law, these graduate medical education resident payments are based upon hospital-specific costs. As a result, teaching hospitals in Texas currently receive as much as six times less than those paid to hospitals in New York. This provision would fix this equity by establishing three new tiers of payments for residencies. For those teaching hospitals whose payments are more than 40 percent above the national average, their GME payments would be frozen for Fiscal Years 2001 and 2002. From Fiscal Year 2003 to 2005, their payments would be reduced by a factor of market basket minus 2 percent. For those hospitals whose payments are less than 40 percent above the national average, their payments would be increased to at least 70 percent of the national average.

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

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

Thanksgiving turkey of a bill, to present to the American people in one whole form to avoid ‘bust the budget caps’ and declare them obsolete now that we have a budget surplus. This bill provides $12.8 billion over five years.
I am also pleased that this conference report includes language to provide higher reimbursements for pap smears. Under existing law, Medicare payments for pap smears are $7.15 each. This bill would increase this reimbursement level to $14.60 per pap smear. This reimbursement level has not been increased for many years and will help to ensure that senior citizens receive this important preventive health test. This provision also covers the new pap smear technology so women would be eligible to receive these state-of-the-art tests which have a better record of finding and diagnosing ovarian cancers. The Congressional Budget Office estimates that this provision will cost $100 million over five years and $300 million over ten years. I am pleased that Congress has decided to provide the investment for many women whose lives will be saved by this test.

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

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

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

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

I am also pleased that this conference report includes funding for a project which I have been working on to provide $500,000 for the Center of Excellence for Research on Mental Health (CMRHI) to the University of Texas MD Anderson Cancer Center in my district. This Center would build upon the Institute for Mental Health at MD Anderson, and in 1999 it was indicated that there is a disproportionate share of minority and medically under-served patients who suffer from cancer and other health-related diseases. The CRMHI would establish a multi-disciplinary center for excellence in basic, applied and clinical research to help address the unique health-related challenges of minority and under-served populations. The goal of this Center would be to improve the low mortality rate among minority and medically under-served populations, and to translate these methods to other minority and under-served areas nationwide.

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

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

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

This budget continues the Administration’s COP5 program by including funding to help local communities hire up to 50,000 police nationwide. This program has been tremendously successful in Harris County helping the County, and some of its cities including virtually all those in my district, hire more than 1,000 police positions to fight crime.

This bill also includes important funding for the Immigration and Naturalization Service (INS) to combat illegal immigration and administrative immigraiton. An additional appropriation is very important to the people of the 25th District. The bill also funds the upcoming census, which is important to government and commerce.

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

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

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

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

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

I am pleased that this package includes a number of the important rural health provisions that we included in our legislation.

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

The most significant accomplishment of the budget process this year is the success of fiscally responsible Members to block efforts to spend the projected surplus over the next ten years on tax cuts or new entitlement spending. The bulk of the projected surpluses over the next ten years are preserved for debt reduction. I intend to join with my fellow Blue Dogs next year to renew our efforts to lock up the remaining $123 billion in debt reduction achieved in fiscal year 1999.

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

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

The failure to put together a long-term budget framework has produced a bill that will cause real problems for the budget process next year and beyond. The cumulative effect of the budget legislation passed by Congress this year in the absence of a long-term plan will make it virtually impossible to comply with the discretionary caps in the next two fiscal years and accounting for the Social Security. The discretionary spending caps in statute have lost much of their credibility as a tool to restrain spending.

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

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

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

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

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

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

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

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

This was not an easy decision. In reaching it, I was conscious of many good things that were in the five appropriations bills and the one more important for our society, and nothing I have sought to have included.

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

Further, the National Institute of Standards and Technology is funded at $639 million, which is about 1.3% less than in fiscal 1999 but an increase of 46% above the amount in the House-passed bill. This includes funding for the Advanced Technology Program (ATP), which has been zeroed out in the House-passed bill. These appropriations are very important. Their inclusion is something I worked to achieve and I would have liked to have been able to support them.

I would have liked to have been able to support the amounts the bill provides for the Department of the Interior and the Forest Service. Again, I have been working to provide these agencies the resources they need to properly manage our federal lands and to help protect them from the constant pressure on our open spaces against growth and sprawl.

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

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

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

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

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

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

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

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

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

According to CBO, the appropriations bill turns a $14.4 billion on-budget surplus into a $17.1 billion on-budget deficit. The budget is too back the books or scorekeeping gimmicks can deny the facts of the bottom line. This clearly shows that the Republicans are spending the Social Security surplus rather than saving it. It is indeed ironic that the Republicans are publicly attacking Democrats for “raiding Social Security” when their own Republican appointed budget scorekeeper, CBO, tells us that it is their appropriations that have already created an off-budget incursion into Social Security funds. Unfortunately the overall process of combining five appropriations bills, with numerous policy matters and attaching dozens of authorization bills which should be considered separately is an admission by the GOP leaders that they cannot deal with policy fairly and give Members of the House a vote on each. Rather the Leadership has stuffed this Omnibus Bill to the point of making it resemble a Thanksgiving turkey! What a sad way to do our work and serve the people.

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

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

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

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

I am pleased that I can, in good conscience, look favorably upon the provisions contained in the Interior funding portion of this legislation. I am delighted that this nation out the GOP control and of the Administration were successful in thwarting the most egregious of the riders to preserve the quality of our lands. Specifically, I commend the conferees for keeping the authority of the Clean Water Act intact regarding mountain-top mining, allowing the Bureau of Land Management to cancel, modify or suspend grazing permits after their environmental review is complete and delaying the new formula for oil royalty valuation until March 15, thus permitting implementation after nearly three years of GOP stalling to the benefit of the oil companies. In addition, I am also pleased to see that additional funds have been added to the Land and Water Conservation Fund (LWCF) for high priority land acquisitions. Both the federal and state share portion of this program have been woefully under-funded for years. Hopefully this signals the end of that era and a renewed commitment to that LWCF law.

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

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

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

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

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

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

In conclusion, this bill provides essential increases in education, law enforcement, and public health, but also requires our commitment to the UN, Israel and Palestine, authorizes debt relief for the world’s poorest, and seeks to protect the environment. At the same time, this measure is a budgetary bag of tricks which offsets requires across the board cuts that will do mischief into necessary and fundamental federal commitments and consists of legally all of the provisions in this bill. Doubtless, most members have had only hours to examine all of the provisions in this bill. Therefore, I will vote for this agreement, but I do so reluctantly. At the end of the day, the lasting legacy of this session of Congress will be shaped more by what we failed to accomplish this year than what we’re doing in this legislation today.

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

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

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

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

Nonetheless, the fact remains that we are paying a high price for the passage of this billion-dollar Omnibus budget measure. If this bill were sold as a reconciliation bill, it would have Chapter 98 of the U.S. Code, the Omnibus Education and Health Care Appropriations Act.”
I am also concerned that in some areas, we may not have done enough. In the area of quality, the bill moves backward rather than forward. The bill further removes Medicare managed care plans from oversight and some quality requirements. They have even exempted some plans from the requirements entirely. Who knows what nefarious provisions lurk with the dark writers of this bill?

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

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

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

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

In addition, Mr. Speaker, the BBA contains a study by GAO of the Community Health Centers payments under which the conferences intend that the GAO will study the State of California's experience with their demonstration projects. I am concerned that these projects will not provide everything that has been requested, but it does address the issues with which my constituents have greatest concern.

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

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

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

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

I am also concerned that this bill does not go far enough to prevent the implementation of the Department of Health and Human Services organ allocation rule. Under this proposal, health care providers would be forced to choose between food and needed medicines. This is a travesty, and I hope to never again see it repeated.

Another troubling gimmick is the bill's use of accounting gimmicks which add up to over $4 billion. Further so-called "savings" are achieved by delaying the paychecks of our

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

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

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

The Republican Leadership made a handshake agreement that they would not include dairy legislation on any appropriations bill. They have gone back on their word by attaching language that will maintain the depression-era milk pricing system and stop the Depart-
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military personnel and payments made to recipients of social services block grants.

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

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

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

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

This bill violates a rather simple rule of good legislating—members ought have the opportu-}

nity to review legislation before they are asked to cast their vote. They clearly have not had that opportunity to review this legislation, and, as a result, we are voting without the benefit of an official cost estimate. The previous CBO report, however, that did not include the additional spending added in negotiations with the White House, estimated that the surplus generated by Social Security will be tapped for $17 billion.

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

As I said earlier, Mr. Speaker, I regret that this bill is so flawed in certain important re-spects, because in many other areas it de-serves strong support. For instance we are strongly supporting the increases in funding for federal education programs in this legislation, includ-ing the class size reduction initiative. Last year, the class size reduction initiative pro-vided North Dakota schools with over $5 million in additional resources, and I am pleased that this legislation increases funding for that program by 10 percent. This legislation fulfills the promise to our children made last year by ensuring that schools in North Dakota and across the country can continue to pay the dedicated teachers they deserve.

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

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

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

In summary, Mr. Speaker, this bill contains many laudable provisions that have, unfortu-nately, been attached to legislation I simply cannot support. For this reason, I urge my col-league to vote “no” so that we can advance the positive features of this bill in legislation that is fiscally sound and protects Social Secu-nity.

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

While this appropriations bill is good for education and does make good on our com-mitment to the United Nations, this bill also contains a provision that compromises wom-en’s rights around the world.

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

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

Family planning shouldn’t be linked to United Nations dues. It has nothing to do with family planning. This is about our fundamental respect for human rights and the need to start living up to our international obligations—no strings at-tached.

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

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

For every step backward that we are forced to take on family planning, we will have to take two steps forward to maintain progress. Let’s not take the political pos-turing that created this budget deal that hurts women. But make no mistake about it, the women of this House are as committed as ever to protecting the rights of women around the world.

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

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

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

The D.C. Budget incorporates all appropri-a-tions for the District of Columbia. This includes not only federal funds, but all locally generated revenue as well, which accounts for most all of the Budget. This local part of the D.C. Budget is passed by the city’s elected leaders and the Control Board.

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

The resources in this bill will help the Nation’s Capital continue its reform efforts.

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

A substantial number of city functions re-main in receivership, including foster care and offender supervision. A recent audit and the Annual Report submitted by the Control Board to Congress highlights the crisis we are facing in this area. Our Congressional review can be particularly helpful in working through these concerns.
The D.C. Budget funds the local court system. These courts are going through an important process right now that demands our continued support. The GAO, at our request, has been supplying very helpful background material.

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

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

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

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

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

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

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

Reflecting the need to keep such departures narrow, the existing Satellite Home Viewer Act permits network station signals to be retransmitted only to a narrowly defined group of “unserved households,” i.e., those located in places, almost always remote rural areas, in which over-the-air signals are simply too weak to reach viewers. The Act also presumes that, properly functioning conventional rooftop antenna. The definition of an “unserved household” continues to be the same as it is in the current statute, i.e., a household that cannot receive, through the use of a properly working, stationary rooftop antenna that is pointed toward the transmitter, a signal of at least Grade B intensity as defined in Section 73.683(a) of the FCC’s rules. The courts have already interpreted this provision and nothing in the Act changes that definition. The “Grade B intensity” standard is and has always been an “objective” signal strength standard—not, as some satellite carriers claimed, a subjective quality standard. (In fact, as the courts have discussed, Congress expressly rejected a subjective standard in first enacting the statute in 1992. The Grade B intensity standard has long been used by the FCC and the television engineering community to determine the level of signal strength needed to provide an acceptable television picture to median, unbiased observers. Few, if any, subscribers in urban and suburban areas qualify as “unserved” under this objective, easy-to-administer definition.

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

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

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

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

Now we as members of Congress, have been asked to fix this problem created by satellite industry lawbreaking. The bill reflects the conferees’ best effort to find a solution to a problem that the satellite industry has created by signing up millions of ineligible customers. Unfortunately, the solution the conferees have devised—temporary grandfathering of certain categories of ineligible subscribers—may seem to amount to rewarding the satellite industry for its own wrongdoing. I find this very troubling, even though I understand the imperative to protect consumers who have been misled by satellite companies into believing that essentially everyone is eligible for distant network signals. In any event, let me be very clear: with the exception of delayed termination dates for certain subscribers, nothing in this bill in any way relieves any satellite company from any remedy whatsoever for any lawbreaking, past or future, in which they may engage. To list just a few, nothing in the bill will relieve any satellite carrier from any court order (a) requiring immediate termination of ineligible small-dish subscribers predicted to receive Grade A intensity signals from any station of the relevant network, (b) requiring strict compliance with the Grade B intensity standard for all signups after the date of the court order, (c) requiring the payment of attorney’s fees pursuant to Section 5.5 of the Copyright Act or payment for testing costs pursuant to...
Section 119(a)(9), or (d) imposing any statu- torily mandated remedy for any willful or re- peated pattern or practice of violations com- mitted by any person, the Telecommunications Act of 1996, which Congress has determined the outer limits of permis- sible grandfathering in this bill, and courts need not entertain an arguments for additional grandfathering. And I should emphasize that the only subscribers that may have service re- stored pursuant to the grandfathering provi- sions of this Act are those that have had their service terminated as a result of court orders, and not for any other reason.

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

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

I should also emphasize the addition of the word “stationary” to the phrase “conventional outdoor rooftop receiving antenna” in Section 119(d)(10) of the Copyright Act. As the Chair- man of the Subcommittee on Courts and Intel- llectual Property of the House Judiciary Com- mittee, which has jurisdiction over copyright matters, and as the original sponsor of this legislation, I want to stress that this one-word change to the Copyright Act does not require (or even permit) any change in the methods used by the courts to enforce the “unserved household” provisions of Section 119. The new language says only that the test is whether a “stationary” antenna can pick up a Grade B intensity signal; although some may have wished otherwise, it does not say that the an-

I want to thank the chairman of the commit- tee on the Judiciary, the gentleman from Illi- nois (Mr. HYDE), the ranking member, the gentleman from Michigan (Mr. CONYERS), as well as the subcommittee ranking member, the gentleman from California (Mr. BERMAN) for their support and leadership throughout this process. I also want to recognize the contribu- tions of the leadership of the gentleman from Virginia (Chairman BILEY); the ranking mem- ber, the gentleman from Michigan (Mr. Din- GELL); the subcommittee chairman, the gen- tleman from Louisiana (Mr. TAUZIN); the gen- tleman from Ohio (Mr. OXLEY); and the ranking member, the gentleman from Massachusetts (Mr. MARKEY), who worked with us tirelessly to bring this to the Floor. Finally, I want to thank my fellow Subcommittee members, the gen- tleman from Virginia (Mr. GOODLATT), and Mr. BOUCHER) for their service on the committee of conference. I urge all Members to support this constituent-friendly legislation.

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

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

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

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

There also, however, are a number of provi- sions in this bill which I oppose: a cut of $100 million in veterans’ benefits; payment of the
United Nations arrears is linked to unwarranted restrictions on international family planning funding; funding for the Army's School of the Americas, which conduces a destabilizing precedent; training personnel supporting past military dictators in Latin America, who have been engaged in gross human rights violations; and most importantly, this package has not been scored by the Congressional Budget Office; despite the majority's unsupported claims to the contrary, we really do not know what the ultimate impact will be upon Social Security funds. Indeed, of the three major offsets provided in this conference report, only one actually reduces expenditures. The other two—expanding transfers from the Treasury to the Federal Reserve and delaying payments to our military personnel—are accounting gimmicks which start us in a hole in next year's budget process. This is not fiscally responsible and it does not protect Social Security.

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

Under the rules of the House, Congress is supposed to consider thirteen appropriations bills for each fiscal year. Under normal procedures, those bills should come before the House individually, with opportunities for amendment and debate. After a conference report which does not contain the provisions of the House is reported, the House should have the opportunity to vote on each bill, standing alone. Unfortunately, Congress has refused to follow its own rules.

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

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

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

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

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

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

Now, no one of my colleagues may question the harm in limiting the activities of international family planning organizations. Still others have deeply felt convictions on the issue of abortion and do not want to see U.S. taxpayer's funds pay for abortions. Not only do I respect these sentiments, I agree with them. And that is exactly why I oppose the codification of the Smith Mexico City policy.

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

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

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

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

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

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

A COSTLY DEAL ON U.N. DUES

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

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

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

As part of the compromise, the administration won the right to waive this restriction if it chooses. But even with the waiver, no more than $15 million in American assistance can be given to organizations engaged in abortion services or lobbying. That is about the amount such groups got last year. Another part of the deal stipulates that the administration exercises the waiver the $385 million budgeted for aid to women's health groups will be reduced by $125 million.

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

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

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

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

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

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

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

It is a victory for Pope John Paul II, who has said: "Christians will have to raise their voice on behalf of all the poor of the world, proposing the jubilee as an appropriate time to give thought, among other things, to reducing substantially, if not cancelling outright, the international debt which seriously threatens the future of many nations."

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

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

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

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

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

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

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

- All bilateral debt of highly indebted poor countries will be totally cancelled;
- Fundamental reforms have been made to the IMF and World Bank programs, and the relationship between those programs, to ensure a primary emphasis on poverty reduction rather than structural adjustment;
- Mobilization of IMF gold using a revaluation rather than a sale, and using the resulting monies only for debt relief rather than structural adjustment;
- Greater transparency has been assured in regard to Paris Club deliberations on multilateral debt reduction (an informal forum where mainly industrial creditor countries discuss the settlement of official loans to countries unable to meet their debt service obligations);
- Senate efforts to impose unreasonable trade policies on recipient countries, which would have severely restricted debt relief efforts, have been defeated.

All of these achievements reflect priorities and monies written into the bill reported by the Banking Committee.

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

I am fully committed to pressing the Congress to begin early next year to meet these
Mr. CASTLE. Mr. Speaker, I am pleased to support H.R. 1095, the "Debt Relief for Poverty Reduction Act of 1999." This legislation has strong bipartisan support with over 130 cosponsors. Providing debt relief for Heavily Indebted Poor Countries (HIPC) (i.e., countries with debts greater than 80% of their exports or debt greater than 80% of their GNP), is a crucial form of foreign aid desperately needed by the citizens of these countries.

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

Whenever debt relief is debated, there is always cause for concern that creditors create a "moral hazard" when they forgive the debts of others. The forgiveness of debt can encourage debtors not to pay back interest on loans in the future. However, in this circumstance, it is important to distinguish that the debt burden these countries face is so great that it would be impossible for them to repay. This is a form of international bankruptcy for these countries.

The international community has recognized that conditions are so bad in these countries that future loans are not likely. Rather, grants are and will continue to be the form of assistance these countries receive.

As a strong fiscal conservative, I am cautious of programs that simply throw money at a problem. I believe government programs must be carefully structured to maximize efficiency and minimize waste in solving a problem. As originally drafted, H.R. 1095 contained measures conditioning debt relief on economic reforms in these countries. History has proven time and again that free market capitalism maximizes efficiency and economic growth better than any other market system. Helping these countries move to a free market capitalism system is never easy. Change is always resisted by those empowered by the status quo. However, these economic reform conditions were amended out of the original text during the House Banking Committee Markup.

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

Mr. COBLE. Mr. Speaker, I am pleased to rise in support of S. 1948, which will be enacted before this legislation. The "Satellite Home Viewer Improvements Act," S. 3194, the "Intelectual Property and Communications Omnibus Reform Act of 1999," concludes years of hard work and compromise. We spent considerable time balancing the interests of our constituents, intellectual property owners, satellite carriers, local broadcasters, and independent inventors in formulating this legislation. We have spent the past five years working on this legislation, and I can say without hesitation that this is a very good bill. This legislation will have a tremendously beneficial affect on the citizens of this country, whether they are subsribers to satellite television, inventors, brand owners, or Internet users. Title I of S. 1948, the "Satellite Home Viewer Improvements Act," creates a new copyright license for local signals over satellite and makes necessary changes to the other television copyright licenses. This bill gives the satellite industry a new copyright license with the ability to compete on a more even playing field, thereby giving consumers a choice.

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

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

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

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

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

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

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

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

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

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

On balance, we have all arrived at a very good piece of legislation and I urge all Members to support this constituent-friendly legislation.
new situations. Government regulation of property is not to be decided by a court, but rather by Congress public policy determination by Congress in response to a specific demonstrated need. Whether online services should have the benefit of a compulsory license to retransmit certain copyrighted materials without the permission of the copyright owner must be considered on its own merits after a need is demonstrated to the Congress. If Congress is to examine such a request, it must do so on the basis of a complete record, not in the haste of the closing hours of a session, nothing that is included in or omitted from the IPCORA conference report (or any other pending legislation) could possibly foresee Congress from undertaking that examination in the future. Thus, any implication that approval of the conference report would "permanently" rule out any compulsory license for online services is unfounded. We are sure you did not intend to suggest otherwise.

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

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

Sincerely,

HENRY J. HYDE,
Chairman,
JOHN CONYERS, Jr.,
Ranking Democratic Member.

HOWARD COBLE,
Chairman,
Subcommittee on Courts and Intellectual Property.

HOWARD BOYLAN,
Ranking Democratic Member, Subcommittee on Courts and Intellectual Property.

CONGRESSIONAL RECORD—HOUSE
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LIBRARY OF CONGRESS,
DEPARTMENT 17,
Washington, DC, November 9, 1999.

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

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

Let me begin by thanking you for all your hard work and dedication on these issues, and by congratulating you on your success in achieving a balanced compromise. Taken as a whole, the Conference Report on H.R. 554, the Intellectual Property and Communications Omnibus Reform Act of 1999, represents a clear step forward for the protection of intellectual property. I appreciate your support for provisions that improve the ability of the Copyright Office to administer its duties and protect copyrights and related rights.

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

It is my understanding that some services that wish to retransmit television programming over the Internet have asserted that they are entitled to do so pursuant to the compulsory license of section 111 of Title 17. I find this assertion to be without merit. The section 111 license, created 23 years ago in the Copyright Act of 1976, was tailored to a specific statutory context—cable television and common carrier systems. The application of copyright law to that medium is of utmost importance, and I know that you have personally invested a great deal of time and energy in recent years to assure that a balance of interests is reached. Perusing Internet retransmissions of television broadcasts pursuant to the section 111 compulsory license would pose a serious threat to that balance.

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

Sincerely,

MARYSVET PETERS,
Register of Copyrights.

HARVARD LAW SCHOOL,

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

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

DEAR CHAIRMEN HATCH AND HYDE: I am writing today to express my views on a proposal to amend the cable and satellite compulsory licenses in Sections 111 and 119 of the Copyright Act. I have taught Copyright Law at the Harvard Law School for the past 25 years, at Michigan and Minnesota, for over thirty-five years and have written extensively and lectured throughout the world on this area of the law.

In addition, I was very active in the legislative process that led to the Copyright Act of 1976 and appointed by President Ford and served as a Commissioner on the Commission for New Technological Uses of Copyright Works (CONU).

The Conference Report on H.R. 1564, the Intellectual Property and Communications Omnibus Reform Act of 1999, included amendments to Sections 111 and 119 to state explicitly that digital online communication services do not fall within the definitions of "satellite carrier" and "terrestrial system" (currently "cable system") and, therefore, are not eligible for either compulsory license. I believe that Congress is currently considering deleting these amendments or enacting legislation that would not include them. I believe that the amendments were unnecessary and that deletion or exclusion of them will have no effect on the law, which is absolutely clear digital online communication services are not entitled to compulsory licenses under either Section 111 or Section 119 of the Copyright Act.
A compulsory license is an extraordinary departure from basic principles of interpreting copyright law and a substantial and significant encroachment on a copyright owner's rights. Therefore, any ambiguity in the applicability of a compulsory license should be resolved in favor of those seeking to take advantage of what was intended to be a very narrow extension to the copyright proprieter's exclusive rights. As the Fifth Circuit Court of Appeals has noted in a case involving another compulsory license: the compulsory license provision is a limited exception to the copyright holder's exclusive rights. As such, it must be construed narrowly, lest the exception destroy, rather than prove, the rule.


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

And if there was any doubt left in anyone's mind, the executive agency charged with interpreting and implementing these statutory licenses, the United States Copyright Office, has addressed this issue directly: retransmitting broadcast signals by way of the Internet. That conclusion seems sound and reasonable. The fact that digital online communication services are ineligible for the cable and satellite compulsory licenses and the identical, unequivocal interpretation by the Copyright Office, amendments to the existing statute reiterating this legal truth are unnecessary. Consequently, the status quo with respect to who is eligible for the statutory licenses will remain undisturbed whether Congress deletes those amendments from the pending legislation or excludes them from subsequent legislation.

Respectfully yours,

Bruce Bromley Professor of Law.

The SPEAKER pro tempore (Mr. PEASE). All time has expired. Pursuant to House Resolution 386, the previous question is ordered.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

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

The SPEAKER pro tempore. The motion to recommit is ordered.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

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

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

The Clerk reads as follows:

Mr. Obey moves to recommence the consideration of H.R. 3194 to the Committee on Appropriations with instructions that the House Managers not agree to any provisions which would reduce or rescind appropriations for Veteran Media (H.R. 3194).

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

There was no objection.

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

The question was taken; and the Speaker pro tempore announced that the question of agreeing to the conference report was placed on the calendar.
November 18, 1999

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Doolittle
Kelly
Rogers
Yeakel

Drescher
King (NY)
Robracher

Duncan
Kingston
Ros-Lehtinen

Dunn
Knollenberg
Roukema

Eilers
Kolb
Royce

Ehrlich
Kuykendall
Ryan (KS)

Emerson
LaHood
Salmon

English
Langston
Sanford

Everett
LaTourette
Schafer

Ewing
Fletcher
Leach

Fossella
Leach
Sessions

Fowler
Lewis (CA)
Shadegg

Franks (NJ)
Linder

Frankeny
Lindsey

Gallegly
Lucas (OK)

Ganske
Manzullo
Shimkus

Gekas
McCollohm
Shuster

Gillett
McCreary

Goodlatte
Metcalf

Goodling
Mica
Souder

Goss
Miller (FL)

Graham
Miller, Gary

Granger
Moran (KS)

Greenwood
Morella
Sununu

Gutknecht
Myrick
Nethercutt

Hastert
Ney

Hastings (WA)
Northrup

Hayes
Norwood

Hayworth
Nussle

Reifley
One

Herger
Oxley

Hill (MT)
Packard

Hillery
Paul

Hobson
Pease

Hoeven
Peterson (PA)

Horn
Pittal

Houghton
Pombo

Holm
Porter

Hunt
Portman

Hutchinson
Portman

Hyde
Prey (OH)

Isakson
Radnor

Istook
Rangel

Jenkins
Reynolds

Johnson (CT)
Rogers (NY)

Johnson, Sam
Roe

Jones (NC)
Rogers (CA)

Kasch
Rogan

NOT VOTING—4

Bradley (TX)

Conyers
Capps

Wexler

\[1725\]

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

Mr. LUTHER, Ms. RIVERS, Mr. MCINTYRE, Mr. HILLIARD, Ms. CARSON, Messrs. DOGGETT, LaFALCE, and GREEN of Wisconsin, and Mrs. McKINNEY changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

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

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

[Hall Resolution 386, House Concurrent Resolution 234 is considered as adopted.]

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

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

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

There was no objection.

[ preserves]
CONGRESSIONAL RECORD—HOUSE
November 18, 1999

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2000

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

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 83 is as follows:

H.J. Res. 83

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106-62 is further amended by striking “November 23, 1999” in section 106(c) and inserting in lieu thereof “December 2, 1999”, and by striking “$346,483,734” in section 119 and inserting in lieu thereof “$755,719,054”. Public Law 106-46 is amended by striking “November 23, 1999” and inserting in lieu thereof “December 2, 1999”.

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

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

GENERAL LEAVE

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

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

There was no objection.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

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

The SPEAKER pro tempore. Is there objection, Mr. Speaker, to the amendment?

There was no objection.

The SPEAKER pro tempore. Mr. Young further reserving the right to object, would the gentleman from Florida (Mr. YOUNG) to the right to object?

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

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

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

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

Mr. OBEY. So it is purely technical?

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

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

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

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

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

There are many more staff on the Committee on Appropriations that I would like to now recognize for the excellent work that they do.

COMMITTEE ON APPROPRIATIONS

FULL COMMITTEE STAFF

James W. Dyer, Clerk and Staff Director.

Mr. Speaker, I withdraw my reservation of objection.

Mr. OBEY. Mr. Speaker, reserving the right to object, I would ask the gentleman from Florida (Mr. YOUNG) to explain both the amendment that he is proposing and the resolution.

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

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

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November 18, 1999

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David Reich, Minority Staff Asst.
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Ann M. Stull, Admin. Officer.
Victoria Decatur-Brodeur, Secretary.
Janes E. Graham, Secretary.
Regina L. Martinez, Secretary.
Johannna O’Keefe, Secretary.
Tracey E. Russell, Secretary.
Joyce C. Stover, Secretary.
Mr. OBEY. Merry Christmas.
Mr. YOUNG of Florida. Happy Thanksgiving.
Mr. YOUNG of Florida. I yield myself such time as I may consume.

The joint resolution, as amended, was agreed to.

REPORT ON NATION’S ACHIEVEMENTS IN AERONAUTICS AND SPACE DURING FISCAL YEAR 1998—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To the Congress of the United States:

I am pleased to transmit this report on the Nation’s achievements in aeronautics and space during Fiscal Year (FY) 1998, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Aeronautics and space activities involved 14 contributing departments and agencies of the Federal Government, and the results of their ongoing research and development affect the Nation in many ways.

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

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

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

WILLIAM J. CLINTON.

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WILLIAM J. CLINTON.

The SPEAKER pro tempore. The amendment is agreed to.

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

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

The joint resolution, as amended, is ordered to the Committee on Science.

Pursuant to House Resolution 387, the previous question is ordered.

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

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

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

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

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

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

There was no objection.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT H.R. 1180, TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 387 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 387

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1180) to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentlwoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate.

Mr. Speaker, H. Res. 387 would grant a rule waiving all points of order against the conference report to accompany H.R. 1180, the Ticket to Work Incentives Improvement Act of 1999, and against its consideration. The rule further provides that the conference report shall be considered as read.

Mr. Speaker, the conference report to accompany H.R. 1180 establishes a ticket to work program for recipients of Social Security disability benefits to seek vocational rehabilitation and employment services as well as enabling those individuals to work while keeping their health insurance. This legislation is designed to encourage the States to allow disabled individuals to purchase Medicaid insurance.

The conference agreement also provides approximately $15.8 billion in tax relief over 5 years, $18.4 billion over 10 years, by extending certain tax credits. This tax extenders package includes renewal of several expiring tax credit provisions, including the R&D tax credit, the Work Opportunity Tax Credit,
and the Welfare-to-Work Tax Credit as well as providing tax relief for individ-
uals and families by protecting at least 1 million families from higher taxes over the next 3 years due to the AMT tax. Finally, the measure includes ap-
proximately $2.6 billion in revenue off-
sets over the next 5 years and $2.9 bil-
ion over the next 10 years.

Mr. Speaker, I applaud the gen-
tleman from Texas (Chairman ARCHER) and the gentleman from New York (Mr. RANGEL), ranking member; for their leadership in resolving the many com-
plex issues contained in this legislation and urge my colleagues to support both the rule and the conference report itself.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may con-
sume, and I want to thank the gen-
tleman from Washington (Mr. HASTINGS) for yielding me the time.

Mr. Speaker, I have heard it said that human beings exhibit their most cre-
ative potential when they are kinder-
garten age. Well, whoever said that probably needs to spend a little time around here at the end of a session.

There is some very creative work being done.

Vexing problems which have been around for months and may be even years are suddenly solved when the sand runs out of the Congres-
sional hour glass, or they are suddenly turned into bargaining chips. Witness what is happening with reproductive rights and the payment of our UN debts.

Major issues which have languished unattended are addressed and then tossed aboard whenever the legislative vehicle is leaving the station. Mean-
while, many others, such as the bill of rights protecting people from their HMOs or fight gun violence never get their tickets punched.

But rest assured, Mr. Speaker, the American people want a Patients’ Bill of Rights, they want us to do better on gun violence, and they will be watching when we return in the year 2000.

As for the rule which is currently be-
fore us, H. Res. 387, it provides for the consideration of several disparate issues which have been corralled under a single bill title.

Part A of the bill is the Work Incentives Improvement Act, a bill to mod-
ernize our woefully outdated national disability policies.

When policies on Medicaid and other programs for the disabled were first de-
veloped decades ago, having a dis-
ability often meant that an individual is confined to home or an institution today, however, with advances in tech-
ology, training, and rehabilitation, many individuals with disabilities are allowed to find jobs and lead very full lives in the mainstream of society.

The Work Incentives Improvement Act will allow persons with disabilities to continue receiving certain benefits, particularly health coverage, while re-
turning to work. The proposal also pro-
vides for more State flexibility and serv-
ing individuals with disabilities through health programs, associated services like transportation assistance, and training.

This legislation does not benefit only persons with disabilities, it also has major benefits for the Federal Govern-
ment and the taxpayer. If an additional one-half of 1 percent of the current So-
cial Security Disability and Supple-
mental Security Income recipients were to cease receiving benefits as a re-
sult of employment, the savings and cash assistance would total $3.5 billion over the worklife of the individuals.

This worthy legislation was passed by the House overwhelmingly earlier this year, and I expect it will enjoy similar support today.

Part B of the underlying bill is a col-
clection of tax extenders. I am pleased that this agreement includes a 5-year extension for research and development tax credit. Science and technology are critical for our future development, our knowledge about the world around us, and our understanding of ourselves.

I have long been a strong supporter of incentives to encourage businesses to invest in the development of new technologies and products. Through its exist-
ence, the R&D tax credit has served as a fundamental component of our Nation’s competitiveness strategy by increasing the amount of research undertaken by the private sector.

One key provision which I would have strongly supported had it been al-
lowed to remain in the bill would have entailed workers to better pension ben-
efits through what is known as section 415 of the tax code. But, regrettably, this provision was left at the station.

In addition, the bill includes a delay in the implementation of rules pro-
posed by the Department of Health and Human Services to restructure organ allocation in our Nation. While this delay is not likely to please people on either side of this emotional issue, it should at least allow the Congress to debate this matter more fully when we return in January.

Mr. Speaker, my main regret on the legislation is that we are dealing with what should have been several bills and are, instead, forced to consider them as a single package. This approach limits debate and prohibits many Members from exercising their right to discuss the legislation. It is unfair and it is un-
necessary. There is no reason why these bills should not have been brought up earlier under open rules with full debate. This is to say nothing of the many, many worthwhile bills that are being shelved altogether in the majority’s rush to adjourn.

But we are coming back with re-
newed energy and commitment to pass-
ing the Patients’ Bill of Rights, in-
creasing the minimum wage for work-
ing families, and halting the violence and gunfire which threatens our homes and our communities.

Mr. Speaker, by all accounts, this will be the final rule to be considered this century. This is also the final rule of this millennium. Those of us who serve on this important committee are keenly aware of its historical and institu-
tional role in this Congress on behalf of the American people. Grounded by that tradition and honored by the oppor-
tunity, we are thankful to the Mem-
bers who have gone before us, and we look forward to the new millennium and meeting the challenges facing the American people in the 21st Century.

I am grateful for my colleagues on the Committee on Rules.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may con-
sume.

Mr. Speaker, I thank the gentle-
woman from New York (Ms. SLAUGH-
TER) for noting that this is the last rule of this millennium. From my per-
spective, I had forgotten about that, and I thank the gentlewoman for bring-
ing it up.

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

Ms. SLAUGHTER. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous ques-
tion on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBER TO CERT-
AIN STANDING COMMITTEES OF THE HOUSE

Mr. FROST. Mr. Speaker, I offer a resolution (H. Res. 391), and I ask unan-
imous consent for its consideration in the House.

The SPEAKER pro tempore. The

Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the following named Mem-
ber be, and is hereby, elected to the fol-
lowing standing Committees of the House of Representatives:

Committee on Agriculture and Committee on Science: Mr. Baca of California.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.
Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 387, I call up the conference report on the bill (H.R. 1180) to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there an objection to the request of the gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) each to control 30 minutes.

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

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

The SPEAKER pro tempore. Pursuant to House Resolution 387, the conference report is considered as having been read.

For conference report and statement, see proceedings of the House of November 17, 1999, at page H2174.

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

Now, I would have to agree with the gentleman that on the expiring provisions, the extensions of legislation that is existing law, that the gentleman and I worked together not as a Democrat or a Republican, but we worked together as tax writers, and with the help of the administration we were able to get these provisions paid for. We were able to put it in in a responsible way.

We could not stop all of the irresponsible things the other side wanted to do, so some people might want to focus on how the Republicans intend to make electricity out of chicken waste. But the gentleman insisted on the provision that in there. True, that was 6 years ago, 5 years ago, 4, 3, 2, 1, and continuously counting down. The closest the other side came to even dealing with the Tax Code, as I recall, was a $792 billion tax cut that never even got off the ground. And if we were to just weigh that bill, I hardly believe that even the staunchest conservative Republican would say that it simplified the Tax Code.

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to expire without doing the right thing.

So what I would like to say to the gentleman from Texas (Mr. ARCHER) is that he has no idea the pleasure it has been working with him on these positive things. And the only reason I stand up to point out some differences with the gentleman is that I would appreciate the gentleman not calling them Republican initiatives. The good ones are the bipartisan initiatives; the bad ones belong to the other side.

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

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

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

Mr. RAMSTAD. Mr. Speaker; I thank the chairman for yielding me this time, and I also thank him for his strong leadership on this legislation.

Mr. Speaker, I rise in strong support of this important bill. Helping people with disabilities live up to their full potential has been a top priority of mine ever since being elected to Congress, in fact, 10 years before as a State senator as well. I also strongly support the tax extender provisions in this bill. I must say that I was disappointed, however, that the administration insisted that an important revenue-raising provision be dropped from the final agreement. This provision was based on legislation I introduced (H.R. 3082) which is cosponsored by a strong bipartisan majority of the Ways and Means Committee. H.R. 3082 would protect employee stock ownership plans (ESOPs) for S corporation workers by preventing the abuse of tax rules that help them build retirement savings and equity in their company. But unfortunately, the Administration wanted to impose a draconian scheme that would have effectively killed this savings opportunity for thousands of American workers.

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

Although these ESOPs S-Corporation legislation was not enacted in this bill, I am pleased that Congress resisted the Administration’s plan to dismantle ESOPs, because they are highly effective retirement savings programs.

We are going to be back with this next year, and again I thank the chairman for his leadership.

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

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

I was disappointed the Administration insisted that an important revenue-raising provision be dropped from the final agreement. This provision was based on legislation I introduced (H.R. 3082) which is cosponsored by a strong bipartisan majority of the Ways and Means Committee.

The ADA of 1990 has protected and advanced opportunities for people with disabilities. This important bill does just that.

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

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

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

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

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

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

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

But, Mr. Speaker, I must express my concern about a provision that was added that deals with the fair allocations of organs that would block HHS’s regulation in this area. I believe that that provision will jeopardize the health of critically ill patients, and it is also inconsistent with our last vote on the budget omnibus bill.
The HHS regulation went through a process. It listened to the public; it listened to the Institute of Medicine and came forth with recommendations that tries to take geographical politics out of organ distribution and do it to people who are the most critically in need.

Mr. Speaker, a 1998 Harris survey found that 72 percent of Americans with disabilities want to work, but the fact remains that only one-fourth of these individuals successfully move to work. Each percentage point of Americans moving to work represents 80,000 Americans who want to pay all or part of their own way, but cannot afford to lose their health care benefits. If it were not for the current Federal rules, 25 percent of dependent disabled Americans would be able to move to work.

This bill, in the end, Mr. Speaker, is about empowering people, people like a 39-year-old Navy veteran from my district who used to work on Wall Street and hoped to become a stockbroker but an accident in 1983 left him a quadriplegic. And even though he requires assistive technology to enhance his basic daily activities, he never gave up on his dream. And 10 years after his accident, he passed the grueling stockbroker licensing exam. But, like most disabled Americans, he cannot afford to lose his health care benefits. If it were not for the current Federal rules, he would be a practicing, taxpaying stockbroker today.

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

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

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Ms. Lofgren).

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

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

Mr. ARCHER. Mr. Speaker, let me begin by thanking the distinguished gentleman from Texas (Mr. Archer), the chairman of the Committee on Ways and Means, for his fine work and for his leadership in getting this to the floor. Let me thank the gentleman from Virginia (Mr. Bliley), the chairman of the Committee on Commerce, for helping to craft this bill.

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

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

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

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

Mr. Speaker, a 1998 Harris survey found that 72 percent of Americans with disabilities want to work, but the fact remains that only one-fourth of these individuals successfully move to work. Each percentage point of Americans moving to work represents 80,000 Americans who want to pay all or part of their own way, but cannot afford to lose their health care benefits. If it were not for the current Federal rules, 25 percent of dependent disabled Americans would be able to move to work.

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

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

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

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

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

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

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

I commend the gentleman from Texas (Mr. Archer), the chairman of the Committee on Ways and Means, for bringing this bill to conclusion. Especially, I would like to note the ticket-to-work and Work Incentives Improvement Act of 1999.

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

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

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

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

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

The revised regulation would not become final until 42 days after enactment, sufficient time to enable the comments on the revisions and, if necessary, to make further modifications. Now we are witnessing an end run by opponents to this proposal with regard to organ allocation policy.

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

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

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

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

The same Members who decry political or bureaucratic involvement in organ allocation policy when they have HHS in mind are stunningly silent when politicians and bureaucrats involved in this are State officials.

A lack of leadership on the issue is creating immense fragmentation of organ allocation policies, just the opposite direction where IOM said the allocation policies should go.

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

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

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

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

The Work Incentives Act has overcome many obstacles in its legislative history. The bill is on the floor today because it is based on good policy and because it will make a difference of lives of people with disabilities. For that reason, I support it.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SHAW), the respected chairman of the Subcommittee on Social Security of the Committee on Ways and Means.

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

Mr. Speaker, this bill is another historic step to the disability community, additional funding has been secured for a very important project here.

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

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

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

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

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

But overall, Mr. Speaker, the bill is a victory for the disabled and a much needed reminder that American values are, in fact, intact.
I ask for support of the bill.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), the respected chairman of the Subcommittee on Human Resources of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me this time. I want to comment briefly on two parts of this bill. First of all, it is really a joy to know that people in my district who suffer from physical or mental disabilities and who want to work and are capable of work but cannot work because of fear of losing their health coverage are going to be able to work. And as the Christmas holidays approach and they are offered longer hours, I know that they are going to be able to realize their dream of being a real part of the work team at their place of business. It is really a wonderful thing that we have done, to enable Americans simply to realize the opportunity of self-fulfillment that work offers.

But I also want to mention one other thing. How do we foster invention? Lots of times, we ask ourselves, how do we assure that there will be a strong economy for our children? In this bill is one of the keys. For the first time ever, we make the research and development tax credit in place and law for 5 years. Our goal is permanence, but we have never had 5 years. This will enable companies to plan and enable them to invest at a pace and at dimensions of dollars that we have never seen before. That drives new products. That drives state-of-the-art inventions. That drives economic leadership. And that drives jobs, high-paying jobs, and a successful America.

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

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me this time. I guess I would respond with a focus on one of my constituents who saw me in the Heights, an area of my district in Houston, and spoke about her son, who was at a mental health facility and who had served in the military who lived in the Heights area. After the program, she came up and said, “What is the progress, when will you pass the Work Incentives Improvement Act? My son wants to be independent. My son wants to get on his feet. My son who is disabled simply wants to have his day in the sun.”

And so this particular bill is of great relief to her and her family. It is a ticket to work and self-sufficiency program. And in fact over the years that I have been in Congress, I have enjoyed meeting with some of the physically and mentally disabled or challenged who have come to my office and have asked the question: “How do I work and then not to lose their health benefits? That is their greatest crisis. In order for them not to be dependent, they need to have this kind of support system. I support this effort that would expand beneficiaries’ access to public and private vocational rehabilitation providers and to employment service providers acting as employment networks under the program, and I support particularly the aspect of this bill that allows the disabled to go off work and then, for example, if there is a problem, they still have the ability to come back within a 60-month period and get the benefits that they need without filing a new application. This is long overdue.

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

The conference report on H.R. 1180, Work Incentives Improvement Act, is true measure of bipartisan efforts and includes a compromise version of the original House and Senate bills. This bill would establish the “Ticket to Work and Self-sufficiency Program” that would expand beneficiaries’ access to public and private vocational rehabilitation providers and to employment service providers acting as employment networks under the Program.

This bill will allow disabled individuals to receive an expedited reinstatement of benefits if they lose their benefits due to inactivity. Disabled individuals would have 60 months after their benefits were terminated during which to request a reinstatement of benefits without having to file a new application. It is imperative that we protect these disabled individuals, and this bill would provide provisional benefits for up to six months while the Social Security Administration determines these requests for reinstatement. In addition to allowing disabled persons to retain their federal health benefits after they lose their benefits due to inactivity, this bill also includes extensions of various tax provisions, many of which are scheduled to expire at the end of this year. The conference agreement provides approximately $15.8 billion in tax relief over five years ($18.4 billion over 10 years) by extending certain tax credits.

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

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

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

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

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I rise today in strong support of H.R. 1180, the Work Incentives Improvement Act. I want to express my sincere appreciation to the gentlewoman from Texas (Mr. ARCHER) and to the gentleman from New York (Mr. RANGEL). We have heard much this evening about tax credits for R&D and the like and those are very important. But when I read this bill and I listen to the conversations, I hear freedom. I hear freedom for 5 million people who right now are confined or constrained because the law does not allow them to maintain their health benefits.

Mr. Speaker, if I could say one thing just sends me home here soon with a light heart, it is that at the end of the 20th century as we did at the end of the 18th century, for over 5 million Americans this bill lets freedom ring. It lets them compete and participate. I applaud my colleagues.

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

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

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

This is something that has been focused. I do not know if any of you have ever tried to work with a lot of the situation dealing with foster children, but it is a very cumbersome problem. This will help eliminate that. Mr. Weller, another respected member of the Committee on Ways and Means.

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

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

It is a win for the taxpayers. This Congress said no to the President's $238 billion in tax increases. This Congress said no to the President's plan to raid the Social Security Trust Fund by $340 billion. I do want to express my biggest disappointment for this year and that is when the President vetoed our efforts to help 28 million married working couples when the President vetoed our efforts to eliminate the marriage tax penalty.

This legislation is good legislation. It helps folks back home in Illinois. These are provisions I would like to highlight. Of course, the 5-year extension of the research and development tax credit. That is so important in Illinois, a multiyear commitment to providing this incentive for research into cancer, research into biotechnology, to increase food productivity, to increase the opportunity to grow our new economy, particularly in high technology since Illinois ranks fourth in technology. I also would note that the House and they have worked with this extension of the R&D tax credit, extension of the work opportunity tax credit.

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

Third and last, I want to note the brownfields tax incentive, a provision that many of us worked on to include in the 1997 budget act. This is successfully working. Of course we extend it. I would point out that the district I represent on the South Side of Chicago, that the former Republic Steel property, the largest brownfield in Illinois, the largest new industrial park in Illinois benefited from this brownfields tax incentive. This is good legislation, and it deserves bipartisan support.

Mr. RANGEL. Mr. Speaker, I yield myself the balance of my time. I would like to take this time to thank the gentleman from Texas for the courtesies he has extended to me. While we have had major policy differences, he has always been a gentleman, he has been fair, he has been honest, and above all he has been sincere. I want to thank Mr. Singleton and the entire majority staff as well as Janice Mays. We have probably one of the best staffs in the House. They have worked hard and they have worked with us.

While it is my opinion that we did not accomplish too much in this first year, I look forward to working with the gentleman side by side, hand in hand to see what we can do to restore confidence in the Social Security system, the Medicare system, and see what we can do about prescription drugs.

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

Mr. RANGEL. Mr. Speaker, I would like to challenge the Administration and the Governor of Puerto Rico, the Honorable Pedro Rossello, one-sixth of the $2.75 increase in the rum cover over to Puerto Rico will be dedicated to the Puerto Rico Conservation Trust, a private, nonprofit section 501(c)(3) organization operating in Puerto Rico. The Puerto Rico Conservation Trust was created for the protection of natural resources and environmental beauty of Puerto Rico and was established pursuant to a Memorandum of Understanding between the Department of the Interior and Commonwealth of Puerto Rico dated December 24, 1978.

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

The most important provision in this bill is the extension of the current waiver of the alternative minimum tax rules affecting non-refundable personal credits. Without enactment of this provision, next April approximately 1 million taxpayers will find they owe more money to the federal government than they thought, for an average "stealth" tax increase of about $900 each. Millions more will have to pay the alternative minimum tax calculation, which can take 5 or 6 hours, just to find out they don't owe any more money.

In 1997 Congress approved new credits for children, and for education. We promised our constituents that the federal government would help them with these responsibilities. However, we subjected these credits to the alternative minimum tax. The result is that more and more middle income Americans will be forced into the AMA by our actions—and we will rightly get the blame.

So now we have to fix it. This bill does that for 3 years. But what we really need to do is to fix this problem permanently, because no middle income American should ever be subject to the alternative minimum tax calculation simply because they decided to send their kids to college.

Mr. Speaker, other members may focus their remarks regarding taxes on the research and development tax credit, or the Subpart F extension, or employer provided educational assistance. All important items. But not items that drive this bill—what is of paramount importance is the AMA fix, and I am pleased that we are finally taking steps to fix this for the immediate future.

Mr. STARK. Mr. Speaker, I rise with regret to oppose what is being called the "Ticket to Work and Work Incentives Improvement Act of 1999." This title was never a box of food, but you can get still away with such falsehoods here in Congress—especially in the waning hours of the session.
The reason for my regret is that I have worked much of the year to encourage passage of the Work Incentives Improvement Act here in the House. This legislation is vitally important for disabled individuals. It removes barriers for individuals who want to work and to become a vital part of the workforce. The Ticket to Work bill will change the Social Security Administration’s disability programs for the better. As Tony Young of the United Cerebral Palsy Association said in his testimony before the Ways and Means Committee in March, these programs, “are transformed from a safety net into a trampoline; not only catching people with disabilities as they fall out of work, but also giving them a boost back into work as they are ready.”

I urge my colleagues to support this legislation, which is an important step toward helping individuals with disabilities be independent, and to become a vital part of the workforce. Mr. BLIRAKIS. Mr. Speaker, I rise today in support of H.R. 1180, the Work Incentives Improvement Act of 1999. I am a cosponsor of this important legislation and was proud to expeditiously move this proposal through my Subcommittee and support its passage through the House Commerce Committee.

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

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

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

November 18, 1999

CONGRESSIONAL RECORD—HOUSE

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

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

H.R. 1180 would allow states to expand the Medicaid buy-in option to persons with disabilities through two optional programs. The bill also creates a trial program to extend Medicare Part A benefits to SSDI recipients. Further, it provides infrastructure and demonstration grants to 200 small and rural Texas school districts participating in the MAC program.

This legislation also provides vocational rehabilitative services to disabled persons, ensuring their access to the training they need to become more self-sufficient. As an original cosponsor of the underlying bill, I support all of these provisions.

This bill also includes a critically important provision related to organ transplantation policy. This bill would impose a 90-day moratorium on organ transplantation and would permit disabled persons to work while maintaining their health insurance coverage. For many disabled persons, this health insurance is critically important since they can neither afford nor purchase health insurance in the open market. This bill would provide SSDI beneficiaries with Medicare coverage for eight and 1/2 years, instead of the current 4-year term. This legislation also provides vocational rehabilitative services to disabled persons, ensuring their access to the training they need to become more self-sufficient. As an original cosponsor of the underlying bill, I support all of these provisions.

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

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

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

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

I support passage of this measure because it ensures that disabled persons can keep their health insurance when they return to work. Under current law, disabled persons who are eligible for Social Security disability benefits are precluded from earning significant income without losing their Medicare or Medicaid eligibility. Under current law, this would permit disabled persons to work while maintaining their health insurance coverage. For many disabled persons, this health insurance is critically important since they can neither afford nor purchase health insurance in the open market.

This bill would provide SSDI beneficiaries with Medicare coverage for eight and 1/2 years, instead of the current 4-year term. This provision also includes a critically important requirement that HHS must re-open this proposal for public comment about this issue. I am very concerned about the impact of this proposed regulation on organ transplants done at the Texas Medical Center. The Texas Medical Center and the local organ procurement organization, LifeGift, have done an excellent job of encouraging organ donations in our area. The impact of this regulation would be to override the current system which was developed in consultation with our nation's premier transplantation physicians and practitioners. If this regulation were implemented, many of these organs could possibly be transferred away from the local patients who need them. I am pleased that Congress has acted to provide itself with sufficient time to re-authorize the National Organ Transplant Act (NOTA). The House has already approved this bill, giving the Senate an opportunity to consider and approve a NOTA measure.

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

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

These are people who need to keep their health care coverage through Medicaid and Medicare to enable them to stay in the work force. We owe them nothing less.

It is a testament to the compelling nature of their case that this bill has had such broad and bipartisan support in both the House and the Senate. The President has also been strongly committed to seeing it enacted, from his call to the Congress to enact this program to his call to the Congress to finalize the negotiations to bring this bill here today. And I want to particularly note the contributions of RICK LAZIO, who I was pleased to join as the original sponsor of the bill, NANCY JOHNSON and BOB MATSUI from the Ways and Means Committee, and JOHN DIVISSE and CHARLIE REIDEL who served on the conference committee.

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

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

The final compromise 42-day comment period on the Final Rule's implementation. But the defenders of UNOS and the status quo weren't satisfied. They twisted arms behind closed doors. They blocked passage of the Health Research and Quality Act of 1999 and the reauthorization of the Substance Abuse and Mental Health Administration. They blocked enactment of critical medical education payments for children's hospitals. And they subverted the authority of the committees of jurisdiction.

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

And what's the result? The 42 days becomes 90 days.

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

Every day of delay is another day of unconscionable 200 to 300 percent disparities in transplant and survival rates across the country—disparities which the Final Rule address.

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

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

Mr. Speaker, the status quo is slowly killing patients who deserve to live, but are deprived of that right by a system that stacks the odds against them. But in spite of this, the final compromise 42-day comment period on the Final Rule's implementation.

Mr. CRANE. Mr. Speaker, I rise in strong support of the tax relief provisions which have been attached to H.R. 1180.
This tax relief package renews several temporary tax relief provisions and addresses other time-sensitive issues. For example, we give at least one million American families relief from an increase in their alternative minimum tax that would occur when they take advantage of the child tax credit, the dependent care tax credit, or other tax credits and deductions. It renews and extends the exclusion from income for employer-provided educational assistance.

For businesses, we are extending the valuable research and experimentation (R&E) tax credit for five years while we extend the credit to Puerto Rico and the other U.S. territories for the first time. The R&E credit will allow U.S. companies to continue to lead the world in innovative, cutting-edge technology. In an effort to help get Americans off government assistance and into the workplace, we are extending the Work Opportunity Tax Credit and the Welfare-to-Work Tax Credit through the end of 2001.

One item that I was particularly grateful to have included in this package is an increase in the rum excise tax cover-over to Puerto Rico and the Virgin Islands from the current $10.50 per proof gallon to $13.25 per proof gallon. I was, however, disappointed that the provision did not include language to specifically state that a portion of Puerto Rico’s increase is designated for the Conservation Trust Fund of Puerto Rico. Instead, I understand that an agreement has been reached with the Governor of Puerto Rico to provide one-sixth of the increase to the Trust Fund, which will occur at the time of the increase of the cover-over (July 1, 1999 through December 31, 2001). I appreciate the support of the Governor in this endeavor.

The Conservation Trust Fund, which enjoys tremendous support from the people of Puerto Rico, plays an important role in the preservation of the natural resources of the island for the benefit of her future generations.

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

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

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

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

Specifically, it expands state options under the Medicaid program for workers with disabilities, and it extends Medicare coverage for SSDI beneficiaries. Importantly, this bill not only will well serve the disabled, and also will save millions of Social Security dollars in coming years. The key to this bill is that it will provide people with the opportunities and means they have asked us for to become productive members of society. This is a good and fiscally responsible bill.

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

I urge my colleagues to support this responsible package.

Mr. KLINK. Mr. Speaker, I rise today in opposition to the inclusion of the provision that stops the Department of Health and Human Services from improving the system of organ allocation in this country. The organ provision was only thrown into this bill at the last minute, and I urge my colleagues not to let parochial interests get in the way of fixing the problem.

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

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

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

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

This debate is not about pitting big transplant centers against small ones, or about picking one region against another. It is about making sure that the gift of life goes to the person who needs it the most rather than someone who happens to have the good fortune to live in the right state, county or city. Its about helping at least 300 people each year to continue to live.

The fact is that the current system discriminates against people who live near the highly regarded centers with the longer waiting lists. It’s not their fault that their local center is willing to take the harder and sicker patients when other centers avoid the sicker patients in favor of patients who may be still able to work, go to school, or even golf while patients elsewhere are near death without any opportunity to receive that organ because they have the misfortune of being on the wrong side of the Pennsylvania—Ohio line.

All HHS wants to do is: (1) require UNOS to develop policies that would standardize its criteria for listing patients and for determining their medical status, and (2) ensure that medical urgency, not geography, is the main determinant for allocating organs.

HHS should be allowed to proceed. The longer we delay the more lives are at risk. In this day of modern air travel and communications there is no good reason for an organ to stop at the border. There is no good reason why if I passed away while attending the Superbowl in New Orleans that my liver should go to a golfer in Louisiana when I may have a loved one who is in desperate need of a transplant at home.

People are dying because they happen to live in the wrong zip code and because states do not want to share their organs. Nowhere else in society would we allow a monopoly like this to continue. We must put an end to this craziness. There is no room in this country for politics to affect who lives and dies. The patients who need the organs the most should get them. Period.

The SPEAKER pro tempore (Mr. PAUL). Without objection, the previous question is ordered on the conference report.

There was no objection.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 418, nays 2, not voting 15, as follows:

YEAS—418

Abercrombie  Benten  Brown (FL)
Ackerman    Bereuter  Brown (OH)
Aderholt    Berkley    Bryant
Allen       Berman    Burr
Andrews     Bugert    Burton
Archer      Biliray   Buyer
Armey       Bilirakis  Calvert
Baca        Bishop    Camp
Bachus      Blakely   Campbell
Baldrick    Biley    Canada
Baldacci    Blumenauer Cannon
Balduf      Bono      Cannon
Ballenger   Boehlert  Cardin
Barcia      Boehner   Carson
Barr        Bomili    Castle
Barrett (MI) Brown    Chabot
Barrett (ND) Busch    Chabot
Barlett     Borski    Chesonhale-Hague
Barton      Boswell   Clay
Bass        Boucher   Clayton
Batesman    Boyd      Clement
Beccerra    Brady (PA) Clyburn

[Roll No. 611]
CONGRESSIONAL RECORD—HOUSE

November 18, 1999

Mr. WELLER. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 393) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 393
Resolved, That the bill of the Senate (S. 4), entitled the "Soldiers', Sailors’, Airmen’s, and Marines’ Bill of Rights Act of 1999", in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore (Mr. PRASE). In the opinion of the Chair, the resolution constitutes a question of the privileges of the House under rule IX.

The gentleman from Illinois (Mr. WELLER) is recognized for 30 minutes.

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

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

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

There are numerous precedents for this action I am requesting.

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

This resolution is necessary to return to the Senate the bill, S. 4, the "Soldiers’, Sailors’, Airmen’s, and Marines’ Bill of Rights Act of 1999". S. 4 contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives.

S. 4 would provide a variety of benefits to members of the uniformed services to avoid the negative tax consequences that would otherwise result in their extra contributions to the Thrift Savings Plan. Thus, the provision allows certain members of the uniformed services to avoid the negative tax consequences that would otherwise result in their extra contributions to the TSP.

The SPEAKER pro tempore (Mr. PRASE). In the opinion of the Chair, the resolution constitutes a question of the privileges of the House under rule IX.

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This resolution is necessary to return to the Senate the bill, S. 4, the "Soldiers’, Sailors’, Airmen’s, and Marines’ Bill of Rights Act of 1999". S. 4 contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives.

S. 4 would provide a variety of benefits to members of the uniformed services to avoid the negative tax consequences that would otherwise result in their extra contributions to the Thrift Savings Plan. Thus, the provision allows certain members of the uniformed services to avoid the negative tax consequences that would otherwise result in their extra contributions to the TSP.
Plan any part of their special or incentive pay they receive under section 308, 308a through 308h, or 318 of title. The subsection further provides in effect that the limitations of Internal Revenue Code section 415 will not apply to such contribution. Code section 415 generally provides limitations on benefits and contributions under qualified employee benefit plans.

Thus, new subsection (d) of new section 8440e is to override the limits on the Thrift Savings Plan contribution imposed by Internal Revenue Code section 415. By overriding Code section 415, the provision allows certain members of the uniformed services to avoid the negative tax consequences that would result from such contributions. Accordingly, the provision is revenue-affecting in a constitutional sense.

Plainly, allowing members of the Armed Forces to participate in the Thrift Savings Plan causes a reduction in revenues as a budget scorekeeping matter, since contributions to the Thrift Savings Plan reduce the taxable income of participants by operation of the existing tax laws, and therefore their tax liabilities. However, the redefinition in Federal revenue rules is viewed as an indirect effect of the provision since the provision does not attempt to specify or modify the tax rules that otherwise apply to the provision, and therefore does not offend the constitutional requirement. Rather, new subsection (d) offend the Origination Clause because it directly amends the internal revenue laws. Subsection (d) overrules the limitations imposed by Code section 415, thereby directly modifying the tax liability of individuals who would otherwise be subject to its limits. Such a provision is plainly revenue-affecting and therefore constitutes a revenue measure in the constitutional sense. Accordingly, I am asking that the House insist on its constitutional prerogatives.

There are numerous precedents for the action I am requesting. For example, on July 21, 1994, the House returned to the Senate S. 1030, containing a provision exempting certain veteran pay from taxation. On October 7, 1994, the House returned to the Senate S. 1216, containing provisions exempting certain settlement income from taxation. On September 27, 1996, the House returned to the Senate S. 1311, containing a provision that overrode the Federal income tax rules governing recognition of tax-exempt status.

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

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

Mr. WELLER. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, the bill of which the gentleman speaks, has that been previously passed here in the House?

Mr. WELLER. Yes, Mr. Speaker.

Mr. SKELTON. And the purpose of this is to comply with the Constitution to state that it originates in the House; is that correct?

Mr. WELLER. Yes. This resolution does not address the merits of the legislation, which many Members on both sides of the aisle support. What it does is preserve the prerogatives of the House revenue-affecting measures originating in the House under the Constitution.

Mr. SKELTON. Mr. Speaker, I thank the gentleman.

Mr. WELLER. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2000

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent to consider and pass House Joint Resolution 84, making further continuing appropriations for fiscal year 2000.

The Clerk read the title of the joint resolution.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, I think the House needs to understand exactly what it is we are doing, and I yield to the gentleman for the purpose of explaining what is happening again.

Mr. YOUNG of Florida. Mr. Speaker, I thank my friend for yielding.

Earlier this afternoon, we passed a continuing resolution taking us to December 2, 1999. Our colleagues in the Senate have asked that we extend that continuing resolution to December 3, and it gives our colleagues in the Senate a clean vehicle over there, and that is express response to his question is rather simple. I have been advised that if we do not provide an extra vehicle for the Senate, it may be necessary for the House to either stay in session or reconvene tomorrow or the next day in order to complete legislative business. I am also advised that if they have a clean vehicle, it is very likely that we would not have to be back here sitting as the House.

Mr. OBEY. Mr. Speaker, continuing under my reservation, I do not quarrel with that statement with respect to the committee, but I do think that this process, I have to say, it has been the most chaotic that I have seen in the 31 years that I have been privileged to be a Member of this body. I do not think what is happening is the fault of the gentleman from Florida, it certainly is not mine. But I would hope that when we return in the first of the year in the next millennium, we will have a different set of arrangements that will enable us to do things in a quite different fashion.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 84

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–62 is further amended by striking “November 18, 1999” in section 106(c) and inserting in lieu thereof “December 3, 1999”, and by striking $755,719,054” in section 119 and inserting in lieu thereof “$755,719,054”. Public Law 106–46 is amended by striking “November 18, 1999” and inserting in lieu thereof “December 3, 1999”.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.
PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE S. 1232, FEDERAL ERRONEOUS RETIREMENT COVERAGE CORRECTIONS ACT

Mr. WELLER. Mr. Speaker, I rise to a question of privileges of the House, and I offer a privileged resolution (H. Res. 394) and ask for its immediate consideration.

The Clerk reads the resolution, as follows:

H. Res. 394
Resolved, That the bill of the Senate (S. 1232) entitled the "Federal Erroneous Retirement Coverage Corrections Act", in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore. In the opinion of the Chair, the resolution constitutes a question of the privileges of the House under rule IX.

The gentleman from Illinois (Mr. WELLER) is recognized for 30 minutes.

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

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

The bill also provides that no amount shall be includable in the income of any individual for Federal tax purposes because of fund transfers or government contributions made pursuant to the bill.

Accordingly, section 401 is revenue affecting in a constitutional sense and the bill therefore violates the origination requirement.

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

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

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

The bill also provides that no amounts shall be includable in the income of any individual for Federal tax purposes because of fund transfers or government contributions made pursuant to the bill. Therefore, the bill violates the origination requirement.

Section 401 of the bill provides generally that no government retirement plan shall fail to be treated as a tax-qualified plan under the Internal Revenue Code for any failure to follow plan terms, or any actions taken under the bill to correct errors in misclassification of Federal employees into the wrong Federal retirement system. In general, Federal retirement plans are subject to the same rules that apply to tax-qualified retirement plans maintained by private sector employers. For example, tax-qualified retirement plans are afforded special tax treatment under the Code. These advantages include tax-favored treatment of contributions and benefits that may be provided to a participant under a tax-qualified plan. For example, section 415 of the Code limits the amount of annual contributions that may be made to a defined contribution plan, and the amount of annual benefits that are payable from a defined benefit plan. If amounts are contributed or benefits are paid that exceed these limits, plan participants could be subject to unfavorable tax consequences. Section 401 of the bill would permit the Federal government to make-up contributions on behalf of an employee without setting applicable limits on contributions and benefits for the year in which the make-up contribution was made.

Section 401 also provides that no amounts shall be includable in the taxable income of participants in Federal retirement plans because of fund transfers or government contributions made pursuant to the bill. Without this provision, amounts transferred from fund to fund or otherwise contributed by the government could be subject to income tax under the Internal Revenue Code.

Accordingly, Section 401 is revenue-affecting in a constitutional sense.

There are numerous precedents for the action I am requesting. For example, on July 21, 1994, the House returned to the Senate S. 1030, containing a provision exempting certain veteran payments from taxation. On October 7, 1994, the House returned to the Senate S. 1216, containing provisions exempting certain settlement income from taxation.

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

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

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

There was no objection.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

Mr. ARMY and was given permission to address the House for 1 minute and to revise and extend his remarks.

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

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

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

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

The Clerk will report the concurrent resolution.

The Clerk reads as follows:

That when the House adjourns on any legislative day from Thursday, November 18, 1999, through Monday, November 22, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned until noon on Thursday, December 2, 1999 (unless it sooner has received a message from the Senate transmitting its concurrence in the conference report to accompany H.R. 3194, in which case the House shall stand adjourned sine die), or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution; and that when the Senate adjourns on any day from Thursday, November 18, 1999, through Thursday, December 2, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution.

Sec. 2. When the House convenes for the second session of the One Hundred Sixth Congress, it shall convene no organizational or legislative business on that day and, when the House adjourns on that day, it shall stand adjourned until noon on January 27, 2000, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution.
SEC. 3. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SEC. 4. The Congress declares that clause 2(b) of rule II of the Rules of the House of Representatives and the order of the Senate of January 6, 1999, authorize for the duration of the One Hundred Sixth Congress the Clerk of the House of Representatives and the Secretary of the Senate, respectively, to receive messages from the President during periods when the House and Senate are not in session, and thereby preserve until adjournment sine die of the final regular session of the One Hundred Sixth Congress the constitutional prerogative of the House and Senate to reconsider vetoed measures in light of the objections of the President, since the availability of the Clerk and the Secretary during any earlier adjournment of either House during the current Congress does not prevent the return by the President of any bill presented to him for approval.

SEC. 5. The Clerk of the House of Representatives shall inform the President of the United States of the adoption of this concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTING DAY FOR THE CONVENING OF THE SECOND SESSION OF THE 106TH CONGRESS

Mr. ARMEY. Mr. Speaker, I offer a joint resolution (H.J. Res. 85), and ask unanimous consent for its immediate consideration.

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

The Clerk read as follows:

H.J. Res. 85

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DAY FOR CONVENING OF SECOND SESSION OF ONE HUNDRED SIXTH CONGRESS.

The second regular session of the One Hundred Sixth Congress shall begin on Monday, January 24, 2000.

SEC. 2. ADDITIONAL SESSION PRIOR TO CONVENING.

If the Speaker of the House of Representatives and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House of Representatives and the Minority Leader of the Senate, determine that it is in the public interest for the Members of the House of Representatives and the Senate to reassemble prior to the adjournment of the first session sine die of the One Hundred Sixth Congress as provided in section 1—

(1) the Speaker and Majority Leader shall so notify their respective Members; and

(2) Congress shall reassemble at noon on the second day after the Members are so notified.

The joint resolution was ordered to the order of the House.

APPOINTMENT OF COMMITTEE OF TWO MEMBERS TO INFORM THE PRESIDENT THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS OF THE SESSION

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 395), and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 395

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 395, the Chair appoints the following Members of the House to the committee to notify the President, the gentleman from Texas (Mr. ARMEY), and the gentleman from Missouri (Mr. GEFHY).
By approaching these water rights settlements in more creative ways, Congress and the Federal Government can minimize the divergent expectations of the parties as they enter negotiations and attempt to correct problems that have existed for decades. It is important for Congress to modernize the process and basis for settling these claims. It is taking far too long to arrive at a settlement. Often tribes receive water and money under circumstances that do not ultimately help them realize the benefits of a broader economy.

It is the intention of this settlement to help the tribe reach this goal of self-determination, and I urge my colleagues to support the legislation.

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

The Rocky Boys water right settlement process has been important for a number of reasons. Congressman HILL, the State of Montana, and the Tribe have spent a good deal of time working through the issues in a constructive fashion, taking steps to minimize the impact on other affected water users.

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

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

I urge my colleagues to support the legislation.

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

I am the sponsor of the House companion to this bill which passed the House on October 18th. Just like the Senate, the Chippewa Cree Tribe and it's chairman, CHAIRMAN DOOLITTLE and his staff Bob Faber and Josh Johnson for their tireless efforts to work with all parties involved to move this important piece of legislation.

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

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

It provides Federal funds construction of water supply facilities and for Tribal economic development, and defines the Federal Government's role in implementing the settlement.

This Settlement bill has the full support of the Tribe, the State of Montana, the Department of Justice and the Department of the Interior, the Administration, and the water users who farm and ranch on streams shared with the Reservation.

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

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

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

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

I urge the adoption of S. 438.

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

During a recent hearing before the Water and Power Subcommittee, Representative RICK HILL, sponsor of the bill, described this settlement as a textbook example of how state and tribal governments can work together with off-reservation local ranchers and farmers to resolve their differences. I concur with that characterization of this bill. I want to commend the state of Montana and the Tribe for working almost 15 years to reach an agreement. It is my understanding that the parties went sub-basin by sub-basin and even farm by farm until they had resolved the concerns of all affected parties. I also want to commend the Interior and Justice Departments—particularly Interior's Acting Deputy Secretary, David Hayes—for the role he and his colleagues played in reaching this accord.

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

Finally, I say to my colleagues that we and the Administration must work to ensure that funds are made available to implement the Chippewa Cree/Montana settlement. We must do so in a manner that does not take funds away from basic ongoing tribal programs. We must reexamine the idea that current permanent settlement fund for these types of State/Tribal agreements that is comparable to the Justice Department's settlement fund and which is not scored against the BIA's allocations. Again, my congratulations to the Chippewa Cree Tribe of the Rocky Boy's Reservation, to the state of Montana, and to the members of the Federal Negotiating Team that helped bring this to fruition.

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

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 438

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

SECTION 1. SHORT TITLE. This Act may be cited as the "Chippewa Cree Tribe of The Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act and Water Supply Enhancement Act of 1999".

SEC. 2. FINDINGS. Congress finds that—

1) in fulfillment of its trust responsibility to Indian tribes and to promote tribal sovereignty and economic self-sufficiency, it is the policy of the United States to settle the water rights claims of the tribes without lengthy and costly litigation.

2) the Rocky Boy's Reservation was established as a homeland for the Chippewa Cree Tribe.

3) adequate water for the Chippewa Cree Tribe of the Rocky Boy's Reservation is important to a permanent, sustainable, and
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SEC. 2. PURPOSES.

The purposes of this Act are as follows:

(1) To achieve a fair, equitable, and final settlement of all claims to water rights in the State of Montana for:

(A) the Chippewa Cree Tribe; and

(B) the United States for the benefit of the Chippewa Cree Tribe.

(2) To approve, ratify, and confirm, as modified in this Act, the Chippewa-Cree Montana Water Rights Compact entered into by the Secretary of the Interior, the Rocky Boy's Reservation, and the State of Montana on April 14, 1997, and to provide funding and other authorization necessary for the implementation of the Compact.

(3) To authorize the Secretary of the Interior to execute and implement the Compact as set forth in Article IV of the Compact.

(4) To authorize Federal feasibility studies designed to enhance, through economic and environmental mechanisms to eliminate, through conservation or other means, water supplies in North Central Montana, including mechanisms to import domestic water supplies for the future growth of the Rocky Boy's Indian Reservation.

(5) To authorize certain projects on the Rocky Boy's Indian Reservation, Montana, in order to implement the Compact.

(6) To authorize certain modifications to the purposes and operation of the Bureau of Reclamation and the Corps of Engineers for the provision of water to the Rocky Boy's Reservation and the State of Montana in order to provide the Tribe with an allocation of water from the Upper Missouri River Basin.

(7) To authorize an appropriation of funds necessary for the implementation of the Compact.

SEC. 4. DEFINITIONS.

In this Act:

(1) ACT.—The term "Act" means the "Chippewa Cree Water Rights Settlement Act of 1997" (Public Law 105-224).


(3) FINAL.—The term "final" with reference to approval of the decree in section 101(a) of the Compact and the approval of the compact by the United States Supreme Court or the Montana Supreme Court means that the approval of section 101(a) and the treatment of that right under this Act shall not be construed or interpreted as a precedent for the litigation of water rights claims for loss or deprivation of water rights, and claims for failure of use of water rights, and claims for failure of use of water rights, and claims for failure of use of water rights, and claims for failure of use of water rights, and claims for failure of use of water rights, and claims for failure of use of water rights, and claims for failure of use of water rights.


(5) TOWE PONDS.—The term "Towe Ponds" means the reservoir or reservoirs referred to as "Towe Ponds" in the Compact.

(6) ROCKY BOY'S RESERVATION; RESERVATION.—The term "Rocky Boy's Reservation; Reservation" means the reservation and all officers, agents, and employees authorized by the Tribe.

(7) MISSOURI RIVER SYSTEM.—The term "Missouri River System" means the Missouri River and its tributaries, including the Marias River.

(8) IN GENERAL.—The term "Reclamation Law" means the Reclamation Law, as defined in section 85–20–601 of the Montana Code Annotated.

(9) ROCKY BOY'S RESERVATION; RESERVATION.—The term "Rocky Boy's Reservation; Reservation" means the Rocky Boy's Reservation of the Chippewa Cree Tribe in Montana.

(10) SECRETARY.—The term "Secretary" means the Secretary of the Interior, or his or her duly authorized representative.

(11) TOWE PONDS.—The term "Towe Ponds" means the reservoir or reservoirs referred to as "Towe Ponds" in the Compact.

(12) TRIBAL COMPACT ADMINISTRATION.—The term "Tribal Compact Administration" means the activities assumed by the Tribe for implementation of the Compact as set forth in Article III of the Compact.

(13) TRIBAL WATER CODE.—The term "tribal water code" means a water code adopted by the Tribe, as provided in the Compact.

(14) TRIBAL WATER RIGHT.—A Tribal Water Right shall be entitled to setoff against any claim for damages asserted by the Tribe against the United States, any funds transferred to the Tribe pursuant to section 101, and any interest accruing thereon up to the date of setoff and to acquire or develop water rights for lands of the Tribe from time immemorial to the date of ratification of the Compact by Congress.

(15) TRIBE.—The term "Tribe" means the Chippewa Cree Tribe of the Rocky Boy's Reservation and all officers, agents, and employees thereof.

(16) WATER DEVELOPMENT.—The term "water development" includes all activities that involve the use of water or modification of existing water resources for any purpose.

SEC. 5. MISCELLANEOUS PROVISIONS.

(a) NO EXEMPTION OF TRIBES' RIGHTS.—Pursuant to Tribal Resolution No. 40–98, and in exchange for benefits under this Act, the Tribe shall not exercise the rights set forth in paragraph (2) of the Compact, except that in the event that the approval, ratification, and confirmation of funds for the MR&I feasibility study authorized in section 204 have been completed and the decree becomes final in accordance with the requirements of sections 101(b) and (c), the waiver and release of claims shall become null and void.

(b) WAIVER OF SOVEREIGN IMMUNITY.—Except to the extent provided in subsections (a), (b), and (c) of section 208 of the Department of Justice Appropriation Act, 1993 (43 U.S.C. 666), nothing in this Act may be construed to waive the sovereign immunity of the United States.

(c) TRIBAL RELEASE OF CLAIMS AGAINST THE UNITED STATES.—In general. Pursuant to Tribal Resolution No. 40–98, and in exchange for benefits under this Act, the Tribe shall, on the date of ratification of this Act, execute a waiver and release of the claims as set forth in paragraph (2) against the United States and all parties, the Chippewa Cree Tribe of the Rocky Boy's Reservation and all officers, agents, and employees thereof, and the United States, any funds transferred to the Tribe pursuant to section 101, and any interest accruing thereon up to the date of setoff and to acquire or develop water rights for lands of the Tribe from time immemorial to the date of ratification of the Compact by Congress.

(d) OTHER TRIBES NOT ADVERSELY AFFECTED.—Nothing in this Act shall be construed to quantify or otherwise adversely affect the rights, use, or water development of any other tribe.
TITLE I—CHIPEWA CREE TRIBE OF THE ROCKY BOYS RESERVATION INDIAN RESERVED WATER RIGHTS SETTLEMENT ACTS

SEC. 101. RATIFICATION OF COMPACT AND ENTRY OF DECREES.

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

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

(2) the Secretary shall—

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

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

(b) APPROVAL OF DECREES.—

(1) Except as provided in subsection (a)(2), each decree shall become effective when the Secretary approves the decree agreed to by the United States, the Tribe, and the State of Montana pursuant to Article IV.A.4 of the Compact.

(2) The Secretary shall—

(A) file the decree with the appropriate court—

(i) the United States district court of appropriate jurisdiction.

(B) until a decision is rendered, the parties may file appropriate motions (as provided in that article) in the United States district court of appropriate jurisdiction.

(C) not later than 180 days after the date of enactment of this Act, and any amendment or change thereafter agreed to by the United States, the Tribe, and the State of Montana, the United States shall petition the Montana Water Court, individually or jointly, to enter and approve the decree agreed to by the United States, the Tribe, and the State of Montana

(D) resort to the Federal district court for the United States within the meaning of Article VII.B.4 of the Compact, or

(3) the Secretary, acting through the Bureau of Reclamation, is authorized and directed to plan, design, and construct, or to provide, pursuant to subsection (b), for the planning, design, and construction of the following water development projects on the Rocky Boy’s Reservation:

(I) Bonneau Dam and Reservoir Enlargement.

(II) East Fork of Beaver Creek Dam Repair and Enlargement.

(III) Brown’s Dam Enlargement.

(IV) Tower Creek Reservoir Enlargement.

(V) other water development projects as the Tribe shall from time to time consider appropriate.

(c) IMPLEMENTATION AGREEMENT.—The Secretary, at the request of the Tribe, shall—

(1) enter into an agreement with, or, if appropriate, renegotiate an existing agreement, with the Tribe to implement the provisions of this Act, and any amendment or change thereafter agreed to by the United States, the Tribe, and the State of Montana, the United States shall petition the Montana Water Court, individually or jointly, to enter and approve the decree agreed to by the United States, the Tribe, and the State of Montana, to construct, plan, design, and construct, or to provide, pursuant to subsection (b), the projects listed in subsection (b)(3).

(2) IN GENERAL.—Congress finds that the Secretary, through the Bureau of Reclamation, has entered into an agreement with the Tribe, pursuant to the Act, and has been successful in securing the funds necessary to construct the projects described in subsection (b)(3).

(3) The agreement referred to in paragraph (1) shall become effective when the Tribe exercises its right under subsection (b).

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

(a) ESTABLISHMENT OF TRUST FUND.—

(1) IN GENERAL.—The agreement referred to in paragraph (1) shall become effective when the Tribe exercises its right under subsection (b).

(b) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a trust fund for the Chippewa Cree Indian Reservation, known as the “Chippewa Cree Indian Reserved Water Rights Settlement Trust Fund.”

(c) USE OF FUND.—The Tribe shall use the Fund to fulfill the purposes of this Act, subject to the following restrictions on expenditures:
Title II—Tiber Reservoir Allocation and Feasibility Studies Authorization

SEC. 201. Tiber Reservoir.

(a) Allocation of Water to the Tribe.—

(1) IN GENERAL.—The Secretary shall permanently allocate to the Tribe, without cost to the Tribe, 10,000 acre-feet per year of stored water from the water right of the Bureau of Reclamation for the Tiber Reservoir, Montana, under the provisions of the Compact and the Federal Water Resources Reform Act of 2000.

(2) AVAILABILITY OF FUNDS.—The amounts authorized to be appropriated in section (a)(1) shall be available for use immediately upon appropriation in accordance with subsection (b)(1).

(3) LIMITATION.—Those moneys allocated under this section shall be available only for costs authorized and incurred under the terms of the Compact and the Federal Water Resources Reform Act of 2000.
The allocation shall become effective when the first water is delivered to the Tribe.

(b) Use and Temporary Transfer of Allocation.

(c) Remaining Storage. The United States shall retain the right to use for any authorized purpose, any and all storage remaining in Lake Elwell after the allocation made to the Tribe in subsection (a).

(d) Water Transport Obligation; Development and Delivery Costs. The United States shall have no responsibility or obligation to provide any facility for the transport of the water allocated by this section to the Rocky Boy’s Reservation or to any other location. For the contribution set forth in section 103(b) the cost of delivering the water allocated by this title or any other supplemental water to the Rocky Boy’s Reservation shall not be borne by the United States.

(e) Section Not Precedential. The provisions of this section regarding the allocation of water resources from the Tiber Reservoir to the Tribe shall not be construed as precedent in the litigation or settlement of any Indian tribe, or person claiming water through any Indian tribe.

(b) USE AND TEMPORARY TRANSFER OF ALLOCATION.—

(c) REMAINING STORAGE.—The United States shall retain the right to use for any authorized purpose, any and all storage remaining in Lake Elwell after the allocation made to the Tribe in subsection (a).

(d) WATER TRANSPORT OBLIGATION; DEVELOPMENT AND DELIVERY COSTS.—The United States shall have no responsibility or obligation to provide any facility for the transport of the water allocated by this section to the Rocky Boy’s Reservation or to any other location. For the contribution set forth in section 103(b) the cost of delivering the water allocated by this title or any other supplemental water to the Rocky Boy’s Reservation shall not be borne by the United States.

(e) SECTION NOT PRECEDENTIAL.—The provisions of this section regarding the allocation of water resources from the Tiber Reservoir to the Tribe shall not be construed as precedent in the litigation or settlement of any Indian tribe.

SEC. 202. MUNICIPAL, RURAL, AND INDUSTRIAL FEASIBILITY STUDY.

(a) Authorization.

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

(b) USE OF FUNDS MADE AVAILABLE FOR FISCAL YEAR 1999.—The authority under paragraph (1) shall be deemed to apply to regional feasibility study activities for which funds were made available by appropriations for fiscal year 1999.

(b) CONTENTS OF STUDY.—The regional feasibility study shall—

(1) evaluate existing and potential water supplies, uses, and management;

(2) identify major water-related issues, including environmental, water supply, and economic issues;

(3) evaluate opportunities to resolve the issues referred to in paragraph (2); and

(4) evaluate options for implementation of resolutions to the issues.

(c) REQUIREMENTS.—Because of the regional and international impact of the regional feasibility study, the study may not be segmented. The regional study shall—

(1) utilize, to the maximum extent possible, existing information;

(2) be planned and conducted in consultation with all affected interests, including interests in Canada.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS FOR FEASIBILITY STUDIES.

(a) Fiscal Year 1999 Appropriations. Appropriations. Of the amounts made available by appropriations for fiscal year 1999 for the Bureau of Reclamation, $1,000,000 shall be used for the purpose of commencing the MR&I feasibility study under section 202 and the regional study under section 203, of which—

(1) $500,000 shall be used for the MR&I study under section 202; and

(2) $500,000 shall be used for the regional study under section 203.

(b) Feasibility Studies. There is authorized to be appropriated to the Department of the Interior for the purpose of conducting the MR&I feasibility study under section 202 and the regional study under section 203, $3,000,000 for fiscal year 1999, of which—

(1) $500,000 shall be used for the MR&I feasibility study under section 202; and

(2) $2,500,000 shall be used for the regional study under section 203.

(c) Without Fiscal Year Limitation. All money appropriated pursuant to authorizations under this title shall be available without fiscal year limitation.

(d) Availability of Certain Moneys. The amounts made available for use under subsection (a) shall be deemed to have been available for use as of the date on which those funds were appropriated. The amounts authorized to be appropriated in subsection (b) shall be available for use immediately upon appropriation.
S. 28 and H.R. 1384 reflect that agreement, providing the initial facility of base camps and land to the development of the park. This bill represents the cooperation of Federal, State and local and tribal governments in an effort to reaffirm the ties of our past while extending those ties to the future. I urge support for this bill.

Mr. GEORGE MILLER of California.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

SEC. 2. FINDINGS AND PURPOSES.

SECTION 1. SHORT TITLE.

SEC. 3. DEFINITIONS. As used in this Act:

SEC. 4. FOUR CORNERS INTERPRETIVE CENTER.

SEC. 5. CONSTRUCTION GRANT.

SEC. 6. FUNDING AND PURPOSES.
The Battle of Fallen Timbers

On August 20, 1794, General Anthony Wayne led his forces and their Native American allies and allies to victory over the British and their Native American allies at the Battle of Fallen Timbers. The battle was fought near present-day Perrysburg, Ohio, and resulted in the signing of the Treaty of Greenville, which ended the Northwest Indian War and opened the way for the settlement of the Northwest Territory.

The site of the battle was designated as a National Historic Landmark in 1952, and the National Park Service began planning for its preservation and interpretation. In 1995, the National Park Service completed the establishment of the Fallen Timbers Battlefield, which includes over 7,000 acres of parkland and historic sites in Lucas County.

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

FALLEN TIMBERS BATTLEFIELD AND FORT MIAMIS NATIONAL HISTORIC SITE ACT OF 1999

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 548) to establish the Fallen Timbers Battlefield and Fort Miami National Historical Site in the State of Ohio, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, I do so for the purposes of yielding to the gentleman so he may explain the bill.

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

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

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman yielding. Mr. Speaker, S. 548 introduced by Senator MIKE DeWINE from Ohio and the gentleman from Utah, Mr. HANSEN, Mr. Speaker, I appreciate the gentleman yielding. Mr. Speaker, S. 548 introduced by Senator MIKE DeWINE from Ohio and the gentleman from Ohio (Ms. KAPTUR), who have worked so diligently on this bill, authorizes the establishment of the Fallen Timbers Battlefield and Fort Miami National Historical Site in Ohio.

The historical site shall be established as an affiliated area of the National Park System and shall be administered in a manner consistent with the National Park Service.

The Metropolitan Park District of the Toledo area would be established as the management entity and is responsible for developing a management plan for the site. The Secretary of the Interior will provide both financial and technical assistance to implement the management plan and develop programs to preserve and interpret the historical, cultural, natural, recreational and scenic resources of the site.

The National Park Service completed a special resource study in October of 1998 of the site, which is already designated as a national historic landmark, and recommended affiliate status.

The bill has support from the National Park Service and the minority, and I urge my colleagues to support this bill.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Utah, who has worked so very, very hard on this legislation.

Ms. KAPTUR. Mr. Speaker, I just wanted to, as we close out this first session of the 106th Congress, and we close out this century, extend my deepest appreciation on behalf of the people of Ohio and, by affiliation, the people of Michiana and Illinois to the chairman, the gentleman from Utah (Mr. HANSEN), who could not have been more diligent in working with us, and the ranking member, the gentleman from California (Mr. GEORGE MILLER), to permit the people of our region of the United States to tell the full story of our history, the battle that occurred on this site and the assumption of the northwest territory and the opening of our entire region of the Nation to settlement.

I cannot thank the gentlemen enough on behalf of the people of the Buckeye State and our adjoining sister States for making this possible, before this century ends.

Mr. Speaker, the bill before us today is a matter of great significance to the American Midwest and to the 9th District of Ohio in particular. The bill under consideration today, Senator DeWine's S. 548, is the companion to legislation I have introduced in the House, H.R. 888. I wish to thank Senator DeWine for taking the lead on this measure in the Senate.

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

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

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

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

The Honorable Lloyd Bentsen, who represented the State of Texas when the Battle of the Alamo occurred, was present at the Battle of Fallen Timbers, as was the Honorable David Ross, who represented the State of Ohio when the Battle of Waterloo occurred.

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Delaware, Mingo, Shawnee, Potawatomi, and Chippewa tribes as well as a few Canadian militia.

The battle was a clear victory for the United States, a policy failure for the British, and a disaster for the Native American Confederacy. The resultant Treaty of Greenville in 1795 gained the City of Detroit, then the largest city on the Great Lakes and secured much of the Northwest Territory for the growing United States.

I am holding here a typical U.S. Department of Defense sketch of the Battle of Fallen Timbers that has been widely displayed in Army installations across our nation for decades.

In addition to the battlefield, the Historic Site would include the nearby site of Fort Miamis, which played a role not only in the Wayne campaign but also in the War of 1812. In the spring of 1813, British forces landed troops and artillery on the site of the deteriorated Fort Miamis on the lower Maumee River. Together with Shawnee Chief Tecumseh, the British twice attacked the American garrison at Fort Meigs—another military outpost along the Maumee River—and twice were repulsed. These U.S. victories at Fort Meigs frustrated British attempts to regain the Northwest Territory and were a prelude to the victory of Commodore Perry’s Battle of Lake Erie victory later in 1813, a large mural of which hangs just outside the House chamber.

THE BATTLE FOR FALLEN TIMBERS

The people of northwest Ohio have long held a strong interest in the history of our region and, in particular, in the battle that won the territory for the United States. In the mid-1930’s, a 9-acre site on the banks of the Maumee River then thought to be the location of the Battle of Fallen Timbers was dedicated and a statue commemorating the battle erected. As interest in preserving both our local history and natural areas grew earlier this decade, we went about securing the authorization for a resource study of the Fallen Timbers area by the National Park Service as part of a possible Maumee River Valley Heritage Corridor that lies between Toledo, Ohio, and Fort Wayne, Indiana. It remains one of the most scenic areas in the Midwest.

Beginning in 1995, an archaeological investigation led by Dr. Pratt set out to identify the exact location of the battle. Dr. Pratt’s excellent work has proven conclusively that the battle actually took place some distance from the existing Fallen Timbers Monument. Development is beginning to encroach on the battlefield site, but a significant portion of the core battlefield is still in agricultural use and owned by the City of Toledo.

Mr. Speaker, I urge all of our colleagues to support this bill which will help complete the appreciation of our nation’s early history.

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

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 548

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

SECTION 1. SHORT TITLE.

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

SEC. 2. DEFINITIONS.

As used in this Act:

(a) DEFINITIONS.—

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

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

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

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

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

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

(A) The Fallen Timbers Battlefield site, consisting of an approximately 185-acre parcel located north of U.S. 24, west of U.S. 23/
The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from New Jersey?

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, I do so for the purpose of asking the gentleman from New Jersey to explain his unanimous consent request.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, coastal barriers are dynamic ecosystems and are prone to frequent moving and shifting as a result of storms and other natural processes. Despite their vulnerability, these areas are attractive locations to live in and are popular for vacation destinations.

Congress approved the Coastal Barriers Resources Act of 1982 to protect these areas by establishing a system of barrier units that are precluded from receiving Federal development assistance, including Federal flood insurance. The System is administered by the Fish and Wildlife Service.

Maps depicting the various units are adopted by Congress, and any changes to the boundaries of System units require legislative action. The System includes 274 otherwise protected areas. Otherwise protected areas include lands that are held for conservation purposes by the Federal, State, and local governments or private conservation groups.

Mr. Speaker, H.R. 34 adopts maps drawn by the Fish and Wildlife Service that correctly portray the boundaries of the Coastal Barriers Resources System, dated November 2, 1994, and on file with the Committee on Resources of the House of Representatives.

Mr. Speaker, I believe H.R. 34 corrects a true mapping error, and I strongly urge the passage of this legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, further reserving my right to object, this bill would authorize a minor map correction to change the boundaries of an otherwise protected area (OPA) to make the boundaries consistent with the boundaries of a State park. This correction would exclude 14 acres of private land from the OPA.

The Committee on Resources has thoroughly reviewed the underlying justification for this map correction and has worked closely with the Fish and Wildlife Service throughout.

Congress had found nothing to prove conclusively that Congress intended to include private lands abutting the boundaries of the State park when it created this OPA in 1990. Also, there is reasonable doubt that these private lands would have qualified for inclusion under the Fish and Wildlife Service's designation criteria for otherwise protected areas or undeveloped coastal barriers.

This bill will rectify a previous mapping error by the Fish and Wildlife Service and bring this OPA into conformance with congressional intent to use existing park boundaries as the basis for OPA boundaries. The Administration supports this legislation and I urge that the House pass the bill.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 34
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CORRECTIONS TO MAPS.

(a) IN GENERAL.—The Secretary of the Interior shall, before the end of the 30-day period beginning on the date of the enactment of this Act, make such corrections to the map described in subsection (b) as are necessary to ensure that depictions of areas on the map are consistent with the depictions of areas appearing on the map entitled “Amendments to the Coastal Barrier Resources System”, dated November 2, 1994, and on file with the Committee on Resources of the House of Representatives.

(b) MAP DESCRIBED.—The map described in this subsection is the map that—

(1) is included in a set of maps entitled “Coastal Barrier Resources System”, dated November 2, 1994; and

(2) relates to unit P19-P of the Coastal Barrier Resources System.

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

MESSAGE FROM THE SENATE
A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 83. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

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

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the bill (H.R. 34) to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?
Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, I do so for the purpose of asking the gentleman from New Jersey to explain his unanimous consent request.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, S. 574 is a second correction to the Coastal Barrier Resources System. In this case, the proposed change is to a unit affecting the Cape Henlopen State Park in Delaware.

This modification will remove approximately 32 acres of this privately owned land that lies outside of the State park. This property was incorrectly incorporated within the unit, and it is appropriate to properly adjust the boundaries of DE-03P. Furthermore, this legislation adds approximately 213 acres to the Coastal Barrier Resources System. Mr. Speaker, the House version of this legislation was the subject of a subcommittee hearing. It was carefully considered by the full Committee on Resources. It was adopted by the House of Representatives with the passage of H.R. 1431.

In addition, the other body unanimously adopted S. 574 as introduced by Senator BIDEN of Delaware on April 22. During our hearing, the administrative witnesses testified that the "modification of the boundary constitutes a valid technical correction that conforms to the boundaries of the OPA to the boundaries of the State park, which the U.S. Fish and Wildlife Service and the Department supports."

Mr. Speaker, I urge an aye vote.

Mr. GEORGE MILLER of California. Mr. Speaker, further reserving my right to object, this bill has been thoroughly reviewed by the Committee on Resources. The technical corrections contained in this bill are legitimate, non-controversial, and supported by the Administration.

I am especially pleased that this legislation would add an additional 213 acres of land within Cape Henlopen State Park to the Coastal Barrier Resource System. I support this bill and I urge a "aye" vote.

Mr. CASTLE of Delaware. Mr. Speaker, I rise in strong support of S. 574, a bill to correct the boundary of the Coastal Barrier Resources System Map in Lewes, Delaware.

Back in 1990, when the U.S. Fish and Wildlife Service was drawing the boundary for this map, the service inadvertently included the Cape Shores Development and the Barcroft Corporation in the system. The Fish and Wildlife Service had intended to follow the boundary of Cape Henlopen State Park, but followed the wrong line on the map. As a result, this has made it difficult for Barcroft and the homeowners in Cape Shores to obtain affordable flood insurance.

This summer, the House passed an identical bill introduced to correct this problem as a subtitle to H.R. 1431, a comprehensive bill to reauthorize the Coast Barrier Resources Act. Due to time constraints, the Senate was not able to pass its own comprehensive reauthorization bill.

Therefore, in order to expedite the legislative process and make sure Barcroft Corporation and the residents of Cape Shores can obtain affordable flood insurance before winter storms strike Delaware, it is essential that we pass this legislation before the session ends.

I want to thank the Resources Committee Chairman, DON YOUNG; the Resources Fisheries Subcommittee Chairman, JIM SAXTON; and their staffs for their tremendous efforts on the Senate floor of the Interior shall make such corrections to the map described in subsection (b) as are necessary to move on that map the boundary of the otherwise protected area (as defined in section 12 of the Coastal Barrier Resources Improvement Act of 1990 (16 U.S.C. 3501 note; Public Law 101-591)) to the Cape Henlopen State Park boundary to the extent necessary.

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

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

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

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

JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM ACT

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

The Clerk read the title of the Senate bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, I take this time for the purpose of asking the gentleman from New Jersey for an explanation of his unanimous consent request.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, finally, we are considering S. 1866, the John H. Chafee Coastal Barrier Resources System Act. The late Senator John Chafee was one of the biggest supporters of this program in 1982, and he remained one of the program's biggest supporters up until his untimely death earlier this year.

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

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

Mr. GEORGE MILLER of California. Mr. Speaker, further reserving my right to object, with the recent passing of Senator John H. Chafee, Congress has lost a compassionate and persuasive advocate for the protection and conservation of our Nation's natural heritage.

Senator Chafee's many legislative contributions, including his leadership in authorizing and improving keystone environmental legislation such as the Clean Water Act, the Clean Air Act, and the Endangered Species Act to only name a few, leave a legacy of accomplishment that is both daunting and admirable. As many people know, Senator Chafee deeply loved the coastal barrier beaches and islands of his beloved Ocean State. Perhaps this lifelong affection explains why Senator Chafee worked so tirelessly to create the Coastal Barrier Resources System in 1982 and why he fought so strenuously to protect it in the intervening years.

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

Mr. Speaker, I withdraw my reservation of objection.

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

The Clerk read the Senate bill, as follows:

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

SEC. 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress finds that—

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

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

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

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

(5) in 1982, Senator Chafee authored and succeeded in getting into law the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.) to minimize loss of human life, wasteful expenditure of Federal revenues, and damage to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts; and

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

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

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

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

(c) Conforming Amendments.—

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

(2) Section 3 of the Coastal Barrier Resources Act (16 U.S.C. 3502) is amended by striking "Coastal Barrier Resources System" and inserting "John H. Chafee Coastal Barrier Resources System".

(3) Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is amended by striking "Coastal Barrier Resources System" and inserting "John H. Chafee Coastal Barrier Resources System".

(4) Section 10(c)(2) of the Coastal Barrier Resources Act (16 U.S.C. 3509(c)(2)) is amended by striking "Coastal Barrier Resources System" and inserting "John H. Chafee Coastal Barrier Resources System".


(6) Section 12(5) of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591) is amended by striking "Coastal Barrier Resources System" and inserting "John H. Chafee Coastal Barrier Resources System".

(7) Section 1321 of the National Flood Insurance Act of 1968 (42 U.S.C. 4028) is amended—

(A) by striking the section heading and inserting the following: "John H. Chafee Coastal Barrier Resources System";

and

(B) by striking "Coastal Barrier Resources System" each place it appears and inserting "John H. Chafee Coastal Barrier Resources System".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to recommit was passed over the opposition of Representatives Ron Paul of Texas, Edward J. Markey of Massachusetts, and the late Joe Moakley of Massachusetts.

FOSTER CARE INDEPENDENCE ACT OF 1999

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

The Clerk read the title of the bill.

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

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

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

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

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

I also want to thank the administration, especially Secretary Shalala, for their timely help with this legislation. In addition, I thank the gentleman from Texas (Mr. DELAY), the Majority Whip, who testified in the House and Senate as a foster parent and who has been instrumental in securing passage of this legislation. Indeed, he could not be here today without his help.

We have been working with our colleagues in the other body over the last several days to resolve differences and have agreed upon the version of the bill before us. H.R. 3443 represents that consensus text. I want to especially acknowledge the work of Senators LOTT, ROTH, GRASSLEY, NICKLES, MOYNIHAN, and ROCKEFELLER on this bill.

Since the House is expected to conclude its business shortly, we are taking this action in order to expedite consideration in the other body and move the bill to the President's desk.

This bill will provide, for the first time, realistic support for our most unfortunate children, those who have been in foster care for many years and who reach adulthood essentially alone. Unfortunately, research shows that these children have terribly high levels of unemployment, homeless ness, school failure, teen pregnancy, and the victims or predators of crime. These young Americans need our help to have the opportunity in life that all Americans dream of.

This bill contains only nine changes from the original legislation, all of them minor.

I close by commending the other body for commemorating the life of the great Senator, the life and work of the great Senator from Rhode Island, the incomparable John Chafee. Senator Chafee was a wonderful friend to many of us here in this House and a diligent worker for children. He was full of enthusiasm for this legislation and worked tirelessly to secure its passage through his committee, looking toward its passage in the Senate. In fact, we have been told that his last actions as a United States Senator were to lobby for this bill. Thus, it is highly fitting that we should rename this program the "John H. Chafee Foster Care Independence Program."

Mr. CARDIN. Mr. Speaker, further reserving my right to object, let me quickly point out how pleased I am that we were able to reach a bipartisan agreement and get this legislation moving, the Foster Care Independence Act. This represents a real victory for the 30,000 children who age out of foster care every year.

I want to especially congratulate the gentleman from Connecticut (Mrs. JOHNSON), chair of the Subcommittee on Human Resources, for the steadfast dedication to helping and her incredible work with the other body so that we, in fact, could accomplish this legislation before we adjourn sine die.

I would also like to express my appreciation to the Clinton administration for their help in drafting this legislation.

Mr. Speaker, although we are acting on this bill, H.R. 3443, it started as H.R.
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671 back in February of this year and became H.R. 1802 in the work of our subcommittee.

I also want to acknowledge Senator John Chafee for the work that he did in regards to this bill along with Senator Rockefeller. He and Senator Chafee were in the process of seeing this legislation pass.

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

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

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk reads the bill, as follows:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

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TITLE III—CHILD SUPPORT

Sec. 301. Narrowing of hold harmless provision for State share of distribution of collected child support. |

TITLE IV—TECHNICAL CORRECTIONS

Sec. 401. Technical corrections relating to amendments made by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(5) The Nation's State and local governments, financial services from the Federal Government, should offer an extensive program of education, training, employment, and financial support for young adults leaving foster care, with participation in such programs beginning several years before high school graduation and continuing, as needed, until the young adults emancipated from foster care establish independence or reach 21 years of age.

(b) IMPROVED INDEPENDENT LIVING PROGRAM—Section 477 of the Social Security Act (42 U.S.C. 671) is amended to read as follows:

"SEC. 477. JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM.

"(a) PURPOSE.—The purpose of this section is to provide States with flexible funding that will enable programs to be designed and conducted—

"(1) to identify children who are likely to remain in foster care until 18 years of age and to help these children make the transition to self-sufficiency by providing services to increase their chances of obtaining a four-year college degree, career exploration, vocational training, job placement and retention, training in daily living skills, training in budgeting, and financial management skills, substance abuse prevention, and preventive health activities (including smoking avoidance, nutrition education, and pregnancy prevention);

"(2) to help children who are likely to remain in foster care until 18 years of age receive the education, training, and services necessary to obtain employment;

"(3) to help children who are likely to remain in foster care until 18 years of age prepare for and enter postsecondary training and education institutions;

"(4) to provide personal and emotional support to children aging out of foster care, through mentors and the promotion of interactions with dedicated adults; and

"(5) to provide financial, housing, counseling, employment, education, and other appropriate support services to former foster care recipients between the ages of 18 and 21 years to complement their own efforts to achieve self-sufficiency and to assure that program participants recognize and accept their personal responsibility for achieving self-sufficiency and for then making the transition from adolescence to adulthood.

"(b) APPLICATIONS.—

"(1) IN GENERAL.—A State may apply for funds from its allotment under subsection (c) for a period of five consecutive fiscal years by submitting to the Secretary, in writing, a plan that meets the requirements of paragraph (2) and the certifications required by paragraph (3) with respect to the plan.

"(2) STATE PLAN.—A plan meets the requirements of this paragraph if the plan specifies which State agency or agencies will administer, supervise, or oversee the programs carried out under the plan, and describes how the State intends to do the following:

"(A) Design and deliver programs to achieve the purposes of this section.

"(B) Ensure that all political subdivisions in the State are served by the programs, though not necessarily in a uniform manner.

"(C) Ensure that the programs serve children of various ages and at various stages of achieving independence.

"(D) Involve the public and private sectors in helping adolescents in foster care achieve independence.

"(E) Use objective criteria for determining eligibility for benefits and services under the...
programs, and for ensuring fair and equitable treatment of benefit recipients.

(F) Cooperate in national evaluations of the effects of the programs in achieving the purposes of this section.

(4) APPROVAL.—The Secretary shall approve an application submitted by a State pursuant to paragraph (1) for a period if—

(A) the application is in accordance with this section; or

(B) the application contains the material required by paragraph (1).

(5) AUTHORITY TO IMPLEMENT CERTAIN AMENDMENTS; NOTIFICATION.—A State with an application approved under paragraph (4) may implement any amendment to the plan contained in the application if the application, incorporating the amendment, would be approved as a whole; the Secretary shall notify the State of the amendment.

(6) AVAILABILITY.—The State shall make available to the public any application submitted by the State pursuant to paragraph (1), and a brief summary of the plan contained in the application.

(7) ALLOTMENTS TO STATES.—

(A) IN GENERAL.—A State to which an allotment has been made in accordance with subsection (c) shall use the allotment to carry out, during the fiscal year, programs, projects, and services required by this section.

(B) Ratable Reduction of Certain Allocations.—If the aggregate amount available for allotment to States under subsection (c) is less than the amount payable to a State under subsection (c) for the fiscal year, the Secretary shall reduce the amount payable to such State by an amount equal to not less than 

15 percent and not more than 5 percent of the amount of the allotment.

(8) FAILURE TO COMPLY WITH DATA REPORTING REQUIREMENT.—The Secretary shall assess a penalty against a State that fails during a fiscal year to comply with an information collection plan implemented under subsection (i) in an amount equal to not less than 1 percent and not more than 5 percent of the amount of the allotment.

(9) PENALTIES BASED ON DEGREE OF NONCOMPLIANCE.—The Secretary shall assess penalties under this subsection based on the degree of noncompliance.

(10) GRANT AND FUNDING CONSIDERATION AND PERFORMANCE MEASUREMENT.—

(A) IN GENERAL.—The Secretary, in consultation with State and local public officials and representatives of Indian tribes, shall encourage States to—

(i) develop outcome measures (including measures of educational attainment, high school diploma, employment, avoidance of homelessness, nonmarital childbearing, incarceration, and high-risk behaviors) that can be used to assess the performance of States in operating independent living programs;

(ii) use such measures to track the number and characteristics of children receiving services under this section;

(iii) develop performance measures and performance standards for the outcomes measured; and

(B) develop and implement a plan to collect the information needed to carry out, during the fiscal year, the purposes of this section.

(C) Financial Reporting.—The Secretary shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report detailing the amount of funds provided by the Secretary to States for operating independent living programs, and for ensuring fair and equitable treatment of benefit recipients.

(D) USE OF FUNDS.—

(1) IN GENERAL.—A State to which an amount is paid from an allotment under subsection (c) may use the amount in any manner that is reasonably calculated to accomplish the purposes of this section.

(2) NO SUPPLANTATION OF OTHER FUNDS AVAILABLE FOR SPECIFIC PURPOSES.—The amounts paid to a State from its allotment under subsection (c) shall be used to supplement or replace any other funds which are available for the same general purposes in the State.

(3) TWO-YEAR AVAILABILITY OF FUNDS.—Portions of the allotment provided under section (f) in an amount equal to not less than 1 percent and not more than 5 percent of the amount of the allotment.

(4) GRANT AND FUNDING CONSIDERATION AND PERFORMANCE MEASUREMENT.—

(A) IN GENERAL.—The Secretary, in consultation with State and local public officials and representatives of Indian tribes, shall encourage States to—

(i) develop outcome measures (including measures of educational attainment, high school diploma, employment, avoidance of homelessness, nonmarital childbearing, incarceration, and high-risk behaviors) that can be used to assess the performance of States in operating independent living programs;

(ii) use such measures to track the number and characteristics of children receiving services under this section;

(iii) develop performance measures and performance standards for the outcomes measured; and

(B) develop and implement a plan to collect the information needed to carry out, during the fiscal year, the purposes of this section.

(C) Financial Reporting.—The Secretary shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report detailing the amount of funds provided by the Secretary to States for operating independent living programs, and for ensuring fair and equitable treatment of benefit recipients.

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(1) IN GENERAL.—A State to which an amount is paid from an allotment under subsection (c) may use the amount in any manner that is reasonably calculated to accomplish the purposes of this section.

(2) NO SUPPLANTATION OF OTHER FUNDS AVAILABLE FOR SPECIFIC PURPOSES.—The amounts paid to a State from its allotment under subsection (c) shall be used to supplement or replace any other funds which are available for the same general purposes in the State.

(3) TWO-YEAR AVAILABILITY OF FUNDS.—Portions of the allotment provided under section (f) in an amount equal to not less than 1 percent and not more than 5 percent of the amount of the allotment.

(4) GRANT AND FUNDING CONSIDERATION AND PERFORMANCE MEASUREMENT.—

(A) IN GENERAL.—The Secretary, in consultation with State and local public officials and representatives of Indian tribes, shall encourage States to—

(i) develop outcome measures (including measures of educational attainment, high school diploma, employment, avoidance of homelessness, nonmarital childbearing, incarceration, and high-risk behaviors) that can be used to assess the performance of States in operating independent living programs;

(ii) use such measures to track the number and characteristics of children receiving services under this section;

(iii) develop performance measures and performance standards for the outcomes measured; and

(B) develop and implement a plan to collect the information needed to carry out, during the fiscal year, the purposes of this section.

(C) Financial Reporting.—The Secretary shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report detailing the amount of funds provided by the Secretary to States for operating independent living programs, and for ensuring fair and equitable treatment of benefit recipients.

(D) USE OF FUNDS.—

(1) IN GENERAL.—A State to which an amount is paid from an allotment under subsection (c) may use the amount in any manner that is reasonably calculated to accomplish the purposes of this section.

(2) NO SUPPLANTATION OF OTHER FUNDS AVAILABLE FOR SPECIFIC PURPOSES.—The amounts paid to a State from its allotment under subsection (c) shall be used to supplement or replace any other funds which are available for the same general purposes in the State.

(3) TWO-YEAR AVAILABILITY OF FUNDS.—Portions of the allotment provided under section (f) in an amount equal to not less than 1 percent and not more than 5 percent of the amount of the allotment.

(4) GRANT AND FUNDING CONSIDERATION AND PERFORMANCE MEASUREMENT.—

(A) IN GENERAL.—The Secretary, in consultation with State and local public officials and representatives of Indian tribes, shall encourage States to—

(i) develop outcome measures (including measures of educational attainment, high school diploma, employment, avoidance of homelessness, nonmarital childbearing, incarceration, and high-risk behaviors) that can be used to assess the performance of States in operating independent living programs;

(ii) use such measures to track the number and characteristics of children receiving services under this section;

(iii) develop performance measures and performance standards for the outcomes measured; and

(B) develop and implement a plan to collect the information needed to carry out, during the fiscal year, the purposes of this section.

(C) Financial Reporting.—The Secretary shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report detailing the amount of funds provided by the Secretary to States for operating independent living programs, and for ensuring fair and equitable treatment of benefit recipients.

(D) USE OF FUNDS.—

(1) IN GENERAL.—A State to which an amount is paid from an allotment under subsection (c) may use the amount in any manner that is reasonably calculated to accomplish the purposes of this section.

(2) NO SUPPLANTATION OF OTHER FUNDS AVAILABLE FOR SPECIFIC PURPOSES.—The amounts paid to a State from its allotment under subsection (c) shall be used to supplement or replace any other funds which are available for the same general purposes in the State.

(3) TWO-YEAR AVAILABILITY OF FUNDS.—Portions of the allotment provided under section (f) in an amount equal to not less than 1 percent and not more than 5 percent of the amount of the allotment.
evaluation, technical assistance, performance measurement, and data collection activities related to this section, directly or through grants, contracts, or cooperative agreements with appropriate entities.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

Subtitle C—Medicaid Amendments

SEC. 121. STATE OPTION OF MEDICAID COVERAGE FOR ADOLESCENTS LEAVING FOSTER CARE.

(a) IN GENERAL.—Subject to subsection (c), title XIX of the Social Security Act is amended—


(A) by striking "or" at the end of subclause (XIII);

(B) by adding "or" at the end of subclause (XIV); and

(C) by adding at the end the following new subclause:

"(XV) who are independent foster care adolescents (as defined in section 1905(v)(1)), or who are within any reasonable categories of such adolescents specified by the State;'';

and

(2) by adding at the end of section 1905 (42 U.S.C. 1396d) the following new subsection:

"(v) For purposes of this title, the term "independent foster care adolescent'' means an individual—

(A) who is under 21 years of age;

(B) who, on the individual's 18th birthday, was in foster care under the responsibility of a State; and

(C) whose assets, resources, and income do not exceed such levels if (any as the State may establish consistent with paragraph (2).

"(2) The levels established by a State under paragraph (1)(C) may not be less than the corresponding levels applied by the State under section 1931(b).

"(3) A State may limit the eligibility of independent foster care adolescents under section 1902(a)(10)(A)(i)(XV) to those individuals with respect to whom foster care maintenance payments or independent living services were furnished under a program funded under part E of title IV before the date the individuals attained 18 years of age.''

"(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

"(c) PAYMENTS TO STATES.—Section 474(a)(4), there are authorized to be appropriated to the Secretary $140,000,000 for each fiscal year.''

Subtitle D—Adoption Incentive Payments

SEC. 131. INCREASED FUNDING FOR ADOPTION INCENTIVE PAYMENTS.

(a) SUPPLEMENTAL GRANTS.—Section 473A of the Social Security Act (42 U.S.C. 673b) is amended by adding at the end the following:

"(1) In general.—Subject to the availability of such amounts as may be provided in advance in appropriations Acts, in addition to any amount otherwise payable under this section to any State that is an incentive-eligible State for fiscal year 1998, the Secretary shall make a grant to the State in an amount equal to the lesser of—

(A) the amount by which—

(i) the amount that would have been payable to the State under this section during fiscal year 1999 (on the basis of adoptions in fiscal year 1998) in the absence of subsection (b)(2) if sufficient funds had been available for the payment, exceeds

(ii) the amount that, before the enactment of this subsection, was payable to the State under this section during fiscal year 1999 (on such basis); or

(B) the amount that bears the same ratio to the dollar amount specified in paragraph (2) as the amount described by subparagraph (A) bears to the dollar amount described by subparagraph (A) for all States that are incentive-eligible States for fiscal year 1998.

"(2) FUNDING.—$23,000,000 of the amounts appropriated under subsection (b)(1) for fiscal year 2000 may be used for grants under paragraph (1) of this subsection.

Subtitle E—Fraud Prevention and Related Provisions

SEC. 201. LIABILITY OF REPRESENTATIVE PAYEES FOR OVERPAYMENTS TO DECEASED RECEIVERS.

(a) AMENDMENT TO TITLE II.—Section 204(a)(2) of the Social Security Act (42 U.S.C. 404(a)(2)) is amended by adding at the end the following new sentence: "If any payment of more than the correct amount is made to a representative payee on behalf of an individual after the individual's death, the representative payee shall be liable for the repayment of the overpayment, and the Commissioner of Social Security shall establish an overpayment control record under the social security account number of the representative payee.’’.

(b) AMENDMENT TO TITLE XVI.—Section 1631(b)(2) of such Act (42 U.S.C. 1396l(b)(2)) is amended by adding at the end the following new sentence: "If any payment of more than the correct amount is made to a representative payee on behalf of an individual after the individual's death, the representative payee shall be liable for the repayment of the overpayment, and the Commissioner of Social Security shall establish an overpayment control record under the social security account number of the representative payee.’’.

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to overpayments made 12 months or more after the date of the enactment of this Act."
(a) IN GENERAL.—Section 1613(b)(1)(B) of the Social Security Act (42 U.S.C. 1383b(3)(B)) is amended—

(1) by inserting “monthly” before “benefit payments”; and

(2) by inserting “(and in the case of an individual or the individual’s spouse) to whom a lump sum is payable under this title (including under section 1616(a) of this Act or under an agreement entered into under section 212(a) of Public Law 93–66) shall, as at least one means of recovering such overpayment, make the adjustment or recovery from the lump sum payment in an amount equal to not less than the lesser of the amount of the overpayment or 50 percent of the lump sum payment.” before “unless fraud.”

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 12 months after the date of the enactment of this Act and shall apply to amounts incorrectly paid which remain outstanding on or after such date.

SEC. 203. ADDITIONAL DEBT COLLECTION PRACTICES.

(a) IN GENERAL.—Section 1613(b) of the Social Security Act (42 U.S.C. 1383(b)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

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

“(4)(A) With respect to any delinquent amount, the Commissioner of Social Security may use the collection practices described in sections 3711(e), 3713, 3717, and 3718 of title 31, United States Code, and in section 6554 of title 5, United States Code, all as in effect immediately after the enactment of the Debt Collection Improvement Act of 1996.

“(B) For purposes of subparagraph (A), the term ‘delinquent amount’ means an amount—

(1) in excess of the correct amount of payment; or

(2) paid to a person after such person has attained 18 years of age; and

(iii) determined by the Commissioner of Social Security under regulations, to be otherwise unrecoverable under this section after such person ceases to be a beneficiary under this title.”;

(b) TECHNICAL AMENDMENTS.—Section 3701(d)(2) of title 31, United States Code, is amended by striking “section 204(f)” and inserting “sections 204(f) and 1631(b)(4)”.

(c) TECHNICAL AMENDMENTS.—Section 204(f) of the Social Security Act (42 U.S.C. 604(f)) is amended—

(1) by striking “monthly” before “benefit payments,” before “unless fraud”; and

(2) by inserting “(and in the case of an individual, paragraph (3) shall apply to a trust)” after “social security.”

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2000, and shall apply to trusts established on or after such date.

SEC. 204. REQUIREMENT TO PROVIDE STATE PRISONER INFORMATION TO FEDERAL AND FEDERALLY ASSISTED BENEFIT PROGRAMS.

Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended by striking “‘Federal or State’” and inserting “‘Federal or State or local’”.

SEC. 205. TREATMENT OF ASSETS HELD IN TRUST UNDER THE SSI PROGRAM.

(a) TREATMENT AS RESOURCE.—Section 1613 of the Social Security Act (42 U.S.C. 1383b) is amended by adding at the end the following—

“Trusts—

“(e)(1) In determining the resources of an individual, paragraph (3) shall apply to a trust (other than a trust described in paragraph (5) established by a person after the date described in subclause (II) of clause (iv) of section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10))) established by a person after the date described in subclause (II) of clause (iv) of section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended—

(1) by inserting “monthly” before “benefit payments”; and

(2) by inserting “(and in the case of an individual or the individual’s spouse) to whom a lump sum is payable under this title (including under section 1616(a) of this Act or under an agreement entered into under section 212(a) of Public Law 93–66) shall, as at least one means of recovering such overpayment, make the adjustment or recovery from the lump sum payment in an amount equal to not less than the lesser of the amount of the overpayment or 50 percent of the lump sum payment.” before “unless fraud.”

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 12 months after the date of the enactment of this Act and shall apply to amounts incorrectly paid which remain outstanding on or after such date.

(c) CONFORMING AMENDMENTS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended—

(1) by striking “‘Federal or State’” and inserting “‘Federal or State or local’”.

(2) by inserting “and” at the end of subparagraph (E);

(3) by inserting after subparagraph (F) the following—

“(G) that, in applying eligibility criteria of the supplemental security income program under title XVI for purposes of determining eligibility for medical assistance under the State plan of an individual who is not receiving supplemental security income, the State plan of the State may disregard the provisions of section 1616(e);”;

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2000, and shall apply to trusts established on or after such date.

SEC. 206. DISPOSAL OF RESOURCES FOR LESS THAN FAIR MARKET VALUE UNDER THE SSI PROGRAM.

(a) IN GENERAL.—Section 1613(c) of the Social Security Act (42 U.S.C. 1382c(b)(3)) is amended—

(1) by striking the caption, by striking ‘‘Notification of Medicaid Policy Restricting Eligibility of Institutionalized Individuals for Benefits Based On’’; and

(2) in paragraph (1)—

(A) by redesignating paragraph (A)—

(i) by inserting “(paragraph (1) and)” after “of”;

(ii) by striking “and” and inserting “and”;

(iii) by striking “(I)” and inserting “(I)”; and

(iv) by striking “as clauses (i) and (ii)”; and

(B) by striking paragraph (B) and inserting “(I)”;

(C) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) in paragraph (2)—

(A) by striking “(2)” and inserting “(B)”;

(B) by striking paragraph (B) and inserting “(B)”;

(C) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(4) by inserting before paragraph (2) (as so redesignated by paragraph (4) of this subsection) the following—

“(c)(1)(A) If an individual or the spouse of an individual disposes of resources for less than fair market value on or after the look-back date described in clause (i)(1), the individual or the spouse shall be considered a resource available to the individual and the individual’s spouse.

“(B) The look-back date described in this subsection is the date on which the individual applies for benefits under this title or, if later, the date
permitted the transferor to reside at home who provided care to the transferor which (II)) who was residing in the transferor's other than a child described in subclause (I) or the forest due to the transferor's spouse; 

(I) the total, uncompensated value of all resources so disposed of by the individual or any other individual according to the date of the payment or foreclosure, as the case may be.

(II) if the resources were transferred exclusively for a purpose other than to qualify for benefits under this title or for the benefit of the individual; or

(III) all resources transferred for less than fair market value have been returned to the transferor; or

(IV) the Commissioner determines, under procedures established by the Commissioner that the denial of eligibility would work an undue hardship as determined on the basis of criteria established by the Commissioner.

(2) For purposes of this subsection, in the case of a resource held by an individual in common with another person or persons in a joint tenancy, tenancy in common, or similar arrangement, the resources or the affected portion of such resource shall be considered to be disposed of by the individual when any action is taken, either by the individual or by another person, that reduces or eliminates the individual's ownership or control of such resource.

(3) In the case of a transfer by the spousal of an individual that results in a period of ineligibility for such benefits but for the imposition of the penalty, for purposes of—

(i) determination of the eligibility of the person for benefits under titles XVIII and XIX; and

(ii) the term 'benefit payable under section 1611(b), plus

(IV) were transferred to a trust (including a trust described in section 1917(d)(4) established solely for the benefit of, the transferor's child who is blind or disabled; or

(III) were transferred to, or to a trust (including a trust described in section 1917(d)(4)) established solely for the benefit of the individual who has not attained 65 years of age and who is disabled;

(III) a sibling of the transferor who has an undisability category that would otherwise be payable to the individual by the Commissioner pursuant to an agreement under section 1917(d)(4) of Public Law 93–66, for the month in which occurs the date described in clause (ii)(II), rounded, in the case of any fraction, to the nearest full month; but shall not in any case exceed 36 months.

(B)(i) Notwithstanding subparagraph (A), this subsection shall not apply to a transfer of a resource to a trust if the portion of the trust attributable to the resource is considered a resource available to the individual pursuant to subsection (e)(3) (or would be so considered but for the application of subsection (e)(4)).

(B)(ii) In the case of a trust established by an individual or an individual’s spouse (within the meaning of subsection (e)(1), from any portion of the trust, if any, that is considered a resource available to the individual pursuant to subsection (e)(3) (or would be so considered but for the application of subsection (e)(4)) or the residue of the portion on the termination of the trust—

(i) the payment or for the benefit of the individual or

(ii) no payment could under any circumstance be made to the individual; or

then, for purposes of this subsection, the payment or transfer of that portion of the trust attributable to the resource is considered a resource available to the individual pursuant to subsection (e)(3) (or would be so considered but for the application of subsection (e)(4)) or the residue of the portion on the termination of the trust—

(i) the payment or

(ii) no payment could under any circumstance be made to the individual; or

then, for purposes of this subsection, the payment or transfer of that portion of the trust attributable to the resource is considered a resource available to the individual pursuant to subsection (e)(3) (or would be so considered but for the application of subsection (e)(4)).

(ii) the term ‘benefit payable under section 1611(b), plus

(III) a sibling of the transferor who has an undisability category that would otherwise be payable to the individual by the Commissioner pursuant to an agreement under section 1917(d)(4) of Public Law 93–66;

(III) the term ‘institutionalized individual’ has the meaning given such term in section 1917(e)(3); and

(iii) the term ‘spouse’ has the meaning given such term in subsection (e)(6)(A) of this section.

(1) determination of the eligibility of the person for benefits under titles XVIII and XIX; and

(2) determination of the eligibility or amount of benefits payable under title II or XVI to another person.

(e) DEFINITION.—In this section, the term ‘benefits under title XVI’ includes payments of the type described in section 1616(a) of this Act and of the type described in section 212(b) of Public Law 93–66;

(1) the term ‘institutionalized individual’ has the meaning given such term in section 1917(e)(3); and

(2) the term ‘spouse’ has the meaning given such term in subsection (e)(6)(A) of this section.

(2) CONFORMING AMENDMENT.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)), as amended by section 205(c) of this Act, is amended by striking “section 1613(e)” and inserting “sections (c) and (e) of section 1613”.

(3) The amendments made by this section shall be effective with respect to disposals made on or after the date of the enactment of this Act.

SEC. 207. ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS.

(a) IN GENERAL.—Any person who makes, or causes to be made, a statement or representation of a material fact for use in determining any initial or continuing right to or the amount of—

(1) monthly insurance benefits under title II;

(2) benefits or payments under title XVI, that the person knows or should know is false or misleading or knows or should know contains a material fact or who makes such a statement with knowing disregard for the truth shall be subject to, in addition to any other penalties that may be prescribed by law, a penalty described in subsection (b) to be imposed by the Commissioner of Social Security.

(b) PENALTY.—The penalty described in this subsection is—

(1) nonpayment of benefits under title II that would otherwise be payable to the person; and

(2) ineligibility for cash benefits under title XVI, for each month that begins during the applicable period described in subsection (c).

(c) DETERMINATIONS UNDER THIS SECTION.—A determination under this section (A), shall be—

(1) six consecutive months, in the case of the first such determination with respect to the person; and

(2) twenty-four consecutive months, in the case of the third or subsequent such determination with respect to the person.

(d) EFFECT ON OTHER ASSISTANCE.—A person subject to a period of nonpayment of benefits under title II or ineligibility for benefit XVI benefits by reason of this section nevertheless shall be considered to be eligible for and receiving such benefits, to the extent that the person would be receiving or eligible for such benefits but for the imposition of the penalty, for purposes of—

(1) determination of the eligibility of the person for benefits under titles XVIII and XIX.

(2) determination of the eligibility or amount of benefits payable under title II or XVI to another person.

(3) Consultations.—The Commissioner of Social Security shall consult with the Inspector General of the Social Security Administration regarding initiating actions under this section.”.

(4) CONFORMING AMENDMENT PRECLUDING DELAYED RETIREMENT CREDIT FOR ANY MONTH TO WHICH A NONPAYMENT OF BENEFITS PENALTY APPLIES.—Section 202(w)(2)(B) of such Act (42 U.S.C. 1382(w)(2)(B)) is amended—

(1) by striking “and” at the end of clause (1);

(2) by striking the period at the end of clause (i) and inserting “; and”; and

(3) by adding at the end the following:

(III) such individual was not subject to a penalty imposed under section 1129A.

(5) CONFORMING AMENDMENT PROVIDING PROVISION.—Section 1611(e) of such Act (42 U.S.C. 1382(e)) is amended—
of the enactment of this section, if the individual under subsection (a) based on a

commissioner's decision whether to waive the exclusion services in a community. The Commis-

sioner may waive the exclusion in the case of an individual who is the sole source of essential services in a community. The Commissi-

rer's decision whether to waive the exclusion may be based on any relevant information that—

(A) there is no basis under subsection (a) for a continuation of the exclusion; and

(B) there are reasonable assurances that the type of conduct on which the basis for the original exclusion has not reoccurred and will not recur.

The Commissioner shall promptly notify each representative or health care provider employed for the pur-

pose of making disability determinations under section 221 or 1633(a)—

(1) of the fact and circumstances of each exclusion effected against an individual under this section; and

(2) of the period (described in subsection (b)(3)) for which the State agency is directed to exclude the individual from participation in the activities of the State agency in the course of its employment.

(d) Notices to State Licensing Agencies.—The Commissioner shall—

(1) promptly notify the appropriate State or local agency or authority having responsibility for the licensing or certification of an individual excluded from participation under this section of the fact and circumstances of each exclusion; and

(2) request that the State or local agency or authority keep the Commissioner and the Inspector General of the Social Security Administration fully and currently informed of any actions taken in response to the request.

(e) Notice, Hearing, and Judicial Review.—(1) Any individual who is excluded (or directed to be excluded) from participation under this section is entitled to reasonable notice and opportunity for a hearing thereon by the Commissioner to the same extent as is applicable with respect to any actions taken in response to the request.

(2) The provisions of section 205(h) shall apply with respect to this section to the same extent as it is applicable with respect to title II.

(f) Application for Termination of Exclusion.—(1) An individual excluded from participation under this section may apply to the Commissioner, in the manner specified by the Commissioner in regulations and at the end of the minimum period of exclusion provided under subsection (b)(3) and at such other times as the Commissioner may provide, for termination of the exclusion ef-

fected under this section.

(2) The Commissioner may terminate the exclusion if the Commissioner determines, on the basis of the conduct of the applicant which occurred after the date of the notice of exclusion or which was unknown to the Commissi-

on the time of the exclusion, that—

(A) there is no basis under subsection (a) for a continuation of the exclusion; and

(B) there are reasonable assurances that the type of conduct on which the basis for the original exclusion has not reoccurred and will not recur.

The Commissioner shall promptly notify each representative or health care provider employed for the pur-

pose of making disability determinations under section 221 or 1633(a) of the fact and circumstances of each termination of exclu-

sion made under this section.

(g) Availability of Records of Ex-

cluded Representatives and Health Care Pro-

viders.—Nothing in this section shall be construe-

ted to deny access by any applicant or beneficiary under title II or XVI, any State agency acting under section 221 or 1633(a), or the Commissi-

on or records maintained by any re-

presentative or health care provider in con-

nection with services provided to the applicant or beneficiary prior to the exclusion of the individual from the Social Security Act under this section.

(h) Reporting Requirement.—Any re-

presentative or health care provider participat-

ing in, or seeking to participate in, a soc-

ial security program shall inform the Commissi-

on, in such form and manner as the Commissioner shall prescribe by regulation, whether such representative or health care provider has been convicted of a violation described in subsection (a).

(i) Delegation of Authority.—The Commissi-

on may delegate, by regulation, the authority to exclude individuals for violations of sections 1129A of the Social Security Act (including when the applicable period in subsection (c) of such section shall commence) on or after the effective date of the exclusion.

(j) Definitions.—For purposes of this sec-

tion:

(A) in connection with a representative, to prohibit from engaging in representation of or aiding another for, or in connection with, or for, the purpose of, or to procure benefits for the purpose of assisting such applicant or recipient in demonstrating dis-

ability;

(B) in connection with a health care pro-

vider, to prohibit from engaging in providing services furnished to any individual on or after the effective date of the exclusion that an individual is not entitled to, or amount of, benefits under title XVI, or an initial application for or continuing eligibility for, or amount of, benefits under title II of this Act, or an initial application for or continuing eligibility for, or amount of, benefits under title II of this Act.

(k) Place of Hearing.—A hearing under this section shall be held at a place convenient to the applicant or recipient involved in such hearing.
the purpose of ascertaining an individual’s eligibility (or the amount of such benefits) under title II or XVI of the Social Security Act, the standard of the Commissioner promulgated pursuant to section 1106 of such Act or any other Federal law for the use, safeguarding, and disclosure of information are deemed to meet any standards of the State that would otherwise apply, to the disclosure of information by the State to the Commissioner.

SEC. 210. STUDY ON POSSIBLE MEASURES TO IMPROVE FRAUD PREVENTION AND PROACTIVE PROCESSING.

(a) STUDY.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security, in consultation with the Inspector General of the Social Security Administration and the Attorney General, shall conduct a study of possible measures to improve—

(1) prevention of fraud on the part of individuals entitled to disability benefits under section 223 of the Social Security Act or benefits under section 202 of such Act based on the determination that, when individuals eligible for supplemental security income benefits under title XVI of such Act, and applicants for such benefits; and

(2) timely reporting of reported income changes by individuals receiving such benefits.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report that contains the results of the Commissioner’s study under subsection (a). The report shall contain such recommendations for legislative and administrative changes as the Commissioner considers appropriate.

SEC. 211. ANNUAL REPORT ON AMOUNTS NECESSARY TO COMBAT FRAUD.

(a) IN GENERAL.—Section 704(b)(1) of the Social Security Act (42 U.S.C. 904(b)(1)) is amended—

(1) by inserting “(A)” after “(b)(1)”; and

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

“(B) The Commissioner shall include in the annual budget prepared pursuant to subparagraph (c) of subsection (b) of title XVII of the Social Security Act funds required by the Social Security Administration for the fiscal year covered by the budget to support efforts to combat fraud committed by applicants and beneficiaries.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annual budgets prepared for fiscal years after fiscal year 1999.

SEC. 212. COMPUTER MATCHES WITH MEDICARE AND MEDICAID INSTITUTIONALIZATION DATA.

(a) IN GENERAL.—Section 1611(e)(1) of the Social Security Act (42 U.S.C. 1395l(e)(1)) is amended by adding at the end the following:

“(A) For the purpose of carrying out this paragraph, the Commissioner of Social Security shall conduct periodic computer matches with data maintained by the Secretary of Health and Human Services pursuant to section 1151 of the Social Security Act (42 U.S.C. 1382b(1)(G)), and disclosure of information is deemed to meet any standards of the State that would otherwise apply, to the disclosure of information by the State to the Commissioner.

(b) CONFORMING AMENDMENT.—Section 1611(e)(1) of title IV of the Social Security Act (42 U.S.C. 1395l(e)(1)(G)) is amended by striking “subparagraph (H)” and inserting “subparagraph (H) or (J).”

SEC. 213. ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.

Section 1631(e)(1)(B) of the Social Security Act (42 U.S.C. 1330l(e)(1)(B)) is amended—

(1) by striking “(B) and” and inserting “(B) or”; and

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

“(B) the Commissioner of Social Security may require each applicant for, or recipient of, benefits under this title to provide authorization by the applicant or recipient (or by any other person whose income or resources are material to the determination of the eligibility of the applicant or recipient for such benefits) to the Commissioner to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act) from any financial institution maintained by the Commissioner of Social Security (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1102(1) of such Act) held by the institution with respect to the applicant or recipient (or such other person) whenever the Commissioner determines the record is needed in connection with a determination with respect to such eligibility or the amount of such benefits.”

II Veterans

SEC. 251. ESTABLISHMENT OF PROGRAM OF SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS.

(a) IN GENERAL.—The Social Security Act is amended by inserting after title VII the following title:

“TITLE VIII—SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS.

‘‘Sec. 801. Basic entitlement to benefits.

‘‘Sec. 802. Qualified individuals.

‘‘Sec. 803. Residence outside the United States.

‘‘Sec. 804. Disqualifications.

‘‘Sec. 805. Benefit amount.

‘‘Sec. 806. Applications and furnishing of information.

‘‘Sec. 807. Representative payees.

‘‘Sec. 808. Overpayments and underpayments.

‘‘Sec. 809. Hearings and review.

‘‘Sec. 810. Other administrative provisions.

‘‘Sec. 811. Penalties for fraud.

‘‘Sec. 812. Definitions.

‘‘Sec. 813. Appropriations.

‘‘Sec. 801. BASIC ENTITLEMENT TO BENEFITS.

Every individual who is a qualified individual for purposes of section 802 shall, in accordance with and subject to the provisions of this title, be entitled to a monthly benefit paid by the Commissioner of Social Security for each month after September 2000 (or such earlier month, if the Commissioner determines administratively feasible) the individual resides outside the United States.

‘‘Sec. 802. QUALIFIED INDIVIDUALS.

Except as otherwise provided in this title, an individual—

(1) who has attained the age of 65 on or before the date of the enactment of this title;

(2) who is a World War II veteran;

(3) who is eligible for a supplemental security income benefit under title XVI for—

‘‘(A) the month in which this title is enacted; and

‘‘(B) the month in which the individual files an application for benefits under this title;

(4) whose total benefit income is less than 75 percent of the Federal benefit rate under title II for the amount of the benefit under this title;

(5) who has filed an application for benefits under this title; and

(6) who is in compliance with all requirements imposed by the Commissioner of Social Security under this title, shall be a qualified individual for purposes of this title.

‘‘Sec. 803. RESIDENCE OUTSIDE THE UNITED STATES.

For purposes of section 801, with respect to any month, an individual shall be regarded as residing outside the United States if, on the first day of the month, the individual so resides outside the United States.

‘‘Sec. 804. DISQUALIFICATIONS.

(a) IN GENERAL.—Notwithstanding section 802, an individual may not be a qualified individual for any month—

(1) that begins after the month in which the Commissioner of Social Security is notified by the Attorney General that the individual has been removed from the United States pursuant to section 231(a) or (c)(2) of the Immigration and Nationality Act and before the month in which the individual is lawfully admitted to the United States for permanent residence;

(2) that begins after any part of which the individual is fleeing to avoid prosecution, or custody or confinement after conviction, under

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SEC. 801. Basic entitlement to benefits.

SEC. 802. Qualified individuals.

SEC. 803. Residence outside the United States.

SEC. 804. Disqualifications.

SEC. 805. Benefit amount.

SEC. 806. Applications and furnishing of information.

SEC. 807. Representative payees.

SEC. 808. Overpayments and underpayments.

SEC. 809. Hearings and review.

SEC. 810. Other administrative provisions.

SEC. 811. Penalties for fraud.

SEC. 812. Definitions.

SEC. 813. Appropriations.
the laws of the United States or the jurisdiction where the person has fled, for a crime, or an attempt to commit a crime, that is a felony under the laws of the place from which the person has fled, or which, in the case of the jurisdiction of the United States if payments for such month to individuals residing in such country are withheld by the Treasury Department under section 3329 of title 31, United States Code.

(2) during any part of which the individual resides in a foreign country and is not a citizen or national of the United States.

(3) during which the individual resides in the State of New Jersey, is a high misdemeanor under the laws of such State; or

(4) during which the individual resides in a foreign country and is not a citizen or national of the United States if payments for such month to individuals residing in such country are withheld by the Treasury Department under section 3329 of title 31, United States Code.

(b) REQUIREMENT FOR ATTORNEY GENERAL.—For the purpose of carrying out subsection (a)(1), the Attorney General shall notify the Commissioner of Social Security as soon as practicable after the removal of any individual under section 273(a) or 212(a)(6)(A) of the Immigration and Nationality Act.

SEC. 805. BENEFIT AMOUNT.

The benefit under this title payable to a qualified individual for any month shall be in an amount not in excess of 75 percent of the Federal benefit rate under title XVI for the month, reduced by the amount of the qualified individual's benefit income for the month.

SEC. 806. APPLICATIONS AND FURNISHING OF INFORMATION.

(a) In General.—The Commissioner of Social Security under subsection (a) shall subject to subsection (b), prescribe such requirements with respect to the filing of applications, the furnishing of information and other material, and the reporting of changes in circumstances, as may be necessary for the effective and efficient administration of this title.

(b) Verification Requirement.—The requirements prescribed by the Commissioner of Social Security under subsection (a) shall preclude any determination of entitlement to benefits under this title solely on the basis of declarations by the individual concerning qualifications or other material facts, and shall provide for verification of matters ascertained from independent collateral sources, and the procurement of additional information as necessary in order to ensure that the benefits are provided only to qualified individuals (or their representative payees) in correct amounts.

SEC. 807. REPRESENTATIVE PAYEES.

(a) In General.—If the Commissioner of Social Security determines that the interest of any qualified individual under this title would be served thereby, payment of the qualified individual's benefit under this title may be made, regardless of the legal competency or incompetency of the qualified individual, either directly to the qualified individual, or for his or her benefit, to another person (the meaning of which term, for purposes of this section, includes an organization) with respect to whom the requirements of subsection (b) have been met (in this section referred to as a representative payee). If the Commissioner of Social Security determines that a representative payee has misused any benefit paid to the representative payee pursuant to this section, the Commissioner shall promptly revoke the person's designation as the qualified individual's representative payee under this subsection, and shall make payment to an alternative representative payee or, if the interest of the qualified individual would be served thereby, to the qualified individual.

(b) EXAMINATION OF FITNESS OF PROSPECTIVE REPRESENTATIVE PAYEE.

(1) Any determination under subsection (a) to pay to a prospective representative payee shall be made on the basis of—

(A) an investigation by the Commissioner of Social Security of the person to serve as representative payee, which shall be conducted in advance of the determination and shall, at a minimum, include a face-to-face-to-face interview with the person (or, in the case of an organization, a representative of the organization); and

(B) adequate evidence that the arrangement is in the interest of the qualified individual.

(2) As part of the investigation referred to in paragraph (1), the Commissioner of Social Security shall—

(A) require the person being investigated to submit documented proof of the identity of the person; and

(B) in the case of a person who has a social security account number issued for purposes of the program under title II or an employer identification number issued for purposes of the Internal Revenue Code of 1986, verify the number.

(c) determine whether the person has been convicted of a violation of section 206, 811, or 1632; and

(d) determine whether payment of benefits to the person in the capacity as representative payee has been revoked or terminated pursuant to this section, section 205(j), or section 1631(a)(2)(A)(iii) by reason of misuse of funds paid as benefits under this title, or any law of the United States.

(c) REQUIREMENT FOR MAINTAINING LISTS OF UNDESIRABLE PAYEES.—The Commissioner of Social Security shall establish and maintain lists which shall be updated periodically and which shall be in a form that renders such lists available to the servicing offices of the Social Security Administration. The lists shall—

(1) the names and (if issued) social security account numbers or employer identification numbers of all persons who have been convicted of a violation of section 206, 811, or 1632, and

(2) the names and (if issued) social security account numbers or employer identification numbers of all persons who have been convicted of a violation of section 206, 811, or 1632.

(d) PERSONS INELIGIBLE TO SERVE AS REPRESENTATIVE PAYEES.—

(1) In General.—The benefits of a qualified individual may not be paid to any other person pursuant to this section if—

(A) the person has been convicted of a violation of section 206, 811, or 1632.

(B) except as provided in paragraph (2), payment of benefits to the person in the capacity as representative payee has been revoked or terminated under this section, section 205(j), or section 1631(a)(2)(A)(ii) by reason of misuse of funds paid as benefits under this title, title II, or title XVI, respectively; or

(C) except as provided in paragraph (2)(B), the person is a creditor of the qualified individual whose benefits would be paid to the person pursuant to this section.

(2) EXEMPTIONS.—

(A) the Commissioner of Social Security may grant an exemption from paragraph (1) to any person on a case-by-case basis if the exemption in the best interest of the qualified individual whose benefits would be paid to the person pursuant to this section.

(B) Paragraph (1)(C) shall not apply with respect to any person who is a creditor referred to in such paragraph if the creditor is—

(i) a relative of the qualified individual and provides the qualified individual with the same household as the qualified individual;

(ii) a legal guardian or legal representative of the individual;

(iii) a facility that is licensed or certified as a care facility under the law of the political jurisdiction in which the qualified individual resides;

(iv) a person who is an administrator, owner, or employee of a facility referred to in clause (iii), if the qualified individual resides in the facility, and the payment to the facility is necessary only for the best interests of the qualified individual; or

(v) a person who is determined by the Commissioner of Social Security, on the basis of written findings and pursuant to procedures prescribed by the Commissioner of Social Security, to be acceptable to serve as a representative payee.

(3) The procedures referred to in subparagraph (B)(v) shall require the person who will serve as representative payee to establish, to the satisfaction of the Commissioner of Social Security, that—

(i) the person poses no risk to the qualified individual;

(ii) the financial relationship of the person to the qualified individual poses no substantial conflict of interest; and

(iii) no other more suitable representative payee can be found.

(4) IN GENERAL.—PAYMENT PENDING APPOINTMENT OF REPRESENTATIVE PAYEE.—

(I) In General.—Subject to paragraph (2), if the Commissioner of Social Security determines that the requirements of subsection (a) with respect to any qualified individual's benefit and determines that direct payment of the benefit to the qualified individual would cause substantial harm to the qualified individual, the Commissioner of Social Security may defer (in the case of existing entitlement) or suspend (in the case of existing entitlement) direct payment of the benefit to the qualified individual, until such time as the selection of a representative payee is made pursuant to this section.

(2) Time Limitation.

(A) In General.—Except as provided in subparagraph (B), any deferral or suspension of direct payment of a benefit pursuant to paragraph (1) shall be for a period of not more than 1 month.

(B) Exception in the case of Incompetent Person.

Subparagraph (A) shall not apply in any case in which the qualified individual is, as of the date of the Commissioner of Social Security's determination, legally incompetent under the laws of the jurisdiction in which the individual resides.

(3) PAYMENT OF RETROACTIVE BENEFITS.—

Payment of any benefits which are deferred because of a qualified individual's failure to appoint a representative payee shall be made to the qualified individual or the representative payee as
providing services as representative payee pursuant to section 1631(a)(2).

"(4) MAINTAINING LISTS OF AGENCIES.—The Commissioner of Social Security shall maintain lists, which shall be updated periodically by the Commissioner of Social Security to identify persons with whom the Commissioner of Social Security shall establish a system of account-ability monitoring under which the person shall report not less often than annually to the Commissioner of Social Security the correct amount to a qualified individual or the individual's alternative representative payee of an amount equal to the misused benefits. The Commissioner of Social Security shall make a good faith effort to obtain restitution from the terminated representative payee.

SEC. 808. OVERPAYMENTS AND UNDERPAY-MENTS.

"(a) IN GENERAL.—Whenever the Commissioner of Social Security finds that more or less than the correct amount of payment has been made to any person under this title, a proper adjustment or recovery shall be made, as follows:

"(1) With respect to payment to a person of more than the correct amount, the Commissioner of Social Security shall decrease any payment to the qualified individual or the individual's alternative representative payee of an amount equal to the misused benefits. The Commissioner of Social Security shall make a good faith effort to obtain restitution from the terminated representative payee.

"(2) With respect to payment of less than the correct amount, the Commissioner of Social Security shall make payment to the qualified individual (or the qualified individual's representative payee designated under section 807) of the balance of the amount due the underpaid qualified individual; or

"(B) deceased, the balance of the amount due shall revert to the general fund of the Treasury.

"(b) NO EFFECT ON TITLE VIII ELIGIBILITY OR BENEFIT AMOUNT.—In any case in which the Commissioner of Social Security takes action in accordance with subsection (a)(1)(B) to recover an amount incorrectly paid to an individual, that individual shall not, as a result of such action—

"(1) become qualified for benefits under this title; or

"(2) if such individual is otherwise qualified, become qualified for increased benefits under this title.

"(c) RECUPERATION OF OVERPAY-MENT.—In any case in which more than the correct amount of payment has been made, there shall be no adjustment of payments to, or recovery by the United States from, any person who is without fault if the Commissioner of Social Security determines that the adjustment or recovery would defeat the purpose of this title or would be against equity and good conscience.

"(d) LIMITED IMMUNITY FOR DISBURSING OF- FICERS.—A disbursing officer may not be held liable for any amount overpaid to, or adjustment or recovery of the amount waived under subsection (b), or adjustment under subsection (a) is not completed before the expiration of the time allowed for the commencement of any action against whose benefits deductions are authorized.

"(e) AUTHORIZED COLLECTION PRACTICES.—

"(1) IN GENERAL.—With respect to any delinquent amount, the Commissioner of Social Security may use the collection practices described in sections 3711(e), 3716, and 3731 of title 31, United States Code, as in effect on October 1, 1994.

"(2) DEFINITION.—For purposes of para-graph (1), the term 'delinquent amount' means an amount—

"(A) in excess of the correct amount of the payment under this title; and

"(B) determined by the Commissioner of Social Security to be overpaid to an individual who is not a qualified individual under this title.

SEC. 809. HEARINGS AND REVIEW.

"(a) HEARINGS.—

"(1) IN GENERAL.—The Commissioner of Social Security shall make findings of fact and determinations with respect to the individual's eligibility for benefits under this title.

"(2) EFFECT OF FAILURE TO TIMELY REQUEST HEARING.—In any case in which a claimant fails to request a hearing by the Commissioner of Social Security, the Commissioner may take such action as is provided in section 809(b).

"(b) FAILURE TO LEGALLY SERVE CLAIMANT.—The Commissioner of Social Security shall take such action as is provided in section 809(b) in any case in which the Commissioner does not receive service of notice from the claimant or from a person acting on behalf of the claimant.

"(2) Upon receipt of such a request, the Commissioner shall give such person a copy of the record and evidence relating to the claimant's request for a hearing, or shall require the overpaid person or his or her estate to refund the amount in excess of the correct amount, or, if recovery is not obtained within 60 days after notice of the determination is received, and, if a hearing is held, shall, on the basis of evidence adduced at the hearing or affidavits, modify, or reverse the Commissioner of Social Security's findings of fact and the decision. The Commissioner of Social Security may, on appeal, grant additional time for the filing of a claim for benefits, or, if a decision is made in favor of the claimant, may administer oaths and affirmations, examine witnesses, and receive evidence. Evidence may be received at any hearing before the Commissioner of Social Security even though inadmissible under the rules of evidence applicable to court procedures. The Commissioner of Social Security shall specifically take into account any physical, mental, educational, or linguistic limitation of the individual (including any lack of facility with the English language) in determining, with respect to the entitlement of the individual for benefits under this title, whether the individual acted in good faith or was at fault, and in determining fraud, deception, or intent.

"(2) EFFECT OF FAILURE TO TIMELY REQUEST REVIEW.—A failure to timely request review of an initial adverse determination with respect to an application for benefits under this title or an adverse determination on reconsideration of such an initial determination shall not serve as a basis for denial of a subsequent application for any payment under this title if the applicant demonstrates that the applicant failed to so request such a review acting in good faith relying on inaccurate or misleading information, relating to the consequences of reapplying for payments in lieu
of seeking review of an adverse determination, prior to any officer or employee of the Social Security Administration.

"(3) NOTICE REQUIREMENTS.—In any notice of an adverse determination with respect to which a review may be requested under paragraph (1) of subsection (a) of this section, the Commissioner of Social Security shall describe in clear and specific language the effect on possible entitlement to benefits under this title of choosing to re-apply in lieu of requesting review of the determination.

"(b) JUDICIAL REVIEW.—The final determination in paragraph (a) of subsection (a) of this section shall be subject to judicial review as provided in section 205(g) to the same extent as the Commissioner of Social Security's final determinations under section 205.

"SEC. 810. OTHER ADMINISTRATIVE PROVISIONS.

"(a) REGULATIONS AND ADMINISTRATIVE ARRANGEMENTS.—The Commissioner of Social Security may prescribe such regulations, and make such administrative and other arrangements, as may be necessary or appropriate to carry out this title.

"(b) PAYMENT OF BENEFITS.—Benefits under this title shall be paid at such time or times and in such installments as the Commissioner of Social Security determines to be in the interests of economy and efficiency.

"(c) ENTITLEMENT REDETERMINATIONS.—An individual's entitlement to benefits under this title, and the amount of the benefits, may be redetermined at such time or times as the Commissioner of Social Security determines to be appropriate.

"(d) SUSPENSION AND TERMINATION OF BENEFITS.—Regulations prescribed by the Commissioner of Social Security under subsection (a) may provide for the suspension and termination of entitlement to benefits under this title as the Commissioner determines is appropriate.

"SEC. 811. PENALTIES FOR FRAUD.

"(a) IN GENERAL.—Whoever—

"(1) knowingly and willfully makes or causes to be made any false statement or representation concerning the receipt of any benefit under this title, and the amount of such benefit, or the receipt of any other benefit, and the amount of such other benefit, or the receipt of any benefit under any other program administered by the Commissioner of Social Security, and the amount of such benefit, or the receipt of any other benefit, and the amount of such other benefit, and the receipt of any benefit under any other program administered by the Commissioner of Social Security, with the intent fraudulently to secure the benefit of any other individual, or the benefit of the other individual, or both, or

"(2) at any time knowingly and willfully makes or causes to be made any false statement or representation concerning the receipt of any benefit under this title, the amount of such benefit, or the receipt of any other benefit, and the amount of such other benefit, or the receipt of any benefit under any other program administered by the Commissioner of Social Security, and the amount of such benefit, or the receipt of any other benefit, and the amount of such other benefit, or the receipt of any benefit under any other program administered by the Commissioner of Social Security, with the intent fraudulently to secure the benefit of any other individual, or the benefit of the other individual, or both, by

"(A) his or her initial or continued right to the benefits; or

"(B) the initial or continued right to the benefits of any other individual in whose behalf he or she has applied for or is receiving the benefit, or

"(C) in any event affecting—

"(i) his or her initial or continued right to the benefits; or

"(ii) the initial or continued right to the benefits of any other individual in whose behalf he or she has applied for or is receiving the benefit,

"shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.

"(b) REPRESENTATIVE PAYEE.—If a person or organization violates subsection (a) in the person's or organization's role as, or in applying to become, a representative payee under section 1607 of title II, the court may also require

that full or partial restitution of funds be made to the qualified individual.

"SEC. 812. DEFINITIONS.

"In this title:

"(1) WORLD WAR II VETERAN.—The term 'World War II veteran' means a person who—

"(A) served during World War II—

"(i) in the armed forces of the United States of America, or the armed forces of a friendly foreign country (including the armed forces of the United Kingdom, the armed forces of any of the other countries of the Commonwealth of the Philippines, or of any country of the United Nations, after December 7, 1941), or

"(ii) in the government forces of the Philippine Commonwealth, or in the government forces of any other country, which forces were under the command of the Army or Navy of the United States, after December 7, 1941, and during the period in which any of such forces were in the service of the armed forces of the United States; or

"(B) was a member of the Reserve Corps, sipadastro"
November 18, 1999

CONGRESSIONAL RECORD—HOUSE

30757

SEC. 261. STUDY OF DENIAL OF SSI BENEFITS FOR FAMILY FARMERS.

SUBTITLE C—Study

SEC. 261. STUDY OF DENIAL OF SSI BENEFITS FOR FAMILY FARMERS.

(a) In General.—The Commissioner of Social Security shall conduct a study of the reasons why family farmers with resources of less than $100,000 are denied supplemental security income benefits under title XVI of the Social Security Act, including whether the denial is unjustified, burdensome, and discriminatory against family farmers who do not institutionalize a disabled dependent, and shall determine the number of such families that have been deprived of such benefits during each of the preceding 10 years.

(b) Report to the Congress.—Within 1 year after the date of the enactment of this Act, the Commissioner of Social Security shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that contains the results of the study, and the determination, required by subsection (a).

TITLE III—CHILD SUPPORT

SECTION 301. NARROWING OF HOLD-HARMLESS PROVISION FOR SPAWNING OF DISTRIBUTION OF COLLECTED CHILD SUPPORT.

(a) In General.—Section 457(d) of the Social Security Act (42 U.S.C. 657(d)) is amended to read as follows:—

“(d) Hold Harmless Provision.—(1) The State share of amounts collected in the fiscal year which could be retained to reimburse the State for amounts paid to families as assistance by the State is less than the amount that was collected in fiscal year 1995 (determined in accordance with section 457 as in effect on August 21, 1996); and

“(2)(A) The State has distributed to families that include an adult receiving assistance under the program under part A at least 80 percent of the current support payments collected during the preceding fiscal year on behalf of such families, and the amounts distributed were disregarded in determining the amount or type of assistance provided under the program under part A; or

“(B) The State has distributed to families that formerly received assistance under the program under part A the State share of the amounts collected pursuant to section 461 that could have been retained as reimbursement for assistance paid to such families, then the State share otherwise determined for the fiscal year shall be increased by an amount equal to 1/2 of the amount (if any) by which the State share for fiscal year 1995 exceeds the State share for the fiscal year (determined without regard to this subsection).”

(b) Effective Date.—The amendment made by subsection (a) shall be effective as if included in the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2205) as read to be as follows:

“(A) in paragraph (1), by striking subparagraph (c), and inserting the following:

“C. the equal to percent specified in paragraph (3) of the sums expended during such quarter that are attributable to the planning, design, development, installation or enhancement of an automatic data processing and information retrieval system (including in such sums the full cost of the hardware components of such system); and;

“(B) the State has distributed to families that formerly received assistance under the program under part A the State share of the amounts collected pursuant to section 461 that could have been retained as reimbursement for assistance paid to such families, then the State share otherwise determined for the fiscal year shall be increased by an amount equal to 1/2 of the amount (if any) by which the State share for fiscal year 1995 exceeds the State share for the fiscal year (determined without regard to this subsection).”

(c) Section 457(c) of the Social Security Act (42 U.S.C. 657(c)) is amended to read as follows:—

“(c) Hold Harmless Provisions.—(1) The State share of amounts collected in the fiscal year which could be retained to reimburse the State for amounts paid to families as assistance by the State is less than the amount that was collected in fiscal year 1995 (determined in accordance with section 457 as in effect on August 21, 1996); and

“(2)(A) The State has distributed to families that include an adult receiving assistance under the program under part A at least 80 percent of the current support payments collected during the preceding fiscal year on behalf of such families, and the amounts distributed were disregarded in determining the amount or type of assistance provided under the program under part A; or

“(B) The State has distributed to families that formerly received assistance under the program under part A the State share of the amounts collected pursuant to section 461 that could have been retained as reimbursement for assistance paid to such families, then the State share otherwise determined for the fiscal year shall be increased by an amount equal to 1/2 of the amount (if any) by which the State share for fiscal year 1995 exceeds the State share for the fiscal year (determined without regard to this subsection).”

(d) Section 457 of the Social Security Act (42 U.S.C. 657) is amended by striking “Opportunity Act” and inserting “Opportunity Reconciliation Act” each place such term appears.

(e) Section 431(a)(6) of the Social Security Act (42 U.S.C. 629a(a)(6)) is amended—

(1) by inserting “, as in effect before August 21, 1996” after “423(a)(5)”; and

(2) by redesigning “, as in effect after 423(a)(5)”.

(f) Sections 452(a)(7) and 466(c)(2)(A)(i) of the Social Security Act (42 U.S.C. 652(a)(7) and 666(c)(2)(A)(i)) are each amended by striking “Social Security” and inserting “social security”.}

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.
Mr. BLILEY. Mr. Speaker, I ask unanimous consent to take from the Speaker the Senate bill (S. 580) to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. BROWN of Ohio. Mr. Speaker, reserving the right to object, I yield to the gentleman from Virginia (Mr. BLILEY) for an explanation of his unanimous consent request.

Mr. BLILEY. Mr. Speaker, I thank the gentleman from Ohio for yielding to me.

Mr. Speaker, S. 580 reauthorizes and renames the Agency for Healthcare Policy and Research as the agency for Health Research and Quality, AHRQ. It also refocuses the Agency’s mission, which is to conduct and support research on the quality, outcomes, cost, and utilization of healthcare services, and access to those services.

The agency will promote quality by sharing information, build public-private partnerships to advance and share quality measures, report annually to Congress on the state of quality in the Nation, support the evaluation of state-of-the-art information systems for healthcare quality, support primary care and access in underserved areas, facilitate innovation in patient care with streamlined assessment of new technologies, coordinate quality improvement efforts to avoid duplication, and facilitate utilization of preventative health services.

The bill also authorizes appropriations for pediatric graduate medical education in children’s hospitals. These represent important reforms.

Mr. Speaker, I urge my colleagues to support this request.

Mr. BROWN of Ohio. Mr. Speaker, further reserving my right to object, with that explanation, I want to associate myself with the remarks of the gentleman from Virginia (Mr. BLILEY) to let my colleagues know that I support the adoption of S. 580.

I am particularly pleased because one of the key provisions in this bill is the Graduate Medical Education Funding for children’s hospitals. They will receive actual dollars in fiscal year 2000 if this authorization is enacted. We have worked in a bipartisan manner in this bill, and I am glad to see its inclusion.

HCPR is needed to study key health care issues as we go into the next century. These issues include access, cost, quality, and innovations in virtually all aspects of the health care system.

The true bipartisanism exhibited by the gentleman from Virginia (Mr. BLILEY), the gentleman from Florida (Mr. BILIRAKIS), his staff, the Senate, particularly the efforts of Senators JEFFORDS, Frist, Kennedy, and their staff, especially the efforts of Ellie Dehoney in my office.

Mr. Speaker, I recommend that this bill be adopted by unanimous consent in the House of Representatives.

Mr. BLILEY. Mr. Speaker, I am pleased to support consideration of S. 580, the Healthcare Research and Quality Act of 1999 by the House today. I introduced H.R. 2506 in the House on September 14, 1999. Following approval by my Subcommittee and the full Commerce Committee, the House voted overwhelmingly to pass H.R. 2506 on September 28, 1999.

Late last week, the Senate passed S. 580 by unanimous consent. The bill before us today represents a bipartisan agreement between the House and Senate authorizing committees on a compromise version of the bills previously approved by each body. This widely supported, bipartisan measure is critical to improving the quality of health care in this country. The “Healthcare Research and Quality Act of 1999” will significantly increase health care research and science-based evidence to improve the quality of patient care.

S. 580 reauthorizes the Agency for Health Care Policy and Research (AHCPR) for fiscal years 2000–2005, renames it as the “Agency for Healthcare Research and Quality,” and refocuses the agency’s mission to become a focal point, and partner to the private sector, in supporting health care research and quality improvement activities.

Equally important, the bill authorizes critical funding for our nation’s children’s hospitals. I was pleased to support the adoption of these provisions when this bill was previously considered by the House. Passage of this legislation today is an important step in ensuring that America’s children’s hospitals receive the resources that they need.

Mr. BROWN of Ohio. Mr. Speaker, I withdraw my reservation of objection.

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

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

S. 580

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Healthcare Research and Quality Act of 1999”.

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended to read as follows:

"TITLE IX—AGENCY FOR HEALTHCARE RESEARCH AND QUALITY"

"PART A—ESTABLISHMENT AND GENERAL DUTIES"

"SEC. 901. MISSION AND DUTIES." "(a) IN GENERAL.—There is established within the Public Health Service an agency to be known as the Agency for Healthcare Research and Quality, which shall be headed by a director appointed by the Secretary.

The Secretary shall carry out this title through the Director.

"(b) MISSION.—The purpose of the Agency is to enhance the quality, appropriateness, and effectiveness of health services, and access to health services, through the establishment of a broad base of scientific research and through the promotion of improvements in clinical and health system practices, including the prevention of diseases and other health conditions. The Agency shall promote health care quality improvement by conducting and supporting research that develops and presents scientific evidence regarding all aspects of health care, including—"

(A) the development and assessment of methods for enhancing patient participation in their own care and for facilitating shared patient-physician decision-making;

(B) the outcomes, effectiveness, and cost-effectiveness of health care practices, including preventive measures and long-term care;

(C) existing and innovative technologies;

(D) the costs and utilization of, and access to, health care;

(E) the ways in which health care services are organized, delivered, and financed and the interaction and impact of these factors on the quality of patient care;

(F) methods for measuring quality and strategies for improving quality; and

(G) ways in which patients, consumers, purchasers, and practitioners acquire new information about best practices and health benefits, the determinants and impact of their use of this information; the synthesis, and dissemination of available scientific evidence for use by patients, consumers, practitioners, providers, purchasers, policy makers, and educators; and

(3) initiatives to advance private and public efforts to improve health care quality.

(c) REQUIREMENTS WITH RESPECT TO RURAL AND INNER-CITY AREAS AND PRIORITY POPULATIONS.—

"(1) RESEARCH, EVALUATIONS AND DEMONSTRATION PROJECTS.—In carrying out this title, the Director shall conduct and support research and evaluations, and support demonstration projects, with respect to—"

(A) the delivery of health care in inner-city areas, and in rural areas (including frontier areas); and

(B) health care for priority populations, which shall include—"

(i) low-income groups;

(ii) minority groups;

(iii) women;

(iv) children;

(v) the elderly; and

(vi) individuals with special health care needs, including individuals with disabilities and individuals who need chronic care or end-of-life health care.

(2) PROCESS TO ENSURE APPROPRIATE RESEARCH.—The Director shall establish a process to ensure that the requirements of paragraph (1) are reflected in the overall portfolio of research conducted and supported by the Agency.

"(3) OFFICE OF PRIORITY POPULATIONS.—The Director shall establish an Office of Priority Populations to assist in carrying out the requirements of paragraph (1).

"(d) GENERAL AUTHORIZATION.

(a) IN GENERAL.—In carrying out section 901(b), the Director shall conduct and support research, evaluations, and training, support demonstration projects, research network and multi-disciplinary centers, provide technical assistance, and disseminate information on health care and on systems..."
for the delivery of such care, including activities that:
(1) the quality, effectiveness, efficiency, appropriateness and value of health care services;
(2) quality measurement and improvement;
(3) the outcomes, cost, cost-effectiveness, and use of health care services and access to such services;
(4) clinical practice, including primary care and practice-oriented research;
(5) health care technologies, facilities, and equipment;
(6) health care costs, productivity, organization, and market forces;
(7) health promotion and disease prevention, including clinical preventive services;
(8) health statistics, surveys, database development, and epidemiology; and
(9) medical liability.

(b) HEALTH SERVICES TRAINING GRANTS.—
(1) IN GENERAL.—The Director may provide training grants in the field of health services research related to activities authorized by subsection (a) to individuals and post-doctoral fellows and training programs, young investigator awards, and other programs and activities as appropriate. In carrying out this subsection, the Director shall make use of funds made available under section 47(d)(3) as well as other appropriated funds.

(c) MULTIDISCIPLINARY CENTERS.—The Director may provide financial assistance to assist in meeting the costs of planning and establishing new centers, and operating existing centers for multidisciplinary and practice-oriented research, demonstration projects, training, and policy analysis with respect to the matters referred to in subsection (a) and (b).

(d) RELATION TO CERTAIN AUTHORITIES REGARDING SOCIAL SECURITY.—Activities authorized in this section shall be appropriately coordinated with experiments, demonstration projects, and other related activities authorized by the Social Security Act and the Social Security Amendments of 1967. Activities under subsection (a)(2) of this section that affect the programs under titles XVIII, XIX and XXI of the Social Security Act shall be carried out consistent with section 112 of such Act.

(e) DISCLAIMER.—The Agency shall not mandate national standards of clinical practice or quality health care standards. Recommendations resulting from projects funded and published by the Agency shall include a corresponding disclaimer.

(f) RULE OF CONSTRUCTION.—Nothing in this section is intended to imply that the Agency’s role is to mandate a national standard or specific approach to quality measurement and reporting. In research and quality improvement activities, the Agency shall consider a wide range of choices, providers, health care delivery systems, and individual preferences.

(g) ANNUAL REPORT.—Beginning with fiscal year 2003, the Director shall annually submit to the Congress a report regarding prevailing disparities in health care delivery as well as disparities based on socio-economic factors in priority populations.

**PART B—HEALTH CARE IMPROVEMENT RESEARCH**

**SEC. 911. HEALTH CARE OUTCOME IMPROVEMENT RESEARCH.**

(a) EVIDENCE RATING SYSTEMS.—In collaboration with experts from the public and private sector, the Agency shall identify and disseminate mechanisms for assessing health care research results, particularly methods or systems to rate the strength of the scientific evidence supporting health care practice, recommendations in the research literature, and technology assessment. The Agency shall make methods or systems for evidence rating widely available. Agency publications containing health care recommendations shall indicate the level of substantiating evidence using such methods or systems.

(b) HEALTH CARE IMPROVEMENT RESEARCH CENTERS AND PROVIDER-BASED RESEARCH NETWORKS.—
(1) IN GENERAL.—In order to address the full continuum of care and outcomes research, to link research to practice improvement, and to assess research findings to community practice settings, the Agency shall employ research strategies and mechanisms that will link research directly to practice in geographically diverse locations throughout the United States, including:

(A) health care improvement research centers that combine demonstrated multidisciplinary expertise in outcomes or quality improvement research with linkages to relevant sites of care;

(B) provider-based research networks, including plan, facility, or delivery system sites of care (especially primary care), that can evaluate outcomes and evaluate and promote quality improvement; and

(C) other innovative mechanisms or strategies to link research with clinical practice.

(2) REQUIREMENTS.—The Director is authorized to establish the requirements for entities applying for grants under this subsection.

**SEC. 912. PRIVATE-PUBLIC PARTNERSHIPS TO IMPROVE ORGANIZATION AND DELIVERY.**

(a) SUPPORTIVE EFFORTS TO DEVELOP INFORMATION ON QUALITY.—

(1) SCIENTIFIC AND TECHNICAL SUPPORT.—In its role as the principal agency for health care research and quality, the Agency may provide scientific and technical support for private and public efforts to improve health care quality, including the activities of accreditations organizations.

(2) ROLE OF THE AGENCY.—With respect to paragraph (1), the role of the Agency shall include:

(A) the identification and assessment of methods for the evaluation of the health of:

(i) enrollees in health plans by type of plan, provider and provider arrangements; and

(ii) other populations, including those receiving long-term care services;

(B) the ongoing development, testing, and dissemination of mechanisms, including methods to develop and use measures of health and functional outcomes;

(C) the compilation and dissemination of health care quality measures developed in the private and public sector;

(D) assistance in the development of improved health care information systems;

(E) the development of survey tools for the purposes of consumer and beneficiary assessments of their health care; and

(F) identifying and disseminating information on mechanisms for the integration of information on quality into purchaser and consumer decision-making processes.

(b) CENTERS FOR EDUCATION AND RESEARCH ON THERAPEUTICS.—

(1) IN GENERAL.—The Secretary, acting through the Director and in consultation with the Commissioner of Food and Drugs, shall establish a program for the purpose of making one or more grants for the establishment and operation of one or more centers to conduct the activities specified in paragraph (2).

(2) REQUIRED ACTIVITIES.—The activities referred to in this paragraph are the following:

(A) The conduct of state-of-the-art research for the following purposes:

(i) to increase awareness of—

(I) new uses of drugs, biological products, and devices;

(II) ways to improve the effective use of drugs, biological products, and devices; and

(iii) to provide objective clinical information to the following individuals and entities:

(I) Health care practitioners and other providers of health care goods or services;

(II) Pharmacists, pharmacy benefit managers and purchasers;

(III) Health maintenance organizations and other managed health care organizations.

(B) The conduct of research on the comparative effectiveness of drugs, biological products, and devices and the consequences of such effects, such as unnecessary hospitalizations.

(C) The conduct of research on the comparative effectiveness and safety of drugs, biological products, and devices.

(c) REDUCING ERRORS IN MEDICINE.—The Director shall conduct and support research and build private-public partnerships to:

(1) identify the causes of preventable health care errors and patient injury in health care delivery;

(2) develop, demonstrate, and evaluate strategies for reducing errors and improving patient safety; and

(3) disseminate such effective strategies throughout the health care industry.

**SEC. 913. INFORMATION ON QUALITY AND COST OF CARE.**

(a) IN GENERAL.—The Director shall—

(1) conduct a survey to collect data on a nationally representative sample of the population including the cost, use and, for fiscal year 2001 and subsequent fiscal years, quality of health care, including the types of health care services Americans use, their access to health care services, the frequency of use, how much is paid for the services used, the source of those payments, the types and costs of private health insurance, access, satisfaction with the quality of care, the quality of care for the general population including rural residents and also for populations identified in section 901(c); and
“(2) develop databases and tools that provide information to States on the quality, access, and use of health care services provided to their residents.

“(b) QUALITY AND OUTCOMES INFORMATION.—

“(1) IN GENERAL.—Beginning in fiscal year 2001, the Director shall ensure that the survey conducted under subsection (a)(1) will—

“(A) consider the results of national and local studies of health outcomes and functional status, including the health care needs of populations identified in section 901(c), provide data to study the relationships between health care quality, outcomes, access use, and cost, measure changes over time, and monitor the overall national health care needs and State policy changes on health care;

“(B) provide information on the quality of care and patient outcomes for frequently occurring clinical conditions for a nationally representative sample of the population including rural residents; and

“(C) provide reliable national estimates for children and persons with special health care needs through the use of supplements or periodic expansions of the survey.

“In expanding the Medical Expenditure Panel Survey, as in existence on the date of enactment of this title in fiscal year 2001 to collect information on the quality of care, the Director shall take into account any outcomes measures generally collected by private sector accreditation organizations.

“(2) ANNUAL REPORT.—Beginning in fiscal year 2003, the Secretary, acting through the Director shall submit to Congress an annual report on national trends in the quality of health care provided to the American people.

“SEC. 914. INFORMATION SYSTEMS FOR HEALTH CARE IMPROVEMENT.

“(a) IN GENERAL.—In order to foster a range of innovative approaches to the management and communication of health information, the Agency shall conduct and support research, evaluation, and initiatives to advance—

“(1) the use of information systems for the study of health care quality and outcomes, including the generation of both individual and plan-level comparative performance data; and

“(2) training for health care practitioners and researchers in the use of information systems;

“(3) the creation of effective linkages between various sources of health information, including the development of information networks;

“(4) the delivery and coordination of evidence-based health care services, including the use of real-time health care decision-support programs;

“(5) the utility and comparability of health information data and medical vocabularies by addressing issues related to the content, structure, definitions and coding of such information; and

“(6) the use of computer-based health records in all settings for the development of person-specific research and evidence-based health assessment and maintenance, and for monitoring public health and outcomes of care within populations; and

“(7) the protection of individually identifiable information in health services research and health care quality improvement.

“(b) SPECIFICATION OF PROCESSES.—The Agency shall support demonstrations into the use of new information tools aimed at improving shared decision-making between patients and their health care providers.

“(c) FACILITATING PUBLIC ACCESS TO INFORMATION.—The Director shall work with appropriate public and private sector entities to make face-to-face public access to information regarding the quality and consumer satisfaction with health care.

“SEC. 915. RESEARCH SUPPORTING PRIMARY CARE AND ACCESS IN UNDER-SERVED AREAS.

“(a) PREVENTIVE SERVICES TASK FORCE.—(1) ESTABLISHMENT.—The Director may periodically convene a Preventive Services Task Force to be composed of individuals with appropriate expertise. Such a task force would be responsible for issuing guidance related to the effectiveness, appropriateness, and cost-effectiveness of clinical preventive services for the purpose of developing, revising, and coordinating primary care services for healthy individuals and, updating and improving national clinical preventive recommendations.

“(2) ROLE OF AGENCY.—The Agency shall provide ongoing administrative, research, and technical support for the operations of the Preventive Services Task Force, including coordinating and supporting the dissemination of the recommendations of the Task Force.

“(3) OPERATION.—In carrying out its responsibilities under paragraph (1), the Task Force shall rely on guidelines of the Preventive Services Task Force published in Appendix 2 of title 5, United States Code.

“(b) PRIMARY CARE RESEARCH.—

“(1) IN GENERAL.—(A) The Director shall establish within the Agency a Center for Primary Care Research (referred to in this subsection as the ‘Center’) that shall serve as the principal source of funding for primary care practice-based research in the Department of Health and Human Services. For purposes of this paragraph, primary care research focuses on the first contact with illness or health concern. It includes, but is not limited to, the diagnosis, treatment or referral to specialty care, preventive care, and the relationship between the clinician and the patient in the context of the family and community.

“(B) RESEARCH.—In carrying out this section, the Center shall conduct and support research concerning—

“(A) the nature and characteristics of primary care practice;

“(B) the management of commonly occurring clinical problems; and

“(C) the management of undifferentiated clinical problems; and

“(D) the continuity and coordination of health services.

“(c) SPECIFIC ASSESSMENTS.—

“(1) IN GENERAL.—The Director shall conduct extramural assessments of existing and new health care practices and technologies by—

“(A) safety, efficacy, and effectiveness;

“(B) legal, social, and ethical implications;

“(C) costs, benefits, and cost-effectiveness;

“(D) comparisons to alternate health care practices and technologies;

“(E) requirements of Food and Drug Administration approval to avoid duplication.

“(2) CERTAIN CONSIDERATIONS.—In identifying and prioritizing research priorities, the Director shall consider—

“(A) the comparative effectiveness of alternative health care practices and technologies;

“(B) the cost-effectiveness and consequences of the comparison of alternative health care practices and technologies;

“(C) the safety, efficacy, and cost-effectiveness of alternative health care practices and technologies;

“(D) the impact of alternative health care practices and technologies on the quality of life and health outcomes of the population served; and

“(E) the impact of alternative health care practices and technologies on health disparities in the population served.

“(3) METHODOLOGY.—The Director shall, in developing the methods used under paragraph (1), consider—

“(A) baseline variability and clinical heterogeneity;

“(B) the use of real-time health care decision-support systems, including the development of information systems and researchers in the use of information systems;

“(C) the use of computer-based health records for individual health information and data in consultation with appropriate public and private sector entities.

“(4) ELIGIBLE ENTITIES.—An entity described in this paragraph is an entity that is determined to be appropriate by the Director, including academic medical centers, research institutions and organizations, professional organizations, governmental agencies, minority institutions of higher education (such as Historically Black Colleges and Universities and Hispanic institutions), and consortia of appropriate research entities established for the purpose of conducting technology assessments.

“(d) MEDICAL EXAMINATION OF CERTAIN VICTIMS.

“(1) IN GENERAL.—The Director shall develop and disseminate a report on evidence-based clinical practices for—

“(A) the examination and treatment by health professionals of individuals who are victims of sexual assault (including child molestation) or attempted sexual assault; and

“(B) the training of health professionals, in consultation with the Health Resources and Services Administration, on performing medical evidentiary examinations of individuals who are victims of child abuse or neglect, sexual assault, elder abuse, or domestic violence.

“(2) CERTAIN CONSIDERATIONS.—In identifying the uses to be addressed by the report, the Director shall, to the extent practicable, take into consideration the expertise and experience of Federal and State law enforcement officials regarding the victims referred to in paragraph (1), and of other appropriate public and private entities (including professional societies, victim services organizations, sexual assault prevention organizations, and social services organizations).
"SEC. 917. COORDINATION OF FEDERAL GOVERNMENT QUALITY IMPROVEMENT EFFORTS.

(a) REQUIREMENT. —

"(1) IN GENERAL. — To avoid duplication and ensure that Federal resources are used efficiently and effectively, the Secretary, acting through the Director, shall coordinate all research, evaluations, and demonstrations related to health services research, quality measurement and quality improvement activities undertaken and supported by the Federal Government.

"(2) SPECIFIC ACTIVITIES. — The Director, in collaboration with the appropriate Federal officials representing all concerned executive agencies and departments, shall develop and manage a process to —

"(A) improve interagency coordination, priority setting, and the use and sharing of research findings and data pertaining to Federal quality improvement programs, technology assessment, and health services research;

"(B) strengthen the research information infrastructure, including databases, pertaining to Federal health services research and health care quality improvement initiatives;

"(C) set specific goals for participating agencies and departments to further health services research and health care quality improvement initiatives;

"(D) strengthen the management of Federal health care quality improvement programs.

"(b) STUDY BY THE INSTITUTE OF MEDICINE. —

"(1) IN GENERAL. — To provide Congress, the Department of Health and Human Services, and other relevant departments with an independent, external review of their quality oversight, quality improvement and quality research programs, the Secretary shall enter into a contract with the Institute of Medicine.

"(A) to describe and evaluate current quality improvement, quality research and quality monitoring processes through —

"(i) an overview of pertinent health services research programs, quality improvement and quality research programs, including health plans, providers, and purchasers or individuals distinguished as administrators of health care delivery systems;

"(ii) the strengthened patient choice and participation by incorporating state-of-the-art quality monitoring tools and making information on quality available; and

"(iii) the enhancement of the most effective programs, consolidation as appropriate, and elimination of duplicative activities distinguished in the fields of health care economies, information systems, law, ethics, business, or public policy; and

"(B) the appropriate role of the Agency in each of the aspects of the private sector activity and identification of opportunities for public-private sector partnerships.

"(2) MEMBERSHIP. —

"(A) to identify options and make recommendations to improve the efficiency and effectiveness of quality improvement programs through —

"(i) the improved coordination of activities across the medicare, medicaid and CHIP programs under titles XVIII, XIX, and XXI of the Social Security Act; and

"(ii) not later than 24 months after the date of the enactment of this title, of a final report containing —

"(B) REPORTS. — The Secretary shall submit the reports described in subparagraph (A) to the Committee on Ways and Means and the Committee on Commerce. The Committee —

"PART C—GENERAL PROVISIONS

"SEC. 921. ADVISORY COUNCIL FOR HEALTHCARE RESEARCH AND QUALITY.

"(a) ESTABLISHMENT. — There is established an advisory council to be known as the National Advisory Council for Healthcare Research and Quality.

"(b) DUTIES. —

"(1) IN GENERAL. — The Advisory Council shall advise the Secretary and the Director with respect to activities proposed or undertaken to carry out the mission of the Agency under sections 1142 and 1144 of the Social Security Act.

"(2) CERTAIN RECOMMENDATIONS. — Activities of the Advisory Council under paragraph (1) shall include making recommendations to the Director —

"(A) priorities regarding health care research, especially studies related to quality, outcomes, cost and the utilization of, and access to, health care services;

"(B) the field of health care research and related disciplines, especially issues related to training needs, and dissemination of information pertaining to health care quality; and

"(C) the appropriate role of the Agency in each of the aspects of the private sector activity and identification of opportunities for public-private sector partnerships.

"(c) MEMBERSHIP. —

"(1) IN GENERAL. — The Advisory Council shall, in accordance with this subsection, be composed of appointed members and ex officio members. All members of the Advisory Council shall be appointed to staggered terms other than the individuals designated under subparagraph (3)(B) as ex officio members.

"(2) APPOINTED MEMBERS. — The Secretary shall appoint to the Advisory Council 21 appropriately qualified individuals. At least 17 members of the Advisory Council shall be representatives of the public who are not officers or employees of the United States and at least 1 member who shall be a specialist in the rural aspects of 1 or more of the professions or fields described in subparagraphs (A) through (G). The Secretary shall ensure that the appointed members of the Council, as a group, are representative of professions and entities concerned with, or affected by, activities under this title and under section 1142 of the Social Security Act. Of such members —

"(A) three shall be individuals distinguished in the conduct of research, demonstration projects, and evaluations with respect to health care;

"(B) three shall be individuals distinguished in the practice of medicine of which at least one shall be a primary care practitioner;

"(C) three shall be individuals distinguished in the practice of dentistry of which at least one shall be a dental professional;

"(D) three shall be individuals distinguished in the practice of pharmacy of which at least one shall be a pharmacist;

"(E) three shall be individuals representing the private health care sector, including health plans, providers, and purchasers or individuals distinguished as administrators of health care delivery systems.

"(3) SERVICE BEYOND TERM. — A member of the Council appointed under subsection (c)(2) may continue to serve after the expiration of the term of the members until a successor is appointed.

"(d) TERMS. —

"(1) IN GENERAL. — Members of the Advisory Council appointed under subsection (c)(2) shall serve for a term of 3 years.

"(2) STAGGERED TERMS. — To ensure the staggered rotation of one-third of the members of the Advisory Council each year, the Secretary is authorized to appoint the initial members of the Advisory Council for terms of 1, 2, or 3 years.

"(3) SERVICE BEYOND TERM. — A member of the Council appointed under subsection (c)(2) may continue to serve after the expiration of the term of the members until a successor is appointed.

"(e) VACANCIES. — If a member of the Advisory Council appointed under subsection (c)(2) does not serve the full term applicable under subsection (d), the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

"(f) CHAIR. — The Director shall appoint to the Advisory Council a chairperson, from among the members of the Advisory Council appointed under subsection (c)(2), designate an individual to serve as the chair of the Advisory Council.

"(g) MEETINGS. — The Advisory Council shall meet not less than once during each discrete 4-month period and shall otherwise meet at the call of the chair.

"(h) COMPENSATION AND REIMBURSEMENT OF EXPENSES. —

"(1) APPOINTED MEMBERS. — Members of the Advisory Council appointed under subsection (c)(2) shall receive compensation for each day (including travel time) engaged in carrying out the duties of the Advisory Council unless declined by the member. Such compensation may not be in an amount in excess of the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which such member is engaged in the performance of the duties of the Advisory Council.

"(2) EX OFFICIO MEMBERS. — Officials designated under subsection (c)(3) as ex officio members of the Advisory Council may not receive compensation in addition to the compensation otherwise received for duties carried out as part of the duties of the United States.

"(i) STAFF. — The Director shall provide to the Advisory Council such staff, information, and other assistance as may be necessary to carry out the duties of the Council.

"(j) DURATION. — Notwithstanding section 16(a) of the Federal Advisory Committee Act,
the Advisory Council shall continue in existence until provided by the Director. The Director may determine to be appropriate.

(e) Regulations.—The Director shall issue regulations for the conduct of peer review under this section. The Director shall establish standard methods for developing and collecting such data, taking into consideration—

(A) other Federal health data collection standards; and

(B) the differences between types of health care plans, delivery systems, health care providers, and provider arrangements.

(2) Relationship with other department programs.—In any case where standards are established by the Director for the conduct of peer review under this section, the Director may make or require the development of such data, taking into consideration—

(A) the specific circumstances that constitute financial interests in such projects that will, or may be reasonably expected to, result in a conflict of interest in the projects that are consistent with such interests; and

(B) the actions that will be taken by the Director in response to any such interests identified by the Director.

(b) Authorization of appropriations.—The Director may not, with respect to any program under this title, require publication or release in other form if the Secretary of Health and Human Services determines that such publication or release would not be in the best interest of the public.

(c) Provision of supplies and services in lieu of funds.—(1) In general.—Upon the request of an entity receiving a grant, cooperative agreement, or contract under this title, the Secretary may provide, or purchase on behalf of the entity, the following:

(A) supplies, equipment, and services for the purpose of aiding the entity in carrying out the project involved and, for such purpose, may detail to the entity any officer or employee of the Department of Health and Human Services.

(2) Corresponding reduction in funds.—With respect to a request described in paragraph (1), the Secretary may reduce the amount of the financial assistance involved by an amount equal to the costs of detailing

SEC. 922. PEER REVIEW WITH RESPECT TO GRANTS AND CONTRACTS.

(a) Requirement of review.—(1) In general.—Appropriate technical and scientific peer review groups shall be established with respect to each application for a grant, cooperative agreement, or contract under this title.

(2) Reports to director.—Each peer review group to which an application is submitted pursuant to paragraph (1) shall report its findings and recommendations respecting the application to the Director in such form and in such manner as the Director shall require.

(b) Approval as precondition of awards.—The Director may not approve an application described in subsection (a)(1) unless the application is recommended for approval by a peer review group established under subsection (c).

(c) Establishment of peer review groups.—(1) In general.—The Director shall establish such technical and scientific peer review groups as may be necessary to carry out this section. Such groups shall be established without regard to the provisions of chapter 51, subchapter III of chapter 53, or section 801 of title 5, United States Code, that govern appointments in the competitive service, and without regard to the provisions of chapter 51, subchapter III of chapter 53, or such title that relate to classification and pay rates under the General Schedule.

(2) Membership.—The members of any peer review group established under this section shall be appointed from among individuals who by virtue of their training or experience are eminently qualified to carry out the duties of such review group. Officers and employees of the United States may not constitute more than 25 percent of the membership of any such group. Such officers and employees may not receive compensation for their work for the group, as confidential in- forming or otherwise receiving for service on such groups in addition to the compensation otherwise received for such duties carried out as such officers and employees.

(3) Duration.—Notwithstanding section 14(a) of the Federal Advisory Committee Act, peer review groups established under this section may continue in existence until otherwise provided by law.

(4) Qualifications.—Members of any peer-review group shall, at a minimum, meet the following requirements:

(A) Such members shall agree in writing to treat information received, pursuant to their work for the group, as confidential information, except that this subparagraph shall not apply to public records and public information.

(B) Such members shall agree in writing to refrain from participation in the peer-review of specific applications which present a potential personal conflict of interest or appearance of such conflict, including employment in a directly affected organization, stock ownership, or any financial or other arrangement that might introduce bias in the process of peer-review.

(d) Procedural adjustments in certain cases.—(1) In the case of applications for financial assistance whose direct costs will not exceed $100,000, the Director may make the appropriate adjustments to all the procedures otherwise established by the Director for the conduct of peer review under this section. Such adjustments may be made by the Director in such form and manner as the Director may determine to be appropriate.

(2) Appropriate, indexing, abstracting, translating, and undertaking consultation as necessary to make available, and otherwise disseminate, the results of research, demonstration projects, and evaluations conducted or supported under this title.

(3) Ensure that information disseminated by the agency is science-based and objective, and that the information is analyzable and indexed; and

(4) Provide, in collaboration with the National Library of Medicine, where appropriate, appropriate indexing, abstracting, publishing, and other services leading to a more effective and timely dissemination of information on research, demonstration projects, and evaluations.

(1) Without regard to section 501 of title 44, United States Code, promptly publish, make available, and otherwise disseminate, in a form understandable and on as broad a basis as practicable so as to maximize its use, the results of research, demonstration projects, and evaluations conducted or supported under this title.

(2) Ensure that information disseminated by the Agency is science-based and objective and undertakes consultation as necessary to assess the appropriateness and usefulness of the presentation of information that is targeted to specific audiences;

(3) Promote or make available to the public data development, demonstration projects, and evaluations conducted or supported under this title;

(4) Provide, in collaboration with the National Library of Medicine, where appropriate, appropriate indexing, abstracting, publishing, and other services leading to a more effective and timely dissemination of information on research, demonstration projects, and evaluations.

SEC. 923. CERTAIN PROVISIONS WITH RESPECT TO DEVELOPMENT, COLLECTION, AND DISSEMINATION OF DATA.

(a) Standards with respect to utility of data.—

(1) In general.—To ensure the utility, accuracy, and sufficiency of data collected by the Director, the Secretary of the Department of Health and Human Services, or the Agency as described in section 901(b), the Director shall establish standard methods for developing and collecting such data, taking into consideration—

(2) The differences between types of health care plans, delivery systems, health care providers, and provider arrangements.

(3) Authority regarding certain requests.—Upon request of a public or private entity, the Director may support research or analyses otherwise authorized by this title pursuant to arrangements under which such entity will pay the cost of the services provided. Among such actions by the Director, such arrangements shall be available to the Director for obligation until expended.

SEC. 924. DISSEMINATION OF INFORMATION.

(a) In general.—The Director shall—

(1) determine that information disseminated by the Agency is science-based and objective and undertakes consultation as necessary to assess the appropriateness and usefulness of the presentation of information that is targeted to specific audiences;

(2) promptly make available to the public data development, demonstration projects, and evaluations conducted or supported under this title;

(3) provide, in collaboration with the National Library of Medicine, where appropriate, appropriate indexing, abstracting, publishing, and other services leading to a more effective and timely dissemination of information on research, demonstration projects, and evaluations;

(4) provide, in collaboration with the National Library of Medicine, where appropriate, appropriate indexing, abstracting, publishing, and other services leading to a more effective and timely dissemination of information on research, demonstration projects, and evaluations;

(5) make available to the general public, health care providers, and provider arrangements the results of research, demonstration projects, and evaluations conducted or supported under this title.

(b) Authority for procedural adjustments in certain cases.—(1) In the case of applications for financial assistance whose direct costs will not exceed $100,000, the Director may make the appropriate adjustments to all the procedures otherwise established by the Director for the conduct of peer review under this section. Such adjustments may be made by the Director in such form and manner as the Director may determine to be appropriate.

(c) Limitation on use of certain information.—No information, if an establishment or person supplying the information or described in it is identifiable, obtained in the course of activities undertaken or supported under this title may be used for any purpose other than the purpose for which it was supplied unless such establishment or person has consented (as determined under regulations of the Director) to its use for such other purpose. Such information may not be published or released in other form if the person who supplied the information or who is described in it is identifiable unless such person has consented (as determined under regulations of the Director) to its publication or release in other form.

(d) Penalty.—Any person who violates subsection (c) shall be subject to a civil monetary penalty of not more than $100,000 for each such violation involved. Such penalty shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1128A of the Social Security Act and are imposed and collected.

SEC. 925. ADDITIONAL PROVISIONS WITH RESPECT TO GRANTS AND CONTRACTS.

(a) Financial assistance.—With respect to projects for which awards of grants, cooperative agreements, or contracts are authorized to be made under this title, the Director shall by regulation define—

(1) the specific circumstances that constitute financial interests in such projects that will, or may be reasonably expected to, result in a conflict of interest in the projects that are consistent with such interests; and

(2) the actions that will be taken by the Director in response to any such interests identified by the Director.

(b) Requirement of application.—The Director may not, with respect to any program under this title authorizing the provision of grants, cooperative agreements, or contracts, provide any such financial assistance unless an application for the assistance is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out the program involved.

(c) Provision of supplies and services in lieu of funds.—(1) In general.—Upon the request of an entity receiving a grant, cooperative agreement, or contract under this title, the Secretary may, subject to paragraph (2), provide supplies, equipment, and personnel, or the support of aiding the entity in carrying out the project involved and, for such purpose, may detail to the entity any officer or employee of the Department of Health and Human Services.
personnel and the fair market value of any supplies, equipment, and services provided by the Director. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

(4) **APPLICABILITY OF CERTAIN PROVISIONS WITH RESPECT TO CONTRACTS.**—Contracts may be entered into under this part without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529 and 41 U.S.C. 5).

**SEC. 926. CERTAIN ADMINISTRATIVE AUTHORITIES.**

(a) **DIRECTOR AND OTHER OFFICERS AND EMPLOYEES.**—The Director may appoint a deputy director for the Agency.

(2) **OFFICERS AND EMPLOYEES.**—The Director may appoint and fix the compensation of such officers and employees as may be necessary to carry out this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(3) **QUALIFICATIONS.** Such experts or consultants whose services are obtained under paragraph (1) unless and until the expert agrees in writing to complete the entire period of assignment whenever it is shorter, unless separated or reassigned for reasons that are beyond the control of the expert or consultant and that are acceptable to the Secretary. If the expert or consultant violates the agreement, the money spent by the United States for the expenses specified in subparagraph (A) is recoverable from the expert or consultant as a statutory obligation owed to the United States. The Secretary may waive in whole or in part a right of recovery under this subparagraph.

(4) **CONSULTANTS.**—The Secretary, in carrying out this title, may accept voluntary and uncompensated services.

**SEC. 927. FUNDING.**

(a) **INTENT.**—To ensure that the United States investment in biomedical research is rapidly translated into improvements in the quality of patient care, there must be a corresponding investment in research on the most effective clinical and organizational strategies for use of these findings in daily practice. The authorization levels in subsections (b) and (c) provide for a proportionate increase in health care research as the United States investment in biomedical research increases.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this title, there are authorized to be appropriated $250,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2005.

(c) **EVALUATIONS.**—In addition to amounts available pursuant to subsection (b) for carrying out this title, there shall be made available for such purpose, from the amounts available pursuant to section 241 (reimbursement of indirect expenses), an amount equal to 40 percent of the maximum amount authorized in such section 241 to be made available for a fiscal year.

**SEC. 928. DEFINITIONS.**

In this title:

(1) ADVISORY COUNCIL.—The term ‘Advisory Council’ means the National Advisory Council on Healthcare Research and Quality established under section 921.

(2) AGENCY.—The term ‘Agency’ means the Agency for Healthcare Research and Quality.

(3) DIRECTOR.—The term ‘Director’ means the Director of the Agency for Healthcare Research and Quality.

(a) **IN GENERAL.**—Experts and consultants whose services are obtained under paragraph (1) shall be paid or reimbursed for their expenses associated with traveling to and from their assignment location in accordance with sections 5729, 5729(a), 5729(c), and 5729(e) of title 5, United States Code.

(b) **LIMITATION.**—Expenses specified in subparagraph (A) may not be allowed in connection with the assignment of an expert or consultant whose services are obtained under paragraph (1) unless and until the expert agrees in writing to complete the entire period of assignment whenever it is shorter, unless separated or reassigned for reasons that are beyond the control of the expert or consultant and that are acceptable to the Secretary. If the expert or consultant violates the agreement, the money spent by the United States for the expenses specified in subparagraph (A) is recoverable from the expert or consultant as a statutory obligation owed to the United States. The Secretary may waive in whole or in part a right of recovery under this subparagraph.

(2) **PAYMENTS.** The Secretary shall make payments under this section to each children’s hospital for each of fiscal years 2000 and 2001, one for the direct expenses and the other for indirect expenses associated with operating approved graduate medical residency training programs.

**(b) INDIRECT EXPENSE AMOUNT.**—The amount determined under subsection (c) for direct expenses associated with operating approved graduate medical residency training programs shall be $250,000,000 for each of fiscal years 2000 and 2001.
indirect expenses associated with the treatment of more severely ill patients and the additional costs relating to teaching residents in such programs.

(2) CAPPED AMOUNT.—

(A) IN GENERAL.—The total of the payments made to children’s hospitals under paragraph (1)(A) or paragraph (1)(B) in a fiscal year shall not exceed the amounts appropriated under paragraph (1) or (2), respectively, of subsection (f) for such payments for that fiscal year.

(B) PRO RATA REDUCTIONS OF PAYMENTS.—If the Secretary determines that the amount of funds appropriated under subsection (f)(1) for a fiscal year is insufficient to provide the total amount of payments otherwise due for such periods under paragraph (1)(A), the Secretary shall reduce the amounts so payable on a pro rata basis to reflect such shortfall.

(3) AMOUNT OF PAYMENT FOR DIRECT GRADUATE MEDICAL EDUCATION.—

(A) IN GENERAL.—The Secretary shall compute a national average per resident amount computed under subparagraph (1)(A) or paragraph (1)(B) in a fiscal year.

(B) APPLICATION TO INDIVIDUAL HOSPITALS.—The Secretary shall compute for each such hospital that is a children’s hospital weighted by the average number of full-time equivalent residents. The Secretary shall—

(i) by dividing the national average per resident amount computed under subparagraph (D) into a wage-related portion and a non-wage-related portion by applying the proportion determined under subparagraph (B);

(ii) by multiplying the wage-related portion by the factor described in subparagraph (C)(ii) for the hospital’s area; and

(iii) by adding the non-wage-related portion to the amount computed under clause (i).

(4) UPDATING RATE.—The Secretary shall—

(A) for fiscal year 2000, $90,000,000; and

(B) for fiscal year 2001, $95,000,000.

(5) DEFINITIONS.—In this section:

(A) the term ‘‘approved medical residency training program’’ has the meaning given the term ‘‘approved medical residency training program’’ in section 1886(h)(5)(A) of the Social Security Act.

(B) ‘‘children’s hospital’’ means a hospital described in section 1886(h)(5)(A) of the Social Security Act.

SEC. 6. REPORT ON TELEMEDICINE.

Not later than January 10, 2001, the Secretary of Health and Human Services shall submit to the Congress a report that—

(1) identifies any factors that inhibit the expansion and accessibility of telemedicine services, including factors relating to telemedicine networks;

(2) identifies any factors that, in addition to geographical isolation, should be used to determine which patients need or require access to telemedicine care; and

(3) determines the extent to which—

(A) patients receiving telemedicine service have benefited from the services, and are satisfied with the treatment received pursuant to the services; and

(B) the medical outcomes for such patients would have differed if telemedicine services had not been available.

SEC. 7. STUDY REGARDING SHORTAGES OF LICENSED PHARMACISTS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study to determine whether and to what extent there is a shortage of licensed pharmacists.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall complete the study and submit to the Congress a report that describes the findings made through the study and that contains a summary of the comments received by the Secretary pursuant to such subsection.
have been satisfied with the medical aspects of the services; (5) determines the extent to which primary care physicians are enhancing their medical knowledge and experience through the interaction with specialists provided by telemedicine consultations; and (6) identifies legal and medical issues relating to State licensing of health professionals that are presented by telemedicine services, and provides any recommendations of the Secretary for responding to such issues.

SEC. 7. CERTAIN TECHNOLOGIES AND PRACTICES REGARDING SURVIVAL RATES FOR CARDIAC ARREST.

The Secretary of Health and Human Services shall, in consultation with the Administrator of the General Services Administration and other appropriate public and private entities, develop recommendations regarding the placement of automatic external defibrillators in Federal buildings as a means of improving the survival rates of individuals who experience cardiac arrest in such buildings, including recommendations on training, maintenance, and medical oversight, and on coordinating with the system for emergency medical services.

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

WOMEN’S BUSINESS CENTERS SUSTAINABILITY ACT OF 1999

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill, S. 580, and to insert extraneous material thereon.

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

There was no objection.

Mr. Speaker, under my reservation, I yield to the gentlewoman from New York (Mrs. KELLY) to explain her unanimous consent request.

Mr. SPEAKER. The Clerk read the Senate bill, as follows:

S. 791

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Women’s Business Centers Sustainability Act of 1999”.

SEC. 2. PRIVATE NONPROFIT ORGANIZATIONS.

Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (a)—

(A) by redesigning paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

(2) the term ‘private nonprofit organization’ means an entity that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;”;

and

(2) in subsection (b), by inserting “nonprofit” after “private”.

SEC. 3. INCREASED MANAGEMENT OVERSIGHT AND REVIEW OF WOMEN’S BUSINESS CENTERS.

Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) PROGRAM EXAMINATION.—

(1) IN GENERAL.—The Administration shall—

(A) develop and implement an annual programmatic and financial examination of each women’s business center established pursuant to this section, pursuant to which each such center shall provide to the Administration—

(i) an itemized cost breakdown of actual expenditures for costs incurred during the preceding year; and

(ii) documentation regarding the amount of matching assistance from non-Federal sources obtained and expended by the center during the preceding year in order to meet the requirements of subsection (c) and, with

Shrouded by these striking statistics, is the fact that women encounter numerous obstacles trying to start, maintain or expand a business—obstacles which must be eliminated if we are ever to realize the full potential of this dynamic sector of our economy.

In my particular District, there exists several entities that help women’s small businesses expand, in some instances, get started. I am very proud of these organizations for their dedication and hard work. In a very orderly and organized way, without a lot of overhead, women’s business centers, by various names, are helping women who have an idea about a small business, providing them with technical assistance, in some instances to provide micro loans, and in all instances to provide the knowledge and wherewithal and planning that is necessary so that they start off on the right foot. Therefore, Mr. Speaker, I urge all members to vote for this mindful, well thought out bill to support our Nation’s women’s businesses.

Mr. UDALL of New Mexico. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentlewoman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 791

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Women’s Business Centers Sustainability Act of 1999”.

SEC. 2. PRIVATE NONPROFIT ORGANIZATIONS.

Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (a)—

(A) by redesigning paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

(2) the term ‘private nonprofit organization’ means an entity that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;”;

and

(2) in subsection (b), by inserting “nonprofit” after “private”.

SEC. 3. INCREASED MANAGEMENT OVERSIGHT AND REVIEW OF WOMEN’S BUSINESS CENTERS.

Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) PROGRAM EXAMINATION.—

(1) IN GENERAL.—The Administration shall—

(A) develop and implement an annual programmatic and financial examination of each women’s business center established pursuant to this section, pursuant to which each such center shall provide to the Administration—

(i) an itemized cost breakdown of actual expenditures for costs incurred during the preceding year; and

(ii) documentation regarding the amount of matching assistance from non-Federal sources obtained and expended by the center during the preceding year in order to meet the requirements of subsection (c) and, with
respect to any in-kind contributions described in section (c) that were used to satisfy the requirements of subsection (c), verification of the existence and valuation of those contributions; and

"(B) may hold such consideration of the results of such examination and, based on that analysis, make a determination regarding the programmatic and financial viability of each women's business center.

"2) CONDITIONS FOR CONTINUING FUNDING.—In determining whether to award a contract (as a sustainability grant) under subsection (j) or to renew a contract (either as a grant or cooperative agreement) under this section with a women's business center, the Administration shall—

"(A) shall consider the most recent examination of the center under paragraph (1); and

"(B) may withhold such award or renewal, if the Administration determines that—

"(i) the center has failed to provide any information required to be provided under paragraph (1); or

"(ii) the center has failed to provide any in-kind contributions to be provided to the center for purposes of the report of the Administration under subsection (j), or the information provided by the center is inadequate.

"3) CONDITIONS FOR PARTICIPATION.—In order to retain a sustainability grant, the organization described in paragraph (1) shall submit to the Administration an application, which shall include—

"(A) a certification that the applicant—

"(i) is a private nonprofit organization;

"(ii) employs a full-time executive director or program manager to manage the center; and

"(iii) as a condition of receiving a sustainability grant, agrees—

"(I) to a site visit as part of the final selection process for the final examination of the programmatic and financial examination; and

"(II) to the maximum extent practicable, to remedy any problems identified pursuant to that site visit or examination;

"(B) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by the women's business center site for which a sustainability grant is sought, including the ability to fundraise;

"(C) information relating to assistance provided by the women's business center site for which a sustainability grant is sought in the area in which the site is located, including—

"(i) the number of individuals assisted;

"(ii) the number of hours of counseling, training, and workshops provided; and

"(iii) the number of startup business concerns formed.

"(D) information demonstrating the effective experience of the applicant in—

"(i) conducting financial, management, and marketing assistance programs, as described in paragraphs (1), (2), and (3) of subsection (b), designed to impart or upgrade the business skills of women business owners or potential owners;

"(ii) providing training and services to a representative number of women who are both socially and economically disadvantaged;

"(iii) using resource partners of the Administration and other entities, such as universities;

"(iv) complying with the cooperative agreement of the applicant; and

"(v) the prudent management of finances and staffing, including the manner in which the performance of the work to be done in the application (D), and the business plan of the applicant and the manner in which the grant funds awarded under subsection (b) were used by the applicant; and

"(E) a 5-year plan that projects the ability of the women's business center site for which a sustainability grant is sought—

"(i) to serve women business owners or potential owners in the future by improving fundraising and training activities; and

"(ii) to provide training and services to a representative number of women who are both socially and economically disadvantaged;

"(3) REVIEW OF APPLICATIONS.—

"(A) IN GENERAL.—The Administration shall—

"(i) review each application submitted under paragraph (2) based on the information described in paragraphs (D) and (E) of that paragraph, and the criteria set forth in subsection (f);

"(ii) as part of the final selection process, conduct a site visit at each women's business center for which a sustainability grant is sought; and

"(iii) approve or disapprove applications for sustainability grants simultaneously with applications for grants under subsection (b).

"(B) DATA COLLECTION.—Consistent with the annual report to Congress under subsection (j), each women's business center site that is awarded a sustainability grant shall, to the maximum extent practicable, collect information relating to—

"(i) the number of individuals assisted;

"(ii) any available gross receipts of assisted concerns; and

"(iii) the number of jobs created, maintained, or lost at assisted concerns.

"C) RECORD RETENTION.—The Administration shall maintain a copy of each application submitted under this subsection for not less than 10 years.

"(4) NON-FEDERAL CONTRIBUTION.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, as a condition of receiving a sustainability grant, an organization described in paragraph (1) shall agree to obtain, after its application has been approved under paragraph (1), a notice of award is issued, cash and in-kind contributions from non-Federal sources for each year of additional program participation in an amount equal to 1 non-Federal dollar for each Federal dollar.

"(B) FORM OF NON-FEDERAL CONTRIBUTIONS.—Not more than 50 percent of the non-Federal assistance obtained for purposes of subparagraph (A) may be in the form of in-kind contributions that are budget line items only, including office equipment and office space.

"(5) TIMING OF REQUESTS FOR PROPOSALS.—In carrying out this subsection, the Administration shall issue requests for proposals for women's business centers applying for the pilot program under this subsection simultaneously with requests for proposals for grants under subsection (b)."

"SEC. 4. WOMEN'S BUSINESS CENTERS SUSTAINABILITY PILOT PROGRAM."

"(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

"(1) SUSTAINABILITY PILOT PROGRAM.—

"(1) by striking paragraph (1) and inserting

"(i) the number of individuals assisted;

"(ii) the number of startup business concerns formed;

"(iii) gross receipts of assisted concerns;

"(D) the employment increases or decreases of assisted concerns;

"(E) to the maximum extent practicable, increases or decreases in profits of assisted concerns; and

"(F) the most recent analysis, as required under subsection (b)(1)(B), and the subsequent determination made by the Administration under that subsection.

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated, to remain available until the expiration of the pilot program under subsection (b),

"(2) IN GENERAL.—Except as provided in subparagraph (B), amounts made;

"(B) by adding at the end the following:

"(3) REVIEW OF APPLICATIONS.—In order to retain a sustainability grant, the organization described in paragraph (1) shall submit to the Administration an application, which shall include—

"(A) a certification that the applicant—

"(i) is a private nonprofit organization;

"(ii) employs a full-time executive director or program manager to manage the center; and

"(iii) as a condition of receiving a sustainability grant, agrees—

"(i) to a site visit as part of the final selection process for the final examination of the programmatic and financial examination; and

"(II) to the maximum extent practicable, to remedy any problems identified pursuant to that site visit or examination;

"(B) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by the women's business center site for which a sustainability grant is sought, including the ability to fundraise;

"(C) information relating to assistance provided by the women's business center site for which a sustainability grant is sought in the area in which the site is located, including—

"(i) the number of individuals assisted;

"(ii) the number of hours of counseling, training, and workshops provided; and

"(iii) the number of startup business concerns formed.

"(D) information demonstrating the effective experience of the applicant in—

"(i) conducting financial, management, and marketing assistance programs, as described in paragraphs (1), (2), and (3) of subsection (b), designed to impart or upgrade the business skills of women business owners or potential owners;

"(ii) providing training and services to a representative number of women who are both socially and economically disadvantaged;

"(iii) using resource partners of the Administration and other entities, such as universities;

"(iv) complying with the cooperative agreement of the applicant; and

"(v) the prudent management of finances and staffing, including the manner in which the performance of the work to be done in the application (D), and the business plan of the applicant and the manner in which the grant funds awarded under subsection (b) were used by the applicant; and

"(E) a 5-year plan that projects the ability of the women's business center site for which a sustainability grant is sought—

"(i) to serve women business owners or potential owners in the future by improving fundraising and training activities; and

"(ii) to provide training and services to a representative number of women who are both socially and economically disadvantaged;

"(1) in the final year of a 5-year project;

"(2) as part of the final selection process, conduct a site visit at each women's business center for which a sustainability grant is sought; and

"(3) REVIEW OF APPLICATIONS.—In order to retain a sustainability grant, the organization described in paragraph (1) shall submit to the Administration an application, which shall include—

"(A) a certification that the applicant—

"(i) is a private nonprofit organization;

"(ii) employs a full-time executive director or program manager to manage the center; and

"(iii) as a condition of receiving a sustainability grant, agrees—

"(I) to a site visit as part of the final selection process for the final examination of the programmatic and financial examination; and

"(II) to the maximum extent practicable, to remedy any problems identified pursuant to that site visit or examination;

"(B) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by the women's business center site for which a sustainability grant is sought, including the ability to fundraise;

"(C) information relating to assistance provided by the women's business center site for which a sustainability grant is sought in the area in which the site is located, including—

"(i) the number of individuals assisted;

"(ii) the number of hours of counseling, training, and workshops provided; and

"(iii) the number of startup business concerns formed.

"(D) information demonstrating the effective experience of the applicant in—

"(i) conducting financial, management, and marketing assistance programs, as described in paragraphs (1), (2), and (3) of subsection (b), designed to impart or upgrade the business skills of women business owners or potential owners;

"(ii) providing training and services to a representative number of women who are both socially and economically disadvantaged;

"(iii) using resource partners of the Administration and other entities, such as universities;

"(iv) complying with the cooperative agreement of the applicant; and

"(v) the prudent management of finances and staffing, including the manner in which the performance of the work to be done in the application (D), and the business plan of the applicant and the manner in which the grant funds awarded under subsection (b) were used by the applicant; and

"(E) a 5-year plan that projects the ability of the women's business center site for which a sustainability grant is sought—

"(i) to serve women business owners or potential owners in the future by improving fundraising and training activities; and

"(ii) to provide training and services to a representative number of women who are both socially and economically disadvantaged;
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"(iii) For fiscal year 2002, 30.2 percent.

"(iv) For fiscal year 2003, 30.2 percent.

"(B) USE OF UNAWARDED FUNDS FOR SUSTAINABILITY PILOT PROGRAM GRANTS.—If the amount reserved under subparagraph (A) for any fiscal year is not awarded to private nonprofit organizations described in subsection (1)(B), the Administration is authorized to use the unawarded amount to fund additional women's business center sites or to increase funding of existing women's business center sites under subsection (b).

(c) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator shall issue guidelines to implement the amendments made by this section.

SEC. 5. SENSE OF THE SENATE REGARDING GOVERNMENT PROCUREMENT ACCESS FOR WOMEN-OWNED SMALL BUSINESSES.

(a) FINDINGS.—The Senate finds that—

(1) small businesses are a powerful force in the economy; and

(2) between 1987 and 1996—

(A) the number of women-owned small businesses in the United States increased by 78 percent, almost twice the rate of increase of all businesses in the United States;

(B) the number of women-owned small businesses in every State increased by 78 percent; and

(C) sales by women-owned small businesses in the United States increased by 296 percent;

(d) employment provided by women-owned small businesses in the United States increased by 183 percent; and

(e) the rates of growth for women-owned small businesses in the United States for the fastest growing industries were—

(i) 171 percent in construction;

(ii) 157 percent in wholesale trade;

(iii) 149 percent in transportation and communications;

(iv) 130 percent in agriculture; and

(v) 112 percent in manufacturing;

(f) approximately 8,000,000 women-owned small businesses in the United States provide jobs for 15,500,000 individuals and generate almost $3,400,000,000,000 in sales each year;

(3) the participation of women-owned small businesses in the United States in the procurement market of the Federal Government is limited;

(4) the Federal Government is the largest purchaser of goods and services in the United States, spending more than $320,000,000,000 each year;

(6) the majority of Federal Government purchases are for items that cost $25,000 or less; and

(7) the rate of Federal procurement for women-owned small businesses is 2.2 percent.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) conduct an audit of the Federal procurement system regarding Federal contracting involving women-owned small businesses for the 3 preceding fiscal years;

(2) solicit from Federal employees involved in the Federal procurement system any suggestions regarding how to increase the number of Federal contracts awarded to women-owned small businesses; and

(3) submit to Congress a report on the results of that audit, which report shall include—

(A) an analysis of any identified trends in Federal contracting with respect to women-owned small businesses;

(B) any recommended means to increase the number of Federal contracts awarded to women-owned small businesses that the Comptroller General considers to be appropriate, after taking into consideration any suggestions received pursuant to a solicitation described in paragraph (2), including any such means that incorporate the concepts of teaming or partnering; and

(C) a discussion of any barriers to the receipt of Federal contracts by women-owned small businesses and other small businesses that are created by legal or regulatory procurement requirements or practices.

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 1999.

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

CORRECTING ENROLLMENT OF H.R. 1180, TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 236) to correct the enrollment of the bill H.R. 1180, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. OBERTAR. Mr. Speaker, reserving the right to object, and I shall not object, but I will ask the gentleman from Louisiana for an explanation of the bill.

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

Mr. OBERTAR. I yield to the gentleman from Louisiana.

Mr. COOKSEY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, S. 1959 designates the United States courthouse in Phoenix, Arizona, as the Sandra Day O'Connor United States Courthouse, in this legislation was introduced by Senator Kyl and passed the Senate on October 8.

Sandra Day O'Connor grew up on a ranch founded by her grandfather in southeastern Arizona. The ranch house was a simple four bedroom adobe that did not have running water or electricity until she was 7. Justice O'Connor stayed with her grandmother and attended school in El Paso, Texas, until she graduated at the age of 18. She then entered Stanford University and in 1956 earned a degree in economics, graduating magna cum laude. Upon graduation, she entered Stanford Law School and graduated third in her class in 1959.

Justice O'Connor accepted a position as deputy county attorney in San Mateo, California. On her experience in San Mateo, Justice O'Connor was quoted as saying the job "influenced the balance of my life because it demonstrated how much I did enjoy public service." She then spent 3 years in Frankfurt, Germany, as a civilian lawyer for the Quartermaster Corps while her husband was serving in the United States Army Judge Advocate General Corps.

In 1957, Sandra Day O'Connor and her husband returned to the United States and settled in Maricopa County, Arizona. While maintaining a partnership in her law firm and raising her three children, O'Connor wrote questions for the Arizona bar exam, helped start the State's lawyer referral service, sat on the zoning commission, served on the County Board of Adjustments and Appeals, served on the Governor's Committee on Marriage and Family, worked as an administrative assistant on the Arizona State Hospital, was an adviser to the Salvation Army, and volunteered in schools for African American and Hispanic children.
In 1965, Justice O’Connor became an assistant State attorney general and continued her volunteer work. In 1969, she was appointed to fill a vacated seat in the State senate. She won reelection in two successive terms and served as majority leader in 1972. In 1974, O’Connor was elected to a State judgeship on the Maricopa County Superior Court before being appointed to the Arizona Court of Appeals.

In 1981, while serving in the Court of Appeals, Ronald Reagan fulfilled his campaign pledge of nominating a female justice to sit on the Supreme Court and nominated Sandra Day O’Connor. Justice O’Connor was confirmed 99 to 0 by the Senate as the Supreme Court’s first female justice.

Justice O’Connor has had a major impact on the court and has distinguished herself as a jurist, a public servant, and a mother. This naming is a fitting honor to a person who has dedicated her life in so many ways to public service. I support the bill and urge my colleagues to support it as well.

Mr. SHADEGG. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding, and I simply want to add a few remarks for the record.

I want to thank the chairman of the committee, the ranking member of the committee, and all those involved in this effort. S. 1595 is a fitting tribute to Justice Sandra Day O’Connor, a native of Arizona and a woman who has distinguished herself.

As my colleagues know, we have constructed a new United States courthouse in Phoenix, Arizona, and many of us here have been most anxious to designate this courthouse and to name it after Justice Sandra Day O’Connor. As my colleague, the gentleman from Louisiana (Mr. COOKSEY), has just recited, her career has been a distinguished one.

For a moment I would like to brag about the fact that Arizona has many women leaders. Five of the top elected officials in Arizona today are women, including our governor, our secretary of State, our attorney general, our superintendent of public instruction, and our State treasurer. But before they were elected as distinguished women leaders of Arizona, Justice O’Connor was a distinguished member of the Arizona bar, and my colleague, the gentleman from Louisiana (Mr. COOKSEY), has read off a litany of her accomplishments.

I simply want to say that as a young woman growing up in Phoenix and taking the Arizona bar and some of the questions that Justice O’Connor wrote, she went on to distinguish herself and to set an example which I believe all people should follow, and to distinguish herself in the legal field. I am thrilled that Ronald Reagan appointed her to the United States Supreme Court as the first woman Justice on that court, and thrilled that she continues to distinguish Arizona well and to demonstrate the leadership of the women of Arizona and the women of this Nation, and I simply wanted to express my sincere appreciation and thanks to both the chairman and the ranking member of the committee for allowing this legislation to proceed through this evening.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, I join with delight in supporting this legislation to honor the first woman to serve on the Supreme Court. Justice O’Connor, who has indeed distinguished herself, I have had the delight and privilege of meeting and visiting with her on several occasions.

Mr. Speaker, I rise in strong support of this bill, which designates the courthouse at 401 West Washington Street in Phoenix, Arizona, as the Sandra Day O’Connor United States Courthouse.

Justice O’Connor is the first woman to serve on the Supreme Court. She was nominated by President Reagan and was confirmed by a unanimous vote of the U.S. Senate in September of 1981. Ever since, she has served as a distinguished jurist on our Nation’s highest court.

In addition to her outstanding legal career and dedication to judicial excellence, Justice O’Connor also devotes many hours as a volunteer for various charitable organizations, and she has a long history of participation in numerous civic and legal organizations.

Justice O’Connor has spent her career serving the public trust. She began her public career in legislative positions, including serving in the Arizona State Senate from 1969 until 1975, during which time she served as majority leader and a member of the Arizona Advisory Council on Intergovernmental Relations. Earlier in her career, from 1952 to 1953, Justice O’Connor served the public in California as the Deputy County Attorney in San Mateo County, and as Assistant Attorney General in Arizona from 1965 until 1969.

Her civic activities are numerous and reflect her broad interests and public services. She is a member of the National Board of the Smithsonian; she is President of the Board of Trustees of the Heard Museum; and she serves on the Advisory Board of the Salvation Army.

Justice O’Connor has been a member of the National Conference of Christians and Jews, and a member of the Board of Trustees of her alma matter, Stanford. She has worked with the Arizona Academy, Arizona Junior Achievement, and Phoenix Historical Society.

Justice O’Connor has been active in the training and education committees for the judicial conference, and holds memberships in the America Bar Association and several state associations.

Amid all these accomplishments, Justice O’Connor has also been a devoted wife and mother. She and her husband, John, have been married almost 50 years and have three sons.

Her life has been filled with challege, hard work, and promise. It is with great pleasure that I support S. 1595 in honor of Justice O’Connor, and urge my colleagues to join me.

Mr. Speaker, I would like to further add to the comments of the gentleman from Arizona who listed a number of women who serve in public office. The State of Arizona is very privileged to have my cousin, Rose Oberstar, serve as its governor.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

SEC. 1. DESIGNATION OF SANDRA DAY O’CONNOR UNITED STATES COURT-HOUSE.

The United States courthouse at 401 West Washington Street in Phoenix, Arizona, shall be known and designated as the “Sandra Day O’Connor United States Courthouse”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the “Sandra Day O’Connor United States Courthouse”.

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

ROBERT C. WEAVER FEDERAL BUILDING

Mr. COOKSEY. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table the Senate bill (S. 67) to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the “Robert C. Weaver Federal Building”, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, and I shall not object, but take this reservation for the purpose of an explanation of the bill.

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

Mr. OBERSTAR. I yield to the gentleman from Louisiana.

Mr. COOKSEY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, S. 67 designates the headquarters building of the Department of Housing and Urban Development in Washington, D.C. as the Robert C. Weaver Federal Building.

Robert C. Weaver was born on December 23, 1907 in Washington, D.C. He
attended Harvard University and earned three degrees, including a doctorate in economics. In the 1930s and 1940s, Dr. Weaver was involved in many government agencies, where he advocated racial equality.

In the early 1960s, President KENNEDY appointed Dr. Weaver administrator of the Housing and Home Financing Agency, the predecessor to the Department of Housing and Urban Development. President JOHNSON designated HUD a Cabinet-level agency. Following service in the Federal Government, Mr. Weaver became a professor of numerous colleges.

Dr. Weaver passed away in July of 1997. This is a fitting designation. I support the bill and urge my colleagues to support it.

Mr. OBERSTAR. Mr. Speaker, further resolving the right to object, I too rise in support of S. 67 to designate the HUD headquarters as the Robert C. Weaver Federal Building.

I have had the privilege, as a member of the staff of my predecessor, to meet Bob Weaver and I have only the highest respect for his professional accomplishments and for Dr. Weaver as a very decent, warm, caring, energetic, hard working, and visionary human being.

Dr. Robert Clifton Weaver has been one of the most instrumental and influential Americans in directing and administering federal housing policies. Dr. Weaver was a native Washingtonian, a graduate of Dunbar High School, and Harvard University in 1929. In 1931 he received his Masters degree and in 1934 his Ph.D. in economics from Harvard.

He entered government in 1933, as one of the young professionals who were drawn to Washington because of the “New Deal” programs of President Roosevelt.

He quickly became a leader in promoting opportunities and efforts to increase minority participation in government projects and policy development. During the 1940’s and 1950’s, Dr. Weaver held a variety of prestigious positions, including Director of the Opportunity Fellowship Program of the John Hay Whitney Foundation, consultant to the Ford Foundation, State of New York Rent Administrator, and in 1960 he became the Vice Chairman of the New York City Housing and Redevelopment Board.

In 1961, President Kennedy named Dr. Weaver as the Administrator of the Housing and Home Finance Agency, then a loose collection of agencies including the mortgage-insuring Federal Housing Administration.

Dr. Weaver worked tirelessly to mold the agency into a single organization with a unified goal. In 1966, when the Department of Housing and Urban Development (HUD) was formed by President Johnson, Dr. Weaver was designated its first Secretary, the first African-American to hold a cabinet-level position.

After his service at HUD, Dr. Weaver returned to academia and served as the President of Baruch College in New York City.

Dr. Weaver was the recipient of numerous awards and honors, including the NAACP’s Springarn Medal, the Albert Einstein Com-
This bill is a pro-safety bill that will improve highway safety for all Americans.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, I am very pleased with this bill. The Motor Carrier Safety Improvement Act of 1999 is a good bill. It preserves all the strong provisions of the bill that passed the House and adds provisions from the Senate bill that will further enhance safety. A strong House bill has been made even stronger.

I just want to express my great appreciation to my chairman, my partner, and the chairman of the subcommittee, the gentleman from Wisconsin (Mr. PETRI), and the ranking member, the gentleman from West Virginia (Mr. RAHALL), but especially to our chairman for championing this legislation. This is good legislation. It will only add to the gentleman's distinguished record of achievement in this House, especially one in the safety arena where he has been so strong an advocate.

Mr. SHUSTER. Mr. Speaker, if the gentleman would further yield, I am also submitting an explanatory statement of the bill to be printed in the RECORD. This document has been worked out by the Members on the House and Senate sides, by myself, the gentleman from Wisconsin (Mr. PETRI), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from West Virginia (Mr. RAHALL), as well as Senators MCCAIN and HOLLINGS.

I would particularly like to emphasize that the gentleman from Virginia (Mr. WOLF) certainly played a key role in serving as a catalyst to bring this legislation to our attention, and I certainly want to commend him for that.

I am here to report to the House, as we close this session of the Congress, that of the 104 bills signed into law by the President thus far, 19 came from our committee. So approximately 20 percent of the bills which made their way through to law have come from the Committee on Transportation and Infrastructure. Additionally, another 50 bills, in fact this one will be 51 bills, will make their way through the House, and we look forward to many of them becoming law in the next session.

Mr. OBERSTAR. Reclaiming my time, under my reservation, Mr. Speaker, I thank the gentleman and concur in that observation.

Mr. SHUSTER. Mr. Speaker, if the gentleman will yield once again, I would be derelict in not noting the tremendous contribution of our staff, Jack Schenendorf, Mike Strachn, Roger Nober, Chris Bertram, Patti Doersch, Jess Sharp; and on the gentleman's side, Clyde Woodle, Rosalynn Millman, who is now acting administrator of NHTSA.

Everyone worked so hard to bring this bill to where it is today, and I want to commend the gentleman and thank him once again for the tremendous bipartisan support which we have had on this bill.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time under my reservation of objection, I thank the gentleman and am certainly glad he cited the staff, because they certainly have worked hard and cooperatively all the way through this legislation.

The gentleman's statement underscores the success of the Committee on Transportation and Infrastructure. In a Congress that has been getting a bad rap for gridlock, this committee has worked together and achieved an extraordinary record of accomplishment. Just before the August break, it was 26 percent of all the bills that have passed the House enacted into law were bills from this committee.

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Our percentage has dropped only because other committees have awakened and have risen to the occasion and the examples set by the Committee on Transportation and Infrastructure. But again, it is due to the partnership and the cooperation we have achieved, I think, at the level of the chairman and ranking member, the two of us.

Mr. Speaker, I rise in strong support of the Motor Carrier Safety Improvement Act of 1999. We originally passed this bill on October 14, but the Other Body has not completed work on its version of the bill. In order to make it possible to send a bill to the President before we adjourn, we have worked with the Senate Commerce Committee on a bipartisan basis to develop a bill that combines the best features of our bill and the companion motor carrier safety bill introduced in the Other Body. Our aim is to pass this compromise legislation in both Houses promptly and, I believe, to send it to the President for his signature.

I am very pleased with the Motor Carrier Safety Improvement Act of 1999. This is a good bill. It preserves all the strong safety provisions in the House bill, and adds provisions from the Senate bill that will further enhance safety. A strong House bill has been made even stronger.

I want to commend our Committee Chairman, Mr. SHUSTER, Chairman PETRI of the Ground Transportation Subcommittee, and Subcommittee Ranking Member RAHALL for their diligent efforts in developing this bill. This important legislation will give federal government the direction, the incentives, and the resources needed to improve the safety of large trucks on our highways. Every year, crashes involving large trucks kill more than 5,300 people and injure about 130,000 people. On average, there are 14 deaths and 350 injuries every day of the year. Unless the federal safety program is significantly improved, there will be more deaths and injuries as the number of miles traveled by large trucks increases. This is not acceptable.

The Inspector General of the Department of Transportation, the General Accounting Office, and Norm Mineta, a former Chairman of our Surface Transportation Subcommittee and Full Committee, have concluded that the federal government's program to improve the safety of motor carriers has not delivered. Their report found that DOT has not been conducting enough commercial vehicle and driver inspections; and that the penalties imposed for violations are too low to deter future violations.

The studies also found that DOT rarely completes needed safety regulations on time. More than 20 motor carrier safety rulemakings have been in process for between three and nine years. These rulemakings involve important safety issues such as hours-of-service limits, motor carrier permits for carrying hazardous materials, and training standards for entry-level drivers.

DOT's databases are incomplete and unreliable; DOT lacks adequate personnel and facilities at our borders; and perceived conflicts of interest have undermined the credibility of DOT's research program.

These troubling reports by the IG and others were issued, the Secretary of Transportation, to his credit, has taken important steps to enhance the effectiveness of the motor carrier safety program. We support the Secretary's efforts. The legislation we have written will enhance these efforts and give DOT the resources needed to carry out the job.

There are four principles, I believe, that any good motor carrier safety bill should include—safety as the primary mission; sound credible research as the foundation for policy; vigorous oversight and enforcement; and adequate resources.

This bill addresses each of these principles.

The bill creates a new Administration, the Federal Motor Carrier Safety Administration, without DOT. The bill gives the new Administration the direction, the incentives, and the resources it will need to improve motor carrier safety. The new Administration will include a regulatory ombudsman, with authority to expedite rulemaking by assigning the necessary staff and resolving disagreements within the agency.

The bill follows the model of the Federal Aviation Act of 1958, which established the Federal Aviation Administration to improve aviation safety. The bill directs the new Federal Motor Carrier Safety Administration to consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in motor carrier transportation.

The bill requires the Secretary to develop a long-term strategy for improving motor carrier safety. Specific measurable goals must be established to carry out the strategy, and estimates of funds and staff resources needed to accomplish the goals must be submitted to Congress annually.

The three top officials of the new Administration (the Administrator, Deputy Administrator, Chief Safety Officer) and the Administration's regulatory ombudsman are each required to sign a performance agreement with specific measurable goals to carry out this strategy, including increasing the number of inspections and compliance reviews, eliminating the backlog in rulemaking and enforcement cases, improving the quality and effectiveness of databases, and increasing inspection resources at the border. An official's
progress toward meeting the goals is to be given substantial weight when bonuses and other awards are dispensed with-in the Department.

The bill will give the Administration the resources it will need to do a better job. The bill provides a significant increase in guaranteed and authorized funding for motor carrier safety programs. Funding for personnel and professional services of the new Administration will be 70 percent higher (an average of $38 million per year) than current staffing for the Office of Motor Carrier Safety. The additional funding will enable the Motor Carrier Administration to hire more federal inspectors, and more attorneys to complete rulemakings. The bill also provides an additional $55 million per year of guaranteed funding for motor carrier safety grants. In addition, the bill authorizes $75 million per year, subject to appropriation, for motor carrier safety grants above the guaranteed level.

The bill makes numerous programmatic changes to improve safety by keeping dangerous drivers off the roads and enhancing oversight. The bill improves the consistency of Commercial Driver's Licenses by closing loopholes in establishing uniform penalties for crimes that cause fatalities, and authorizing DOT to decertify the CDL programs of States that do not comply with national requirements.

Trucks entering the United States will face more comprehensive oversight when DOT implements new staffing standards for inspectors at our international borders. Violators of safety laws and regulations will face penalties high enough to promote future compliance. Maximum fines will be assessed for repeat offenders as well as a pattern of violations of our safety laws and regulations.

A comprehensive study of crash causation along with an enhanced data collection effort will help DOT and the States target their education, oversight, and enforcement activities to address the most serious contributors to crashes.

I want to again commend Chairmen Shuster and Petri, and Ranking Democratic Member Rahall, for their efforts to develop this strong motor carrier safety bill. I urge my colleagues to support the bill.

Mr. Speaker, I include for the RECORD the following statement from Secretary Slater supporting the committee's action and supporting this bill.

STATEMENT OF U.S. TRANSPORTATION SECRETARY SLATER SUPPORTING THE MOTOR CARRIER SAFETY IMPROVEMENT BILL

I am gratified that the Congress is moving swiftly to pass the “Motor Carrier Safety Improvement Act of 1999” (H.R. 3419). This bill would give the U.S. Department of Transportation and states additional tools to significantly improve commercial motor carrier safety across the country and at our borders. President Clinton has made clear that safety is the highest priority for the Department of Transportation. The Administration strongly supports H.R. 3419.

The leadership of House Transportation and Infrastructure Committee Chairman Bud Shuster and Ranking Member Jim Oberstar, and Senate Committee Chairman John McCain and Ranking Member Ernest Hollings was critical to this agreement.

This legislation is truly a broad-based, bipartisan effort, which will reduce motor carrier crashes and save lives. It incorporates initiatives from Senate and House proposals; the Administration’s proposal; a safety audit by the Inspector General, Kenneth M. Mead; a review conducted for the Department by former House Public Works and Transportation Committee Chairman James Oberstar; and recommendations from labor, safety groups, industry, and state and local governments.

The bill would create a new Federal Motor Carrier Safety Administrator to improve safety as its highest priority. I support that safety emphasis wholeheartedly and applaud other advances in data collection and regulatory and enforcement tools. Among the significant provisions are:

Commercial Driver's License Program. Congress finds that the current rate, number, and severity of crashes involving motor carriers are unacceptable; the number of motor carrier crashes and related injuries and fatalities. Congress further finds that proper use of Federal and State motor carrier compliance reviews and commercial motor vehicle and operator inspections is insufficient, civil penalties for violations must be utilized to deter future violations; and meaningful measures to improve safety must be implemented expeditiously to prevent increases in commercial motor carrier crashes, injuries, and fatalities.

The provision lists the purposes of this Act and provides a significant increase in guaranteed and authorized funding for motor carrier safety programs. The House overwhelmingly passed H.R. 2679 on October 14. The Senate introduced S. 1501, the Motor Carrier Safety Improvement Act, in August but took no further action on the bill.

To expedite enactment of the significant motor carrier safety reforms included in this bill, the leadership of the House Transportation and Infrastructure Committee has worked with the Senate Commerce, Science, and Transportation Committees on developing the bill. This Joint Explanatory Statement therefore represents the views of the Chairmen and Ranking Members of the Transportation and Infrastructure Committee and the Ground Transportation Subcommittee, along with the Ranking Member of the Senate Commerce Committee.

This Joint Explanatory Statement will provide legislative history for interpreting this important safety legislation.


Section 1. Short Title; Table of contents

The provision provides that this Act may be cited as the "Motor Carrier Safety Improvement Act of 1999." This Joint Explanatory Statement also includes a table of contents for the bill.

Sec. 2. Secretary defined

The provision defines the term "Secretary" to mean the Secretary of Transportation.

Sec. 3. Findings

The provision makes eight findings on motor carrier safety. Among other findings, Congress finds that the current rate, number, and severity of crashes involving motor carriers are unacceptable; the number of Federal and State motor carrier compliance reviews and commercial motor vehicle and operator inspections is insufficient, civil penalties for violations must be utilized to deter future violations; and meaningful measures to improve safety must be implemented expeditiously to prevent increases in commercial motor carrier crashes, injuries, and fatalities. Congress further finds that proper use of Federal resources is essential to the Department of Transportation's ability to improve its research, rulemaking, oversight, and enforcement activities.

Sec. 4. Purposes

The provision lists the purposes of this Act as follows: improving the administration of the Federal motor carrier safety program by establishing a Federal Motor Carrier Safety Administration in the Department of Transportation; and to make further action by establishing the number and severity of large truck-involved crashes through increased inspections.
such as developing policies and regulations, including public affairs officers, con-
rulemakings. The cost of unnecessary head-
creased motor carrier safety enforcement
motor carrier safety funding and expects
Office of Motor Carrier
FHWA transferred employees (FTEs) who
Office of Motor Carrier Safety staff and
administration, for fiscal year 2000. The cap includes
Science, and Transportation and the House
and compliance reviews, stronger enforce-
ment and expedited rulemakings, scien-
tifically sound research, and improve-
to the commercial driver’s license program.

TITLE I—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Sec. 101. Establishment of Federal Motor Carrier Safety Administration

Subsection 101(a) adds a new section 113 to title 49, United States Code, to establish, as a separate and independent within the Department of transportation, the Federal Motor Carrier Safety Administration (FMCSA).

The managers note that Section 101 provides that the Administrator appointed by the Secretary shall consider the assignment and maintenance of safety as the highest priority. This subsection is modeled on provisions which govern the activities of the Federal Aviation Administration and the Secretary of Transportation’s responsibilities for the regulation of air transportation. See 49 U.S.C. 41701(a)(1). The Managers intend that new section 101 be interpreted and implemented in the same manner as the above-listed provisions.

The Administration is headed by a Presidentially appointed, Senate-confirmed Administrator with professional experience in motor carrier safety; a Deputy Administrator appointed by the Secretary with the approval of the President, and a Chief Safety Officer appointed in the competitive service.

In addition to any duties and powers prescribed by the Secretary, the Administrator shall carry out the duties and powers related to motor carriers and motor carrier safety that are set forth in chapters 5, 51, 55, 57, 59, 133 through 149, 311, 313, 315, and 317 of title 49, United States Code, and 42 U.S.C. 4017.

Subsection (b) provides dedicated funding for the administrative and research expenses of the FMCSA. This subsection increases funding 70 percent (an average of $38 million per year) above the level currently provided within the Federal Highway Administration, to improve the motor carrier safety research, rulemaking, oversight, and enforcement capacity of the FMCSA.

Subsections (c) and (d) make conforming amendments to titles 5 and 49, United States Code.

Subsection (e) caps the employment level currently at the Office of Motor Carrier Safety at its headquarters location in fiscal year 2000, except for staff transferred to the Office from the Federal Highway Administration, for fiscal year 2000. The cap includes Office of Motor Carrier Safety staff and PHWA transferred employees (FTEs) who were already dedicated to motor carrier safety matters when the Office of Motor Carrier Safety was established in October 1999. It does not preclude further transfers from the FHWA to the FMCSA during fiscal year 2000.

The Congress has provided additional motor carrier safety funding and expects those resources to be dedicated toward increased motor carrier safety enforcement and inspection activities and to expedite rulemakings. The cost of unnecessary headquarter or overhead positions, including public affairs officers, congressional liaison representatives and other non-safety-related positions, is not a proper use of the authorized funds. These headquarters’ officials are not involved in carrying out safety responsibilities such as developing policies and regulations to enforce safety laws.

Subsection (e) requires the Secretary to report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Appropriations and the Interstate and Intrastate structure on the specific FMCSA personnel requested for each of fiscal years 2001, 2002, and 2003.

Subsection (f) requires that the Secretary, in consultation with the Office of Management and Budget, submit a report to Congress, an annual statement identifying and describing the specific personnel and appropriations, including costs, that the Secretary requests for the FMCSA. The Secretary shall submit the report not later than March 1 of each year.

Subsection (g) requires the Secretary to comply with the requirements of a discretionary departmental regulation, at 49 C.F.R. 1209.256-70, concerning the disclosure of conflicts of interest in research contracts, and to include the text of such regulation in each contract. This requirement is designed to ensure that the research results will be more widely accepted and therefore be a more acceptable basis for policy decisions.

The managers note the bill does not establish a specific office of the FMCSA because the Secretary is best positioned to determine the specific organizational structure of the Administration. The Congress intends for the Secretary to organize the new agency in a manner and structure that adequately reflects the unique demands of passenger vehicle, rail, safety, international affairs, and consumer affairs.

Sec. 102. Revenue aligned budget authority

Subsection 102(a) amends section 110 of title 23, United States Code, concerning revenue aligned budget authority, to include the motor carrier safety assistance program (MCSAP) in the programs for which funding is annually adjusted to correspond to Highway Trust Fund receipts.

Subsection 102(b) requires the Secretary to submit a number of technical and conforming amendments, including the relocation of a second section 110, concerning uniform transferability of Federal-aid highway funds, to a section 126 of title 23, United States Code.

Sec. 103. Additional funding for Motor Carrier Safety Grant Program

Subsection 103(a) authorizes an additional $75 million from the Highway Trust Fund for each of fiscal years 2001 through 2003 for the motor carrier safety assistance program.

Subsection (b) amends section 4003 of the Transportation Equity Act for the 21st Century (TEA-21) to increase the amount of guaranteed funding provided in TEA 21 for the motor carrier safety assistance program by the following amounts: $65 million for each of fiscal years 2001 through 2003. This subsection also amends section 1102 of TEA 21 to reduce the obligation ceiling for Federal-aid highways and highway safety construction programs to $90 million for each of fiscal years 2001 through 2003.

Subsection (c) establishes a maintenance of effort requirement for States receivingaid highway safety grants. Each State must maintain its spending for MCSAP-eligible activities at a level equal to the average annual level of expenditures for MCSAP activities from fiscal years 1995 through 1999.

Subsection (d) permits the Secretary to provide emergency grants of up to $1 million to a State that has difficulties in meeting annual requirements associated with the commercial driver’s license program and is in danger of having its program suspended due to noncompliance.

Subsection (e) provides that if a State is not in substantial compliance with each requirement of 49 U.S.C. 31311, concerning commercial driver’s licensing, the Secretary shall withhold any allocation of MCSAP funds authorized under this section. This subsection also provides that it, before June 30 of the fiscal year in which it was found not in substantial compliance, the Secretary shall be the entity in substantial compliance with each requirement of section 31311 of such title, the Secretary shall allocate to the State the funds withheld under this subsection.

Sec. 104. Motor carrier safety strategy

Subsection 104(a) requires the Secretary of Transportation, as part of the Department’s existing federal safety strategy, to develop and implement a long-term strategy, including an annual plan for improving commercial motor vehicle, and carrier safety, and sets forth four goals to be included in the strategy. The goals are: (1) reducing the number and rates of crashes, injuries, and fatalities involving commercial motor vehicles, (2) improving enforcement and compliance programs, (3) identifying and targeting enforcement at a high-risk carriers, vehicles, and drivers, and (4) improving research.

Subsection (b) requires that goals be established that are designed to accomplish the safety strategy and that grants be developed concerning the funding and staffing resources needed to accomplish the goals. By working toward the measurable goals, the Administration will also be progressing toward the strategic goals.

Subsection (c) requires the submission of the strategy and annual plan with the President’s annual budget submission, starting with fiscal year 2001.

Subsection (d) establishes that for each of the next four years, the Secretary shall submit to the Congress an implementation plan for accomplishing goals and that officials shall enter into annual performance agreements between: (1) the Secretary and the Federal Motor Carrier Safety Administrator; (2) the Secretary and the Deputy Federal Motor Carrier Safety Administrator; (3) the Administrator and the Chief Safety Officer of the Federal Motor Carrier Safety Administration; and (4) the Administrator and the regulatory ombudsman designated by the Administrator. Each of these officials shall enter into a performance agreement that contains the appropriate numeric or measurable goals of the Administration’s motor carrier safety strategy.

The provision requires that the Secretary assess the progress of the officials toward achieving their respective goals, and that the Secretary convey the assessments to the officials, identifying possible future performance improvements. An official’s progress toward meeting the goals of a performance agreement is to be given substantial weight by the Secretary when bonuses or other awards are determined for the administration to fund the Department’s established performance appraisal system.

Subsection (e) requires that the Secretary coordinate the development of the FMCSA’s safety strategy with the progress of theAdministration toward achieving the goals set out in subsection (a) no less frequently than semiannually. The Congress should be encouraged to provide additional funds to the employees of the FMCSA, and deficiencies identified. The Secretary is required to report to

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Subsection (f) adds a new paragraph 31311(a)(19) to title 49 to prohibit both conviction masking and deferral programs by requiring every State to keep a complete driving record available to all authorized persons and governmental entities having access to such record. This provision provides that a State may not allow information regarding such violations to be masked or withheld in any way from the record of a CDL holder.

Subsection (g) also adds a new paragraph 31313(a)(30) to title 49 to require each State to comply with the requirements of the regulation issued under 31313(g) of such title.

Sec. 203. State noncompliance

Section 203 clarifies the Secretary's authority to shut down a State's CDL program if a State is not substantially complying with Federal CDL requirements. The section permits a CDL holder or applicant to go to another State for licensing if his or her home state program has been shut down for noncompliance. This provision does not invalidate or otherwise affect commercial motor vehicle safety regulations that are consistent with chapter 313, for violations committed by an individual operating a commercial motor vehicle.

Subsection (d) amends section 3311(a)(10) of title 49, United States Code, to provide a State with the authority to issue a CDL to an individual who holds a commercial driver's license in another State, in lieu of a CDL holder's commercial license, if the Secretary, employers, prospective employers, State licensing and law enforcement agencies, and their authorized agents.

Sec. 204. Checks before issuance of driver's licenses

Section 204 amends section 3304 of title 49, United States Code, to require a State, before issuing or renewing any motor vehicle operator's license to an individual, to query both the National Driver Register (NDR) and the commercial driver's license information system (CDLIS). The intent of this provision is to close a loophole in the CDL program identified in the Department of Transportation's CDL Effectiveness Study, whereby a driver currently holding a valid CDL applies for a non-CDL without revealing or surrendering the CDL. Without a check of both NDR and CDLIS, the fact that the driver already holds a CDL at the time of application for a non-CDL can go undetected, thus defeating the fundamental "one driver, one license" principle behind the CDL program that prevents drivers from spreading multiple convictions over multiple licenses. The provision also amends section 3311(a)(6) to require that before issuing a CDL in lieu of a commercial driver's license, the State shall request from any other State that has issued

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Sec. 107. Effective date

The savings provision is intended to provide for the orderly transfer of personnel and property from the Office of Motor Carrier Safety to the FMCSA. The provision is also intended to ensure that legal documents and requirements that had been in effect on the date of the transfer, and proceedings in effect, will continue as if the Act had not been enacted. The savings provision also provides that lawsuits commenced against the Office of Motor Carrier Safety or its employees, in their official function, continue as if this Act had not been enacted. Further the provision assures the authority of officials of the FMCSA to continue the functions and performances that had been previously performed by officials of the Office of Motor Carrier Safety, and deems any reference to the Office of Motor Carrier Safety or its predecessors, to apply to the FMCSA.

Subsection 107(a) provides that this Act shall take effect on the date of its enactment; except that the amendments made by section 101 which establish the Federal Motor Carrier Safety Administration, shall take effect on January 1, 2000.

Subsection (b) requires that the President's budget submission for fiscal year 2001 and each fiscal year thereafter reflect the establishment of the Federal Motor Carrier Safety Administration in accordance with this Act.
a driver’s license to the individual all information about the driving record of the individual.

Sec. 205. Registration enforcement

The provision adds subsection 13902(e) to authorize the Secretary to put a carrier out of service upon finding that the carrier is operating within the territory or beyond the scope of its authority. Foreign motor carriers who operate vehicles in the U.S. are not permitted to operate in interstate commerce without evidence of registration in each motor vehicle.

Sec. 206. Delinquent payment of penalties

Subsection (a) amends section 40105(c) of title 49, United States Code, to provide that registration of a carrier, broker, or freight forwarder may be suspended, amended, or revoked for failure to pay civil penalty, or arrange and abide by a payment plan, within 90 days of the time specified by order of the Secretary for the payment of such penalty. This provision does not apply to a person unable to pay assessed penalties because a person is under chapter 11 of title 11, United States Code.

Subsection (b) amends section 521(b) of title 49, United States Code, to provide that an owner or operator of a commercial vehicle who fails to pay an assessed civil penalty or fails to arrange and abide by an acceptable payment plan for such civil penalty, within the time specified by order of the Secretary for the payment of such penalty, may not operate in interstate commerce. This provision does not apply to a person unable to pay an assessed penalty because the person is a debtor in a case under chapter 11 of title 11, United States Code.

Sec. 207. State cooperation in registration enforcement

The provision amends section 31102(b) of title 49, United States Code, to clarify that State motor carrier plans shall ensure State cooperation in enforcement of registration and financial responsibility requirements in sections 13902, 13906, 31138 and 31139 of such title.

Sec. 208. Imminent hazard

The provision revises the definition of imminent hazard in section 521(b)(5)(B) of title 49, United States Code, to refer to a condition that “substantially increases the likelihood of” serious injury or death.

Sec. 209. Household goods amendments

Subsection (a) is a technical amendment to the definition of household goods in section 31102(10)(A) of title 49, United States Code, regarding certain property moving from a store or factory.

Subsection (b) increases the limit for mandatory arbitration under section 17408(b)(6) of such title from $1,000 to $5,000.

Subsection (c) creates a General Accounting Office report on the effectiveness of DOT enforcement of household goods consumer protection rules and other potential methods of enforcement, including State enforcement.

Sec. 210. New motor carrier entrant requirements

This provision requires the Secretary to initiate a rulemaking to establish minimum requirements for new motor carriers to ensure applicant carriers are knowledgeable about the Federal motor carrier safety standards. It requires motor carrier owners and operators who were granted new operating authority to be reviewed by a safety inspector at least annually for 3 years of commercial operations. The provision requires the Secretary, in establishing the elements of the safety review, to consider the impact of small businesses in establishing alternative locations for conducting such reviews. It also allows the new entrant review requirements to be phased in over time to take into account the availability of certified motor carrier safety auditors and provides for designating new motor carriers as “new entrants” until the required review is completed.

Sec. 211. Certification of safety auditors

The provision requires the Secretary to complete a rulemaking within one year of enactment to improve training and provide for the certification of motor carrier safety auditors, including private contractors, to conduct safety inspection audits. The provision prohibits private contractors from conducting inspection audits, including private contractors from conducting inspection audits, and authorizes the Secretary to decertify any motor carrier safety auditors.

Sec. 212. Commercial van rulemaking

This provision requires the Secretary to complete in one year an ongoing rulemaking, Docket No. FHWA–99–5710, to determine which small passenger vans should be covered by Federal motor carrier safety regulations. A rulemaking at the Department shall apply safety regulations to commercial vans referred to as “camionetas”—carriers providing international transportation between ports or points either in the United States—and to commercial vans operating in interstate commerce outside commercial zones that have been determined to pose serious safety risks. In no case should the rulemaking be concluded to exempt all small commercial passenger carrying vans.

The managers note there have been a number of fatal accidents involving passenger vans known as camionetas particularly in the Southern border States. In an effort to address this safety problem, the Congress has acted on two separate occasions directing the Secretary to apply Federal motor carrier safety regulations to these passenger vans. First, the definition of passenger vans was amended as part of the ICC Termination Act of 1995 with the intent of applying safety regulations to these carriers. However, the Department took no action based on this recommendation contained in the IG’s April 1999 report assessing the effectiveness of DOT’s motor carrier safety program. The Department took no action to work with States to increase the maximum statutory penalty ceilings. This provision requires the Department to make the necessary enhancements to the statutory maximum amount, the issuance of compliance orders, not negotiated in a settlement agreement, to place motor carriers out of service.

2. Remove all administrative restrictions on fines placed in the Uniform Fine Assessment Program and increase the maximum fines to the level authorized by TEA–21.

3. Establish stiffer fines that cannot be considered a cost of doing business and, if necessary, seek appropriate legislation raising statutory penalty ceilings.

4. Implement a procedure that removes the operator’s privilege to operate motor carriers that fail to pay civil penalties within 90 days after final orders are issued or settlement agreements are completed.

5. Establish criteria for determining when a motor carrier poses an imminent hazard.

6. Require follow-up visit and monitoring of those motor carriers with a less-than-satisfactory safety rating, at varying intervals, to ensure that safety improvements are sustained, or, if safety has deteriorated that appropriate sanctions are invoked.

7. Establish a control mechanism that requires written justification by the OMC State Director when compliance reviews of high-risk carriers are not performed.

Recommendations for Data Enhancement:

1. Require applicants requesting operating authority to provide the number of commercial vehicles they operate and the number of drivers and motor carrier employees who are drivers, and require all motor carriers to periodically update this information.

2. Revise the grant formula and provide incentives through MSCAP grants for states to provide accurate, complete and timely commercial vehicle crash reports, vehicle and
driver inspection reports and traffic violation data.

3. Withhold funds from MCSAP grants for those States that continue to report inaccurate incomplete and untimely commercial vehicle and driver inspection data and traffic violation data within a reasonable notification period such as one year.

4. Initiate a program to train local enforcement agencies for reporting of crash, roadside inspection data including associated traffic violations.

5. Start the OMC and NHTSA crash data requirements, crash data collection procedures, and reports.

6. Obtain and analyze crash causes and fault data as a result of comprehensive crash evaluations to identify safety improvements.

The provision requires that every 90 days, such inspections in fiscal year 2000, the Attorney General must provide Congress with a status report on the implementation of the requirements. The IG report shall include an analysis of the number of violations cited by safety inspectors, the level of fines assessed and collected for such violations, the number of cases in which there are findings of extraordinary circumstances under section 222(c) of this Act, and the circumstances in which such findings are made.

Sec. 217. Periodic refiling of motor carrier identification reports

The provision requires periodic updating, but not more frequently than once every two years, of the motor carrier identification report, Form MCS-150, filed by each motor carrier conducting operations in interstate or foreign commerce. An initial updating of the information is required within 12 months from enactment of the Act.

Sec. 218. Border staffing standards

Subsection 218(a) requires the Secretary to develop and implement appropriate staffing standards for Federal and State motor carrier safety inspectors in international border areas.

Subsection (b) lists the factors to be considered in developing the staffing standards. These include the volume of traffic, hours of operation of the border facilities, types of commercial motor vehicles (including passenger vehicles and cargo in the border areas, and the responsibilities of Federal and State inspectors.

Subsection (c) prohibits the United States and any State from reducing its respective level of motor carrier safety inspectors in an international border area below the level of such inspectors in fiscal year 2000, or the Attorney General must provide Congress with a status report on the implementation of the requirements. The IG report shall include an analysis of the number of violations cited by safety inspectors, the level of fines assessed and collected for such violations, the number of cases in which there are findings of extraordinary circumstances under section 222(c) of this Act, and the circumstances in which such findings are made.

Sec. 219. Foreign motor carrier penalties and disqualifications

Subsection (a) provides for civil penalties and disqualifications for foreign motor carriers that operate, before implementation of the land transportation provisions of NAPTA, without authority outside of a commercial zone.

Subsection (b) provides that the civil penalty for an intentional violation shall not be more than $25,000; the carrier shall be disqualified from operating in the U.S., and that such disqualification may be permanent.

Subsection (d) prohibits any foreign motor carrier from leasing its motor vehicles to any other carrier to transport property in the U.S. during any period in which a suspension, condition, restriction, or limitation imposed under 49 U.S.C. 13902(c) applies to the foreign carrier.

Subsection (e) provides that no provision may be enforced if inconsistent with international agreements.

Subsection (f) provides that acts commercial vehicle traffic control laws by individuals possessing a commercial driver's license.

Sec. 220. Traffic law initiative

The provision permits the Secretary to conduct traffic law initiative study, requiring that it yield information to the Department and the States identify crash causation and evaluate traffic laws in order to improve Department and State enforcement programs.

The provision requires the Secretary to develop innovative methods of improving motor carrier traffic law compliance, including the use of photography and other imaging technologies.

Sec. 221. State-to-State notification of violations data

The provision requires the Secretary to establish a uniform system to support the electronic transmission of data necessary to allow Federal motor carrier safety inspectors to improve their enforcement efforts.

Sec. 222. Minimum and maximum assessments

Subsection 222(a) directs the Secretary to establish minimum civil penalties for Federal motor carrier safety and CDL violations and requires the Secretary to assess the maximum civil penalty for repeat offenders or a pattern of violations.

Subsection (c) recognizes that extraordinary circumstances do arise that merit the assessment of civil penalties at a level lower than any established under subsection (b) of this section. If the Secretary determines that lower penalties, the Secretary must document the justification for them.

Subsection (d) requires the Secretary to conduct and submit to Congress a study of the effectiveness of revised civil penalties established in TEA 21 and this Act in ensuring compliance with Federal motor carrier safety and commercial driver’s license laws.

Sec. 223. Motor carrier safety progress report

The provision directs the Secretary to submit a status report on the Department's progress in achieving its goal of reducing motor carrier fatalities by 50 percent by 2009.

Sec. 224. Study of commercial motor vehicle crash causation

Subsection (a) requires the Secretary to conduct a comprehensive study to determine the causes of, and contributing factors to, commercial motor vehicle crashes

Subsection (b) addresses the design of the study, requiring that it yield information to help the Department and the States identify crash causation and evaluate traffic laws in order to improve Department and State enforcement programs.

Subsection (c) provides that the civil penalty for an intentional violation shall not be more than $25,000; the carrier shall be disqualified from operating in the U.S., and that such disqualification may be permanent.

Subsection (d) prohibits any foreign motor carrier from leasing its motor vehicles to any other carrier to transport property in the U.S. during any period in which a suspension, condition, restriction, or limitation imposed under 49 U.S.C. 13902(c) applies to the foreign carrier.

Subsection (e) provides that no provision may be enforced if inconsistent with international agreements.

Subsection (f) provides that acts commercial vehicle traffic control laws by individuals possessing a commercial driver’s license.

Sec. 225. Data collection and analysis

This provision directs the Secretary to carry out a program to improve the collection and analysis of data on commercial motor vehicle crashes, including crash causation. NHTSA, in cooperation with the new Federal Motor Carrier Safety Administration, is required to administer the program. It requires NHTSA to integrate data collection and analysis functions for commercial motor vehicle crashes.

Sec. 226. Drug test results study

Subsection 226(a) directs the Secretary to conduct a study on the feasibility and merits of requiring medical review officers or employers to report positive drug tests of CDL holders to the State that issued the CDL and requesting the State that issued the driver’s CDL on whether the State has on record any verified positive controlled substances test on such driver.

Subsection (b) lists factors to be considered in the study. They are: safeguarding confidentiality of test results; costs, benefits and safety impacts; and whether a program should be established to allow drivers to correct errors and expunge information from their records after a reasonable time.

Subsection (c) requires the Secretary to report to Congress on the study within two years.

Sec. 227. Approval of agreements

Section 227 amends section 13703 of title 49, United States Code, by adding a new requirement to the Surface Transportation Board to review every five years any agreement for any activities approved under section 13703. The provision also provides for the continuation of any pending cases before the Board, but prohibits certain nationwide agreements.

Sec. 228. DOT authority

This section clarifies Congressional intent with respect to the criminal investigative authority of the Department of Transportation Inspector General (IG).

When the Office of Motor Carrier Safety finds evidence of egregious criminal violations through their regulatory compliance efforts, it refers these cases to the IG’s Office of Investigations. Recently, a U.S. District Court concluded that an investigation undertaken by the IG exceeded its jurisdiction, see In the Matter of the Search of Northland Trucking Inc. (D.C. Arizona), finding that the motor carrier involved was not a grantee or contractor of the Department, nor was there evidence of collusion with DOT employees.
This narrow construction of the IG's authority is not well grounded in law, and the managers are concerned about the adverse impact the Order could have on IG operations. This provision, therefore, clarifies Congressional intent with respect to the authority of the IG in performing the IG's ability and authority to continue to conduct criminal investigations of parties subject to DOT laws or regulations, whether or not such parties receive Federal funds from the Department.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 3419, which incorporates H.R. 2679, the Motor Carrier Safety Act. I am specially pleased to see that this bill includes provisions for Foreign Motor Carrier penalties and disqualifications.

Mexican-domiciled trucks are operating improperly in the United States and violate U.S. statutes by either not obtaining operating authority or operating beyond the scope of their authority. About 98% of these trucks are limited to operating within the commercial zones along the four southern border states, but Mexican trucks have been found as far away as Washington, New York, and my home state of Illinois.

Mr. Speaker, in FY98, there were almost 24,000 safety inspections performed on drivers and/or vehicles of Mexico domiciled trucks. Forty-one percent of these trucks failed to meet U.S. safety requirements, and were placed out of service for safety violations. Clearly, it is imperative that we keep these unsafe trucks off our highways.

Current law provides for only a $500 fine for those trucks operating where they are not supposed to. This bill will increase penalties for those trucks that operate without authority, raising the fines to a $10,000 fine and six month suspension maximum for the first offense and a $25,000 fine and possibly permanent suspension for subsequent offenses, a measure I strongly support.

I believe that this will minimize the number of unsafe trucks on our highways, ensuring safer roads for everyone. By moving the Office of Motor Carriers from the Federal Highway Administration, it is my hope that the Office will have the power to enforce compliance to this legislation.

I urge my colleagues to join me in supporting this bill.

Mr. WOLF. Mr. Speaker, I rise in support of the bill offered by the gentleman from Pennsylvania. The Motor Carrier Safety Improvement Act of 1999 forms a new motor carrier safety administration that is charged with improving motor carrier safety from its current deplorable state. This bill also includes a number of needed changes to the commercial driver’s license program and motor carrier operations along our southern border. This is a good beginning.

For the past year, the House Appropriations Committee, and the Transportation and Infrastructure Committee, have been reviewing a variety of truck safety issues. What we found was appalling. The Office of Motor Carriers, which until recently has been housed within the Federal Highway Administration, has allowed motor carrier safety to decline dramatically. Last year 5,374 people died in truck-related accidents. The year before that, 5,398 people died—a decade high. During this same period, safety reviews on trucking companies dropped from 5 per month to one per month, and civil penalties declined to $1,600. Because of this and other problems, the Department of Transportation Inspector General, the chairman of the National Transportation Safety Board, trucking representatives, the law enforcement community, and safety advocates all agree that the Office of Motor Carriers has been ineffective in reducing trucking accidents and fatalities.

The bill before you will address many of the problems found by Congress and these groups. It will strengthen truck safety activities both at the federal and at the state levels. As noted, it creates a new safety administration, which as its name implies, will be focused on safety. It is critical that in this bill, that the Secretary appoint a good and decent person to the position of administrator, who will focus on safety first, making it their daily goal to reduce the number of fatalities on our nation’s highways. This person should not only be knowledgeable in the area of truck safety but be free of any conflicts of interest.

Finally, Mr. Speaker, I’d like to express my appreciation, and that of the nation, to the gentleman from Wisconsin, Minnesota and West Virginia, thousands of families across the country will be saved that terrible phone call informing them that a relative has been involved in an accident. I want the world to know Mr. Speaker, because Mr. Shuster’s leadership on this issue, America’s highways will be safer. He deserves our thanks.

Mr. MENENDEZ. Mr. Speaker, this bill makes our roads for drivers, passengers, and pedestrians. For too long, the Department of Transportation has neglected commercial passenger van safety. When the Transportation Equity Act for the 21st Century passed, I thought the DOT would address this issue because that was the intent of Section 4008 in the bill. Unfortunately, the DOT did not meet this intent since they chose to delay the application of Federal Motor Carrier Safety regulations to for-profit commercial passenger vans. I am pleased that the bill forces the Department of Transportation to complete its rulemaking and not exempt all for-profit commercial passenger van operators from the final rule when it is issued.

Another problem we have and that the bill addresses is the lack of data and information on the causes of and contributing factors to crashes involving commercial motor vehicles, specifically for-profit commercial passenger vans, regardless of where they originate. We have provided the DOT with the resources and guidance to complete a comprehensive study on this issue. It is my hope that this national study will give special attention to metropolitan areas like northern New Jersey.

I want to thank the Chairman, Mr. Shuster, and the Ranking Member, OBERSTAR, on these two important provisions which will lead to safer travel for all those who use our roads.

Mr. PETRI. Mr. Speaker, H.R. 3419—the Motor Carrier Safety Improvement Act of 1999—is a comprehensive bill that will improve truck safety by strengthening Federal and State safety programs.

The bill creates a new Federal Motor Carrier Safety Administration within the U.S. Department of Transportation (DOT) on January 1, 2000, increases funding from the Highway Trust Fund for Federal and State safety efforts, closes loopholes in the Commercial Driver’s License (CDL) program.

For example, the bill gives the Secretary emergency authority to revoke the license of a truck or bus driver found to constitute an imminent hazard.

The Federal Motor Carrier Safety Administration is given increased funding for safety to allow for growth in the number of safety inspectors, and in safety research.

The bill guarantees $195 million over the next three years from the Highway Trust Fund for motor carrier safety grants. These grants fund State safety enforcement efforts. The bill also contains a number of programmatic reforms, including the closing of loopholes in the Commercial Driver’s License, setting standards for fines, and improving border safety efforts.

I am submitting a Joint Explanatory Statement on the bill that explains the provisions of the bill in more detail.

This is an important bill, that truly will improve highway safety. I urge passage of this legislation.

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the House bill, as follows:

H.R. 3419
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Motor Carrier Safety Improvement Act of 1999”.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Secretary defined.
Sec. 3. Findings.
Sec. 4. Purposes.

TITLE I—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Sec. 102. Revenue aligned budget authority.
Sec. 103. Additional funding for motor carrier safety grant program.
Sec. 104. Motor carrier safety strategy.
Sec. 105. Commercial motor vehicle safety advisory committee.
Sec. 106. Saving provisions.
Sec. 107. Effective date.

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER SAFETY

Sec. 201. Disqualifications.
The Federal Motor Carrier Safety Administration shall be an administration of the Department of Transportation.

(b) SAFETY AS HIGHEST PRIORITY.—In carrying out its duties, the Administration shall consult with the Federal Highway Administration and the Federal Motor Carrier Safety Administration.

(c) ADMINISTRATOR.—The head of the Administration shall be the Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be an individual with professional experience in motor carrier safety. The Administrator shall report directly to the Secretary.

(d) DEPUTY ADMINISTRATOR.—The Administration shall have a Deputy Administrator appointed by the Secretary, with the approval of the Administrator, who shall carry out duties and powers prescribed by the Administrator.

(e) CHIEF SAFETY OFFICER.—The Administration shall have an Assistant Federal Motor Carrier Safety Administrator appointed in the competitive service by the Secretary, with the approval of the President, who shall be the Chief Safety Officer of the Administration.

(f) POWERS AND DUTIES.—The Administrator shall carry out:

(1) duties and powers related to motor carriers of motor carrier safety vested in the Secretary by chapters 5, 51, 55, 57, 59, 133 through 149, 311, 313, 315, and 317 and by section 18 of the Noise Control Act of 1972 (42 U.S.C. 4917; 96 Stat. 1290-1290); except as otherwise delegated by the Secretary to any agency of the Department of Transportation other than the Federal Highway Administration, as of October 8, 1989; and

(2) additional duties and powers prescribed by the Secretary.

(g) LIMITATION ON TRANSFER OF POWERS AND DUTIES.—Any duties or powers specified in subsection (f)(1) may only be transferred to another part of the Department when specifically provided for by law.

(h) EXTRAORDINARY DECISIONS.—A decision of the Administrator involving a duty or power specified in subsection (f)(1) and involving notice and hearing required by law is subject to review by the Secretary.

(i) CONSULTATION.—The Administrator shall consult with the Federal Highway Administrator and with the National Highway Traffic Safety Administrator on matters related to highway and motor carrier safety. .

(2) ADMINISTRATIVE EXPENSES.—Section 191(a)(1) of title 23, United States Code, is amended—

(1) in paragraph (1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and by moving the text of such clauses to the right; and

(2) in paragraph (1) by striking “exceed 1% of all sums so made available, as the Secretary determines necessary” and inserting “—exceed—

(A) 1% of all sums so made available, as the Secretary determines necessary;—

(3) by striking the period at the end of paragraph (1)(A)(ii) (as redesignated by paragraphs (1) and (2) of this subsection) and inserting “and” and the following:

“(B) 1% of all sums so made available, as the Secretary determines necessary, to administer the provisions of law to be financed from appropriations for motor carrier safety programs and motor carrier safety research.”; and—

(4) by adding at the end the following:

(4) LIMITATION ON TRANSFERABILITY.—Unless expressly authorized by law, the Secretary may not transfer any sums deducted under paragraph (1) to a Federal agency or entity other than the Federal Highway Administration and the Federal Motor Carrier Safety Administration. .

(c) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for chapter 1 of title 49, United States Code, is amended by adding at the end the following:

113. Federal Motor Carrier Safety Administration.

(2) FEDERAL HIGHWAY ADMINISTRATION.—

Section 104 of title 49, United States Code, is amended—

(a) in subsection (c)—

(1) by striking the semicolon at the end of paragraph (1) and inserting “; and”; and

(ii) by striking paragraph (2); and

(iii) by redesigning paragraph (3) as paragraph (2).

(b) by striking subsection (d) and

(C) by redesigning subsection (e) as subsection (d).

(d) POSITIONS IN EXECUTIVE SERVICE.—

(1) ADMINISTRATOR.—Section 3314 of title 5, United States Code, is amended by inserting after “Administrator of the National Highway Traffic Safety Administration.” the following:

“Administrator of the Federal Motor Carrier Safety Administration.”

(2) DEPUTY AND ASSISTANT ADMINISTRATORS.—Section 3316 of title 5, United States Code, is amended by inserting after “Deputy Administrator of the National Highway Traffic Safety Administration.” the following:

“Deputy Administrator of the Federal Motor Carrier Safety Administration.”

“Assistant Federal Motor Carrier Safety Administrator.”

(e) PERSONNEL LEVELS.—The number of positions at the Office of the Federal Motor Carrier Safety Administrator (and, beginning on January 1, 2000, the Federal Motor Carrier Safety Administration) at its headquarters location in Denver, CO shall not exceed above the level transferred from the Federal Highway Administration to the Office of Motor carrier identification reports.

6. The Department should rigorous avoid conflicts of interest in Federally funded research.

7. Meaningful measures to improve safety must be implemented expeditiously to prevent increases in motor carrier crashes, injuries, and fatalities.

8. Proper use of Federal resources is essential to the Department's ability to improve its research, rulemaking, oversight, and enforcement activities related to commercial motor vehicles, operators, and carriers.
126. Uniform transferability of Federal-aid highway funds.;'

and

in the item relating to section 165 by striking "Sec.".

SEC. 103. ADDITIONAL FUNDING FOR MOTOR CARRIER SAFETY GRANT PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for the obligation to carry out section 31102 of title 49, United States Code, $75,000,000 for each of fiscal years 2001 through 2003.

(b) INCREASED AUTHORIZATIONS FOR MOTOR CARRIER SAFETY GRANTS.—

(1) IN GENERAL.—Section 4003 of the Transportation Equity Act for the 21st Century (112 Stat. 395–398) is amended by adding at the end the following:

"(1) INCREASED AUTHORIZATIONS FOR MOTOR CARRIER SAFETY GRANTS.—The amount made available under section 31102(a) for each of fiscal years 2001 through 2003 shall be increased by $65,000,000."

(2) CORRESPONDING REDUCTION TO OBLIGATION CEILING.—Section 1102 of such Act (23 U.S.C. 1102) is amended by adding at the end the following:

"(1) REDUCTION IN OBLIGATION CEILING.—The limitation on obligations imposed by subsection (a) for each of fiscal years 2001 through 2003 shall be reduced by $65,000,000."

(c) MAINTENANCE OF EFFORT.—The Secretary may not make, from funds made available under this section (including any amendment made by this section), a grant to a State unless the State first enters into a binding agreement with the Secretary to expend amounts equal to the average level of such grants for the fiscal years 1998 and 1999, for the fiscal year 2000, and for each fiscal year thereafter until the fiscal year 2003.

(d) EMERGENCY CDL GRANTS.—Section 31107 of title 49, United States Code, is amended by adding at the end the following:

"(c) EMERGENCY CDL GRANTS.—From amounts made available by subsection (a) for a fiscal year, the Secretary of Transportation may make a grant of up to $1,000,000 to a State whose commercial driver’s license program may fail to meet the compliance requirements of section 31311(a)."

(e) STATE COMPLIANCE WITH CDL REQUIREMENTS.—

(1) WITHHOLDING OF ALLOCATION FOR NON-COMPLIANCE.—If a State is not in substantial compliance with each requirement of section 31311 of title 49, United States Code, the Secretary shall withhold all amounts that would be allocated, but for this paragraph, to the State from funds made available by or under this section (including any amendment made by this section).

(2) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—Any funds withheld under paragraph (1) from funds made available by or under this section shall be available for obligation to the Secretary for purposes for which funds were withheld to the extent that such funds are released to the Secretary for reallocation.

SEC. 104. MOTOR CARRIER SAFETY STRATEGY.

(a) SAFETY GOALS.—In conjunction with existing federally required strategic plans, the Secretary shall develop a long-term strategy for improving commercial motor vehicle, operator, and carrier safety. The strategy shall include an annual plan and schedule for achieving, at a minimum, the following:

(1) Reducing the number and rates of crashes, injuries, and fatalities involving commercial motor vehicles.

(2) Improving the consistency and effectiveness of commercial motor vehicle, operator, and carrier enforcement and compliance programs.

(3) Identifying and targeting enforcement efforts at high-risk commercial motor vehicle operators, and carriers.

(4) Improving research efforts to enhance and promote commercial motor vehicle, operator, and carrier enforcement and compliance.

(b) CONTENTS OF STRATEGY.—

(1) MEASURABLE GOALS.—The strategy and annual plans under subsection (a) shall include:

A minimum, specific numeric or measurable goals designed to achieve the strategic goals of subsection (a). The purposes of the numeric or measurable goals are as follows:

(A) To increase the number of inspections and compliance reviews to ensure that all high-risk commercial motor vehicles, operators, and carriers are examined.

(B) To eliminate, with meaningful safety measures, the backlog of rulemakings.

(C) To improve the quality and effectiveness of data bases by ensuring that all States and inspectors accurately and promptly report complete safety information.

(D) To eliminate, with meaningful civil and criminal penalties for violations, the backlog of enforcement cases.

(E) To provide for a sufficient number of Federal and State safety inspectors, and provide adequate facilities and equipment at international border areas.

(2) RESOURCE NEEDS.—In addition, the strategy and annual plans shall include estimates of the staff and funds requirements needed to accomplish each activity. Such estimates shall also include the staff skills and training needs for the effective accomplishment of each goal.

(3) SAVINGS CLAUSE.—In developing and assessing progress toward meeting the measurable goals set forth in subsection (a), the Secretary and the Federal Motor Carrier Safety Administrator shall not take any action that would impinge on the due process rights of motor carriers of hazardous materials.

(c) SUBMISSION WITH THE PRESIDENT’S BUDGET.—Beginning with fiscal year 2001 and

SEC. 105. ADDITIONAL AUTHORIZATION FOR MOTOR CARRIER SAFETY GRANTS.

(a) IN GENERAL.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for the obligation to carry out section 31102 of title 49, United States Code, $75,000,000 for each of fiscal years 2001 through 2003.
each fiscal year thereafter, the Secretary shall submit to the Congress the strategy and annual plan at the same time as the President's budget submission.

(d) ANNUAL PERFORMANCE.

(1) ANNUAL PERFORMANCE AGREEMENT.—For each of fiscal years 2001 through 2003, the following officials shall enter into annual performance agreements:

(A) The Secretary and the Federal Motor Carrier Safety Administrator.

(B) The Administrator and the Deputy Federal Motor Carrier Safety Administrator. The Administrator and the Chief Safety Officer of the Federal Motor Carrier Safety Administration.

(D) The Administrator and the regulatory ombudsman of the Administration designated by the Administrator under subsection (f).

(2) GOALS.—Each annual performance agreement entered into under paragraph (1) shall include the appropriate numeric or measurable goals of subsection (b).

(3) PROGRESS ASSESSMENT.—Consistent with the current performance appraisal system of the Department of Transportation, the Secretary shall assess the progress of each official to which the Secretary referred to in paragraph (1) toward achieving the goals in his or her performance agreement. The Secretary shall convey the assessment to such official, including identification of any deficiencies that should be remediated before the next progress assessment.

(4) ADMINISTRATION.—In deciding whether or not to award a bonus or other achieve-ment award to an official of the Administration who is a party to a performance agreement required by this subsection, the Secretary shall take into substantial weight whether the official has made satisfactory progress toward meeting the goals of his or her performance agreement.

(e) ACHIEVEMENT OF GOALS.—

(1) PROGRESS ASSESSMENT.—No less frequently than semiannually, the Secretary and the Administrator shall assess the progress of the Administration toward achieving the strategic goals of subsection (a). The Secretary and the Administrator shall report to Congress the progress of the Administration on the content of each performance agreement entered into under subsection (d) and the official's performance relative to the goals of the performance agreement. In addition, the Secretary shall report to Congress on the performance of the Administration relative to the goals of the motor carrier safety strategy and annual plan under subsection (a).

(f) EXPEDITING REGULATORY PROCEDURES.—The Administrator shall designate an ombudsman to expedite rulemaking proceedings. The Secretary and the Administrator shall each delegate to the ombudsman such authority as may be necessary for the ombudsman to expedite rulemaking proceedings of the Administration to comply with statutory and internal departmental policies for expediting rulemaking.

(1) make decisions to resolve disagreements between officials in the Administration who are participating in a rulemaking process.

(2) ensure that sufficient staff are assigned to rulemaking projects to meet all deadlines.

SEC. 105. COMMERCIAL MOTOR VEHICLE SAFETY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary may establish a commercial motor vehicle safety advisory committee to provide advice and recommendations on a range of motor carrier safety issues.

(b) COMPOSITION.—The members of the advisory committee shall be appointed by the Secretary and shall include representatives of the motor carrier industry, drivers, safety advocates, manufacturers, safety enforcement officials, law enforcement agencies of border States, and other individuals affected by rulemakings under consideration by the Department of Transportation. Representatives of a single interest group may not constitute a majority of the members of the advisory committee.

(c) FUNCTION.—The advisory committee shall provide advice to the Secretary on commercial motor vehicle safety regulations and other matters relating to activities and functions of the Federal Motor Carrier Safety Administration.

(d) TERMINATION DATE.—The advisory committee shall remain in effect until September 30, 2003.

SEC. 106. SAVINGS PROVISION.

(a) TRANSFER OF ASSETS AND PERSONNEL.—Except as otherwise provided in this Act and the amendments made by this Act, those personnel, property, and records employed, held, held, available, or to be made available in connection with the functions transferred to the Federal Motor Carrier Safety Administration by this Act shall be transferred to the Administration for use in connection with the functions transferred, and unex- pended balances of appropriations, allocations, and other funds of the Office of Motor Carrier Safety (including any predecessor enti- ty) shall also be transferred to the Administra-

(b) LEGAL DOCUMENTS.—All orders, deter-

minations, rules, regulations, permits, grants, loans, contracts, settlements, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the Office, or any officer or employee of the Office, or any other Government official, or by a court of competent jurisdiction, or by any officer or employee of the Office is deemed to refer to the Administration or a member or employee of the Administration, as appropriate.

(c) REFERENCES.—Any reference to the Office in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Office or an officer or employee of the Office is deemed to refer to the Administrator or a member of employee of the Administration, as appropriate.

SEC. 107. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect on the date of enactment of this Act; except that the amendments made by section 101 shall take effect on January 1, 2000.

(b) BUDGET SUBMISSIONS.—The President's budget submission for fiscal year 2001 and each fiscal year thereafter shall include the establishment of the Federal Motor Carrier Safety Administration in accordance with this Act.

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER SAFETY

SEC. 201. DISQUALIFICATIONS.

(a) DRIVING WHILE DISQUALIFIED AND CAUSING A FATALITY.

(1) PROHIBITION.—Section 31310(b)(1) of title 49, United States Code, is amended—

(A) by striking “or” at the end of subparagraph (B); and

(B) by striking the period at the end of subparagraph (C) and inserting a semicolon; and
(C) by adding at the end the following:

(D) if a violation of driving a commercial motor vehicle when the individual’s commercial driver’s license is revoked, suspended, or canceled based on the individual’s operation of a commercial motor vehicle;

(E) convicted of causing a fatality through negligent or criminal operation of a commercial motor vehicle.

(2) Violations concerning violations.—Section 31310(c)(1) of such title is amended—

(A) by striking “or” at the end of subparagraph (C); and

(B) by redesignating subparagraph (D) as subparagraph (F);

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

“(D) committing more than one violation of driving a commercial motor vehicle when the individual’s commercial driver’s license is revoked, suspended, or canceled based on the individual’s operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual’s operation of a commercial motor vehicle; or

“(E) convicted of more than one offense of causing a fatality through negligent or criminal operation of a commercial motor vehicle.”;

(D) in subparagraph (F) as redesignated by this paragraph by striking “clauses (A)–(C) of this paragraph” and inserting “subparagraphs (A) through (E)”;

(3) CONFORMING AMENDMENT.—Section 31301(12)(C) of such title is amended by inserting “, other than a violation to which section 31310(b)(3) or 31310(b)(3)(E) applies” after “a fatality”.

(b) EMERGENCY DISQUALIFICATION: NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.—Section 31310 of such title is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (h), (i), and (j), respectively;

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

“(f) EMERGENCY DISQUALIFICATION.—

(1) LIMITED DURATION.—The Secretary shall disqualify an individual from operating a commercial motor vehicle for more than 30 days if the Secretary determines that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard (as such term is defined in section 5102).

(2) AFTER NOTICE AND HEARING.—The Secretary shall disqualify an individual from operating a commercial motor vehicle if the individual has not met the minimum testing standards for a commercial motor vehicle or

“(G) NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.—

(1) ISSUANCE OF REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations providing for the disqualification by the Secretary from operating a commercial motor vehicle of an individual who holds a commercial driver’s license and who has been convicted of—

“(A) a serious offense involving a motor vehicle (other than a commercial motor vehicle) and

“(B) a drug or alcohol related offense involving a commercial motor vehicle.

“(2) REQUIREMENTS FOR REGULATIONS.—

(1) by inserting “or renewing such a license” before the comma; and

(2) by redesignating subparagraph (D) as subparagraph (G); and

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

“(D) driving a commercial motor vehicle when the individual has not met the minimum testing standards for the class of vehicle the individual is operating; or

“(E) convicted of more than one offense of causing a fatality through negligent or criminal operation of a commercial motor vehicle.”;

(3) by inserting “or renewing such a license” before the comma; and

(4) by redesignating subsections (f), (g), and (h) as subsections (h), (i), and (j), respectively.

(2) by striking “clauses (A)–(C) of this paragraph” and inserting “subparagraphs (A) through (E)”;

(3) by inserting “, other than a violation to which section 31310(b)(3) or 31310(b)(3)(E) applies” after “a fatality”.

(b) EMERGENCY DISQUALIFICATION: NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.—Section 31310 of such title is amended—

(1) by inserting “consistent with this chapter” after “penalties”;

(2) by striking “vehicle” the second place it appears and all that follows through the period at the end and inserting “vehicle.”

(c) EMERGENCY DISQUALIFICATION: NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.—Section 31310 of such title is amended—

(1) by inserting “or renewing such a license” before the comma; and

(2) by striking “commercial” the second place it appears.

(d) EMERGENCY DISQUALIFICATION: NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.—Section 31310 of such title is amended—

(1) by striking “to operate the vehicle”;

(2) by inserting “and every violation by the individual involving” before the period at the end; and

(3) by striking “the individual is disqualified from operating a commercial motor vehicle” and inserting “the individual is disqualified from operating a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual’s operation of a commercial motor vehicle.”;

(3) by inserting “, other than a violation to which section 31310(b)(3) or 31310(b)(3)(E) applies” after “a fatality”.

(4) RENEWAL.—The Secretary shall issue an order to—

“A. The Secretary shall issue an order to—

(1) the individual is disqualified from operating a commercial motor vehicle;

(2) the individual’s driver’s license is revoked, suspended, or canceled.”

(e) PENALTIES.—Section 31311(a)(13) of such title is amended—

(1) by inserting “consistent with this chapter” after “penalties”; and

(2) by striking “vehicle” the first place it appears and all that follows through the period at the end and inserting “vehicle.”

(f) RECORDS OF VIOLATIONS.—Section 31310(12) of such title is amended by adding at the end the following:

(18) The State shall maintain, as part of its driver information system, a record of each violation of a State or local motor vehicle traffic control law while operating a motor vehicle (except a parking violation) for each individual who holds a commercial driver’s license. The record shall be available upon request to the individual, the Secretary, employers, prospective employers, State licensing and law enforcement agencies, and their authorized agents.”;

(g) MASKING.—Section 31311(a) of such title is further amended by adding at the end the following:

“(19) The State shall—

(A) record in the driving record of an individual who has a commercial driver’s license issued by the State;

(B) make available to all authorized persons and governmental entities having access to such record all information the State receives under paragraph (9) with respect to the individual and every violation by the individual involving a motor vehicle (except a parking violation) of a State or local law on traffic control (except a parking violation), not later than 10 days after the date of recording of such information, including any violation as the case may be. The State may not allow information regarding such violations to be withheld or masked in any way from the record of an individual possessing a commercial driver’s license.”.

(h) NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.—Section 31311(a) of such title is further amended by adding at the end the following:

“(20) The State shall revoke, suspend, or cancel the driver’s license of an individual in accordance with regulations issued by the Secretary to carry out section 31310(g).

SEC. 292. STATE NONCOMPLIANCE.

(a) IN GENERAL.—Chapter 313 of title 49, United States Code, is amended by inserting after section 31311 the following:

“§ 31312. Decertification authority

(a) IN GENERAL.—If the Secretary of Transportation determines that a State is in substantial noncompliance with this chapter, the Secretary shall issue an order to—

(1) prohibit that State from carrying out licensing procedures under this chapter; and

(2) prohibit that State from issuing any commercial driver’s licenses until such time
the Secretary determines such State is in substantial compliance with this chapter and the nonresident licensing requirements of the issuing State.

"(b) EFFECT ON OTHER STATES.—A State (other than a State subject to an order under subsection (a)) may issue a non-resident commercial motor vehicle registration to an individual domiciled in a State that is prohibited from such activities under subsection (a) if that individual meets all requirements of this chapter and the nonresident licensing requirements of the issuing State.

"(c) PREVIOUSLY ISSUED LICENSES.—Nothing in this section shall be construed as invalidating the effect of a commercial driver's license issued by a State before the date of issuance of an order under subsection (a) with respect to the State.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 313 of such title is amended by inserting after the item relating to section 31511 the following: "...31312. Decertification authority,..."

SEC. 204. CHECKS BEFORE ISSUANCE OF DRIVER'S LICENSES.

Section 30304 of title 49, United States Code, is amended by adding at the end the following:

"(e) DRIVER RECORD INQUIRY.—Before issuing a motor vehicle operator's license to an individual who is subject to the rules and regulations before being granted operating authority, a State shall request from the Secretary in information from the National Driver Register under section 3962 and the commercial driver's license information system under section 31309 on the individual's driving record."

SEC. 205. REGISTRATION ENFORCEMENT.

Section 13902 of title 49, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

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

"(g) PENALTIES FOR FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS.—In addition to other penalties available under law, motor carriers that fail to register their operations as required by this section or that operate beyond the scope of their registrations may be subject to the following penalties:

"(1) OUT-OF-SERVICE ORDERS.—If, upon inspection or investigation the Secretary determines that a motor vehicle providing transportation requiring registration under this section is operating without a registration or beyond the scope of its registration, the Secretary may order the vehicle out-of-service. Subsequent to the issuance of the out-of-service order, the Secretary shall provide an opportunity for review in accordance with section 554 of title 5, except that such review shall occur not later than 10 days after issuance of such order.

"(2) PERMISSION FOR OPERATIONS.—A person domiciled in a country contiguous to the United States with respect to which an action under subsection (c)(1)(A) or (c)(1)(B) is in effect, compliance with the transportation for which registration is required under this section shall maintain evidence of such registration in the motor vehicle when the person is present in the United States. The Secretary shall not permit the operation in interstate commerce in the United States of any motor vehicle in which there is not a copy of the registration issued pursuant to this section.

"(3) PENALTIES.—

(a) REVOCATION OF REGISTRATION.—Section 31005(c) of title 49, United States Code, is amended—

(1) by inserting "(1) IN GENERAL,—" before "On application;"

(2) by inserting "(A) before "suspend";

"(B) before "revoked";

"(C) before "prohibited";

"(D) before "relating")" after the second sentence and inserting "...and (B) suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder;..."

(3) PHASE-IN OF REQUIREMENT.—The Secretary shall phase in the requirements of this section (as added by paragraph (1)) and (4) by inserting paragraph (1) (as designated by paragraph (1) of this section) and aligning such paragraph with paragraph (2) of such section (as added by paragraph (3) of this section).

(b) PROHIBITED TRANSPORTATION BY COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 521(b) of such title is amended—

(1) by redesignating paragraphs (8) through (13) as paragraphs (9) through (14), respectively; and

(2) by inserting after paragraph (7) the following:

"(8) PROHIBITION ON OPERATION IN INTERSTATE COMMERCE AFTER NONPAYMENT OF PENALTIES.—

"(A) IN GENERAL.—An owner or operator of a commercial motor vehicle against whom a civil penalty is assessed under this chapter or chapter 51, 149, or 311 of this title, or (i) for failure to arrange and abide by an acceptable payment plan for such civil penalty, within 90 days of the time specified by order of the Secretary for the payment of such penalty. Subparagraph (B) shall not apply to any person who is unable to pay a civil penalty as provided in paragraph (1)(B);", and

(4) by inserting paragraph (1) (as designated by paragraph (1) of this section) and aligning such paragraph with paragraph (2) of such section (as added by paragraph (3) of this section).

SEC. 206. DELINQUENT PAYMENT OF PENALTIES.

(a) RECOVERY OF REGISTRATION.—Section 13902(b)(1) of title 49, United States Code, is amended—

(1) by aligning subparagraph (B) with paragraph (B) of such section; and

(2) by striking subparagraph (B) and inserting the following:

"(R) ensures that the State will cooperate in the enforcement of registration requirements under section 13902 and financial responsibility requirements under sections 13906, 31138, and 31139 and regulations issued thereunder;"

SEC. 207. STATE COOPERATION IN REGISTRATION ENFORCEMENT.

Section 31102(b)(1) of title 49, United States Code, is amended—

(1) by aligning subparagraph (A) with subparagraph (B) of such section; and

(2) by striking subparagraph (R) and inserting the following:

("R) ensures that the State will cooperate in the enforcement of registration requirements under section 13902 and financial responsibility requirements under sections 13906, 31138, and 31139 and regulations issued thereunder;"

SEC. 208. IMMINENT HAZARD.

Section 521(b)(3)(B) of such title, United States Code, is amended by striking "is likely to result in" and inserting "substantially increases the likelihood of".

SEC. 209. HOUSEHOLD GOODS AMENDMENTS.

(a) DEFINITION OF HOUSEHOLD GOODS.—Section 13102(10)(A) of title 49, United States Code, is amended by striking "including", inserting "including", inserting "and", except such term does not include moving property from a factory or store, other than property that the household goods consumer protects under the United States of America under the USP in his or her dwelling unit transported at the request of, and the transportation charges are paid to the carrier by, the household goods consumer.

(b) ARBITRATION REQUIREMENTS.—Section 13106(b)(6) of such title is amended by striking "$1,000" each place it appears and inserting "$5000".

(c) STUDY OF ENFORCEMENT OF CONSUMER PROTECTION RULES IN THE HOUSEHOLD GOODS MOVING INDUSTRY.—The Controller General shall conduct a study of the effectiveness of the Department of Transportation's enforcement of household goods consumer protection rules under title 49, United States Code. The study shall also include a review of other potential methods of enforcing such rules, including allowing States to enforce such rules.

SEC. 210. NEW MOTOR CARRIER ENTRANT REQUIREMENTS.

(a) SAFETY REVIEWS.—Chapter 311 of title 49, United States Code, is amended by adding at the end the following:

"(c) SAFETY REVIEWS OF NEW OPERATORS.—

"(1) IN GENERAL.—The Secretary shall require, by regulation, each owner and each operator granted new operating authority, after the date on which section 31102(b) is first implemented, to undergo a safety review within the first 18 months after the owner or operator, as the case may be, begins operations under such authority.

"(2) ELEMENTS.—In the regulations issued pursuant to paragraph (1), the Secretary shall establish the elements of the safety review, including basic safety management controls. In establishing such elements, the Secretary shall consider their effects on small businesses and shall consider establishing alternate locations where such reviews may be conducted for the convenience of small businesses.

"(3) PHASE-IN OF REQUIREMENT.—The Secretary shall phase in the requirements of paragraph (1) in a manner that takes into account the availability of certified motor carrier safety auditors.

"(4) NEW ENTRANT AUTHORITY.—Notwithstanding any other provision of this title, any new operating authority after the date on which section 31102(b) is first implemented shall be designated as new entrant authority until the safety review required by paragraph (1) is completed.

(b) MINIMUM REQUIREMENTS.—The Secretary shall initiate a rulemaking to establish minimum requirements for applicant motor carriers, including foreign motor carriers, seeking Federal interstate operating authority to ensure applicant carriers are knowledgeable about applicable Federal motor carrier safety standards. As part of that rulemaking, the Secretary shall consider the establishment of a proficiency examination for applicant motor carriers as well as other requirements to ensure such applicants understand applicable safety regulations before being granted operating authority.

SEC. 211. CERTIFICATION OF MOTOR CARRIER SAFETY AUDITORS.

(a) IN GENERAL.—Chapter 311 of title 49, United States Code, is amended by adding at the end the following:

"§ 31148. Certified motor carrier safety auditors

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, Congress shall authorize the Secretary to certify motor carrier safety auditors and establish a program to ensure that such auditors are knowledgeable about applicable Federal motor carrier safety standards. As part of that program, the Secretary shall establish minimum requirements for certifying motor carrier safety auditors.
the Secretary of Transportation shall complete a rulemaking to improve training and provide for the certification of motor carrier safety auditors, including private contractors, to conduct safety inspection audits and re-inspections of such motor carriers. (b) CERTIFIED INSPECTION AUDIT REQUIREMENT.—Not later than 1 year after completion of the rulemaking required by subsection (a), the Secretary shall have authority over any motor carrier safety auditor who is certified under this section. (c) EXTENSION.—If the Secretary determines that subsection (b) cannot be implemented within the 1-year period established by that subsection and notifies the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination and the reasons therefor, the Secretary may extend the deadline for compliance with subsection (a) by more than 12 months. (d) APPLICATION WITH OTHER AUTHORITY.—The Secretary may not delegate the Secretary's authority to private contractors to issue ratings or operating authority, and nothing in this section authorizes any private contractor to issue ratings or operating authority. (e) OVERSIGHT RESPONSIBILITY.—The Secretary shall have authority over any motor carrier safety auditor certified under subsection (a) to certify a motor carrier safety auditor. (f) CONFORMING AMENDMENT.—The analysis for this chapter or chapter 5, 313, or 315 of title 49, United States Code, to provide for a Federal medical qualification from operating a commercial motor vehicle designed to transport between 9 and 15 passengers (including the driver) for compensation; and (g) TRAFFIC SAFETY.—The Secretary shall conduct a rulemaking to establish a special commercial driver's license endorsement for drivers of school buses. The endorsement shall, at a minimum—(i) include a driving skills test in a school bus; and (ii) address proper safety procedures for—(A) loading and unloading children; (B) using emergency exits; and (C) traversing highway railroad grade crossings. SEC. 215. MEDICAL CERTIFICATE. The Secretary shall initiate a rulemaking to provide for a Federal medical qualification certificate to be made a part of commercial driver's licenses. SEC. 216. IMPLEMENTATION OF INSPECTOR GENERAL RECOMMENDATIONS. (a) IN GENERAL.—The Secretary shall implement the safety improvement recommendations provided for in the Department of Transportation Inspector General's Report, including any recommendations that the Inspector General determines are specifically addressed in sections 206, 208, 217, and 222 of this Act, including any amendments made by such section. (b) REPORTS TO CONGRESS.—(1) REPORTS BY THE SECRETARY.—Not later than 90 days after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives a report on the specific actions taken to implement such recommendations. (2) REPORTS BY THE INSPECTOR GENERAL.—The Inspector General shall periodically assess the implementation of the recommendations referred to in paragraph (1) and transmit a report assessing the Inspector General's progress in implementing the recommendations referred to in subsection (a) to the Secretary and appropriate committees of Congress. The report shall include the measurements and analyzing the number of violations cited by safety inspectors and the level of fines assessed and collected for such violations, and of the number of cases in which there are findings of extraordinary circumstances under section 222(c) of this Act and the circumstances in which these findings are made. SEC. 217. PERIODIC REFILING OF MOTOR CARRIER IDENTIFICATION REPORTS. The Secretary shall amend section 385.21 of the Department of Transportation's regulations (49 C.F.R. 385.21) to require periodic updating, not more frequently than once every 2 years, of the motor carrier identification report, form MCS-150, filed by each motor carrier conducting operations in interstate or foreign commerce. The initial update shall occur not later than 1 year after the date of enactment of this Act. SEC. 218. BORDER STANDARDS. (a) DEVELOPMENT AND IMPLEMENTATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and implement appropriate staffing standards for Federal and State motor carrier safety inspectors in international border areas.
under section 13902(c) of title 49, United States Code, or a motor carrier (as defined in section 13902(e) of such title), that motor carrier may not lease a commercial motor vehicle to another motor carrier or a motor private carrier to transport property in the United States.

(e) SAVING CLAUSE.—No provision of this section may be enforced if it is inconsistent with any international agreement of the United States.

(f) ACTS OF EMPLOYEES.—The actions of any employee driver of a foreign motor carrier or operator of a State and local authority motor carrier committed without the knowledge of the carrier or committed unintentionally shall not be grounds for penalty or disqualification under this section.

SEC. 220. TRAFFIC LAW INITIATIVE.

(a) IN GENERAL.—In cooperation with one or more States, the Secretary may carry out a program to develop innovative methods of improving motor carrier compliance with traffic laws. Such methods may include the use of photography and other imaging technologies.

(b) REPORT.—The Secretary shall transmit to Congress a report on the results of any program conducted under this section, together with any recommendations as the Secretary determines appropriate.

SEC. 221. STATE-TO-STATE NOTIFICATION OF VIOLATIONS DATA.

(a) DEVELOPMENT.—In cooperation with the States, the Secretary shall develop a uniform system to support the electronic transmission of data State-to-State on convictions for all motor vehicle traffic control law violations by individuals possessing a commercial drivers’ licenses as required by paragraphs (9) and (19) of section 33311(a) of title 49, United States Code.

(b) STATUS REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the implementation of this section.

SEC. 222. MINIMUM AND MAXIMUM ASSESSMENTS.

(a) IN GENERAL.—The Secretary of Transportation that motor carriers operate safely by imposing civil penalties at a level calculated to ensure prompt and sustained compliance with Federal motor carrier safety and commercial driver’s license laws.

(b) ESTABLISHMENT.—The Secretary—

(1) shall establish and assess minimum civil penalties for each violation of a law referred to in subsection (a); and

(2) shall assess the maximum civil penalty for each violation of a law referred to in subsection (a) by any person who is found to have committed a pattern of violations of critical or acute regulations issued to carry out such a law and to have previously committed the same or a related violation of critical or acute regulations issued to carry out such a law.

(c) EXTRAORDINARY CIRCUMSTANCES.—If the Secretary determines that extraordinary circumstances exist which merit the assessment of any civil penalty lower than any level established under subsection (b), the Secretary may assess such lower penalty.

(d) REVIEW AND UPDATE.—The Secretary shall promptly transmit to Congress the results of the study, together with any legislative recommendations.

(e) FUNDING.—Of the amounts made available under section 104(a)(1)(B) of title 23, United States Code, for each of fiscal years 2001, 2002, and 2003 $5,000,000 per fiscal year shall be available only to carry out this section.

(f) ADDITIONAL FUNDING FOR INFORMATION SYSTEMS.—In general.—

(1) OF THE amounts made available for each of fiscal years 2001, 2002, and 2003 under section 104(a)(1)(B) of title 23, United States Code, for fiscal years 2001, 2002, and 2003 $5,000,000 per fiscal year shall be available only to carry out this section.

(2) ADDITIONAL FUNDING FOR INFORMATION SYSTEMS.—In general.—

(1) OF the amounts made available for each of fiscal years 2001, 2002, and 2003 under section 104(a)(1)(B) of title 23, United States Code, for each of fiscal years 2001, 2002, and 2003 $5,000,000 per fiscal year shall be available only to carry out this section.

(3) ADDITIONAL FUNDING FOR INFORMATION SYSTEMS.—In general.—

(1) OF the amounts made available for each of fiscal years 2001, 2002, and 2003 under section 104(a)(1)(B) of title 23, United States Code, for each of fiscal years 2001, 2002, and 2003 $5,000,000 per fiscal year shall be available only to carry out this section.

(4) ADDITIONAL FUNDING FOR INFORMATION SYSTEMS.—In general.—

(1) OF the amounts made available for each of fiscal years 2001, 2002, and 2003 under section 104(a)(1)(B) of title 23, United States Code, for each of fiscal years 2001, 2002, and 2003 $5,000,000 per fiscal year shall be available only to carry out this section.

(5) ADDITIONAL FUNDING FOR INFORMATION SYSTEMS.—In general.—

(1) OF the amounts made available for each of fiscal years 2001, 2002, and 2003 under section 104(a)(1)(B) of title 23, United States Code, for each of fiscal years 2001, 2002, and 2003 $5,000,000 per fiscal year shall be available only to carry out this section.

(6) ADDITIONAL FUNDING FOR INFORMATION SYSTEMS.—In general.—

(1) OF the amounts made available for each of fiscal years 2001, 2002, and 2003 under section 104(a)(1)(B) of title 23, United States Code, for each of fiscal years 2001, 2002, and 2003 $5,000,000 per fiscal year shall be available only to carry out this section.

(7) ADDITIONAL FUNDING FOR INFORMATION SYSTEMS.—In general.—

(1) OF the amounts made available for each of fiscal years 2001, 2002, and 2003 under section 104(a)(1)(B) of title 23, United States Code, for each of fiscal years 2001, 2002, and 2003 $5,000,000 per fiscal year shall be available only to carry out this section.

(8) ADDITIONAL FUNDING FOR INFORMATION SYSTEMS.—In general.—

(1) OF the amounts made available for each of fiscal years 2001, 2002, and 2003 under section 104(a)(1)(B) of title 23, United States Code, for each of fiscal years 2001, 2002, and 2003 $5,000,000 per fiscal year shall be available only to carry out this section.

(9) ADDITIONAL FUNDING FOR INFORMATION SYSTEMS.—In general.—

(1) OF the amounts made available for each of fiscal years 2001, 2002, and 2003 under section 104(a)(1)(B) of title 23, United States Code, for each of fiscal years 2001, 2002, and 2003 $5,000,000 per fiscal year shall be available only to carry out this section.

(10) ADDITIONAL FUNDING FOR INFORMATION SYSTEMS.—In general.—

(1) OF the amounts made available for each of fiscal years 2001, 2002, and 2003 under section 104(a)(1)(B) of title 23, United States Code, for each of fiscal years 2001, 2002, and 2003 $5,000,000 per fiscal year shall be available only to carry out this section.
Section 2519 of Title 18, United States Code, beyond December 21, 1999.

Mr. COBLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1769) to continue the reporting requirements of section 2519 of title 18, United States Code, beyond December 21, 1999, and for other purposes, and ask for its immediate consideration in the House.

Mr. COBLE. Mr. Speaker, I thank the gentlewoman from California (Ms. LOFGREN) for yielding.

Mr. Speaker, the Federal Reports Elimination and Sunset Act of 1995 provided that all periodic reports provided to Congress will sunset on December 21, 1999, unless reauthorized by the Congress. The intent of the Act was to spur Congress to reexamine all the periodic reports it receives and eliminate the obsolete ones.

After careful review, the Committee on the Judiciary determined that about 40 reports out of the thousands of reports subject to sunset are required for the committee to perform its legislative and oversight duties.

For example, the United States Department of Justice's annual report on crime statistics and the Immigration and Naturalization Service's annual statistical report. The bill passed the House on the suspension calendar, and ask for its companion Senate bill adds two more reports which the Senate has asked to be continued. The motion which I will make will continue all the reports contained in the House bill and the two additional reports contained in the Senate bill into one bill and send it back to the Senate for passage and presentment to the President.

Ms. LOFGREN. Mr. Speaker, continuing to reserve the right to object, I would like to note that the Sunset Act itself forces Congress to reexamine the usefulness of the reports. But, as the chairman has pointed out, there are some of these reports that are very important. And I am pleased to report that there has been a bipartisan effort to identify the very same reports the chairman has mentioned today.

We believe, on a bipartisan basis, that the reports identified and preserved under this Act will continue to provide information important to legislative and oversight processes and, in particular, that the Congress to make sure that privacy is protected. And for that reason, if no other, we do need to act today.

Mr. Speaker, I would like to add finally a note of thanks to the Committee on the Judiciary's staff that worked on this measure, my own special counsel John Flannery; Cassandra Butts in the office of the minority leader, the gentleman from Missouri (Mr. GEPHARDT); and finally, the gentleman from Missouri (Mr. GEPHARDT) himself, who really was very passionate in making sure that the privacy issues that will be protected by this bill were brought to the forefront of the debate. I want to add the name of Jim Wilson. Jim did great work on this matter, as well.

Ms. LOFGREN. Mr. Speaker, I withdraw my reservation, and object to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Continued Reporting of Interceptive Wire, Oral, and Electronic Communications Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Section 2519(3) of title 18, United States Code, requires the Administrative Office of the United States Courts to transmit to Congress a full and complete annual report concerning the number of applications for orders authorizing or approving the interception of wire, oral, or electronic communications. This report is required to include information specified in section 2519(3).

(2) The Federal Reports Elimination and Sunset Act of 1995 provides for the termination of certain laws requiring submittal to Congress of annual, semiannual, and regular periodic reports as of December 21, 1999, 4 years from the effective date of that Act.

(3) Due to the Federal Reports Elimination Act and Sunset Act of 1995, the Administrative Office of United States Courts is not required to submit the annual report described in section 2519(3) of title 18, United States Code, as of December 21, 1999.

SEC. 3. CONTINUED REPORTING REQUIREMENTS.

(a) Continued Reporting Requirements.

Section 2519 of title 18, United States Code, is amended by adding at the end the following:

(4) The reports required to be filed by subsection (3) are exempted from the termination provisions of section 2003(a) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66).
of section 286 (8 U.S.C. 1356).

(3) by adding at the end the following:

“(22) Section 203(b) of the Alien and
Pribilof Islands Restitution Act (50 U.S.C.
App. 1968c–2(b)).

(2) Section 2010(c) of the Immigration Act
of 1990 (29 U.S.C. 2920(e)).

(3) Section 401 of the Immigration Reform

(14) Section 707 of the Equal Credit Opportu-


(15) Section 201(b) of the Privacy Protec-
tion Act of 1980 (42 U.S.C. 2000aa–11(b)).

(16) Section 6 of the Justice Assistance

(17) Section 13(a) of the Classified Informa-
tion Procedures Act (18 U.S.C. App.).

(18) Section 1004 of the Civil Rights Act of

(19) Section 1114 of the Right to Financial

(20) Section 11 of the Foreign Agents Regis-

(21) The following provisions of the Foreign
Intelligence Surveillance Act of 1978: sec-
tions 107 (50 U.S.C. 1807) and 108 (50 U.S.C.
1808).

(22) Section 102(b)(5) of the Department of
Justice and Related Agencies Appropriations

(1) The following sections of title 18,
United States Code: sections 522, 524(c)(6),
3126, and 3525(b).

(2) the offense specified in the order or ap-
lication, or extension of an order;

(3) the number of investigations involved;

(4) the number and nature of the facilities
affected; and

(5) the identity, including district, of the
applying investigative or law enforcement
agency making the application and the per-
son authorizing the order.”.

Amendment in the Nature of a Sub-
stitute Offered by Mr. Coble
Mr. COBLE. Mr. Speaker, I offer an am-
endment in the nature of a sub-
stitute.

The Clerk read as follows:

AMENDMENT IN THE NATURE OF
A SUBSTITUTE OFFERED BY MR.
COBLE:

“Strike out all after the enacting clause of
the Senate bill and insert:

SEC. 1. EXEMPTION OF CERTAIN REPORTS
CONCERNING PEN REGISTERS
AND TRAP AND TRACE DEVICES.

Section 3126 of title 18, United States Code,

is amended by striking “and inserting “(iv)
and inserting “((iv) the number of orders in
which encryption was encountered and whether
such encryption prevented law enforcement
from obtaining the plain text of communica-
tions intercepted pursuant to such order, and

“(v)”.

SEC. 5. REPORTS CONCERNING PEN
REGISTERS AND TRAP AND TRACE
DEVICES.

Section 3126 of title 18, United States Code,

is amended by striking the period and inserting
“", which report shall include information
concerning—

“(1) the period of interceptions authorized
by the order, and the number and duration of
any extensions of the order;

“(2) the offense specified in the order or ap-
lication, or extension of an order;

“(3) the number of investigations involved;

“(4) the number and nature of the facilities
affected; and

“(5) the identity, including district, of the
applying investigative or law enforcement
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agency making the application and the per-
son authorizing the order.”.

Amendment in the Nature of a Sub-
stitute Offered by Mr. Coble
Mr. COBLE. Mr. Speaker, I thank the
gentleman from California for yielding.

Mr. Speaker, H.R. 3456 is very similar
to H.R. 1761, which was considered
under suspension of the rules and agreed to by voice vote on August 2,
1999.

It makes significant improvements in the ability of the Copyright Act to deter
copyright infringement by amending it to increase the statutory penalties for infringement. Copyright piracy, Mr. Speaker, is flourishing in the world. With the advanced tech-
nologies available and the fact that many computer users are either ignorant
of the copyright laws or simply believe that they will not be caught or punish-
ed, the piracy trend will con-

One way to combat this problem is to increase the statutory penalties for
copyright infringement so that they will be an effective deterrent to this con-
duct.

Another significant aspect of H.R. 3456 addresses a problem on regarding the
difficulty of prosecuting crimes against intellectual property. It in-
structs that within 120 days on enact-
ment of this act or within 120 days after there is a sufficient number of voting
members to constitute a quorum, the United States Sentencing Commis-
sion shall promulgate emergency
guideline amendments to implement the sentencing mandate in the No
Electronic Theft, popularly known as the NET Act, which became law in the
105th Congress.

It is vital that the United States rec-
ognizes intellectual property rights and provides strong protection and en-
forcement against violation of those rights.

This legislation, Mr. Speaker, makes significant and necessary improve-
m ents to the Copyright Act. The Sub-
committee on Courts and Intellectual

Mr. BERMAN. Mr. Speaker, reserving
the right to object, I yield to the gen-
tleman from North Carolina (Mr.
COBLE), the chairman of the sub-
committee, to just describe the legisla-
tion.

Mr. COBLE. Mr. Speaker, I thank the
gentleman from California for yielding.

Mr. Speaker, I ask unanimous consent that the Committee on the
Judiciary be discharged from fur-
ther consideration of the bill (H.R.
3456) to amend statutory damages pro-
visions of title 17, U.S. Code, and ask
for its immediate consideration in the

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there
objection to the request of the gen-
tleman from North Carolina?

Mr. COBLE. Mr. Speaker, I ask unan-
imous consent that the Committee on the
Judiciary be discharged from further
consideration of the bill (H.R. 3456) to amend statutory damages pro-
visions of title 17, U.S. Code, and ask
for its immediate consideration in the

The Clerk read the title of the bill.

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tleman from North Carolina (Mr.
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Mr. COBLE. Mr. Speaker, I thank the
gentleman from California for yielding.

Mr. Speaker, H.R. 3456 is very similar
to H.R. 1761, which was considered
under suspension of the rules and agreed to by voice vote on August 2,
1999.

It makes significant improvements in the ability of the Copyright Act to deter
copyright infringement by amending it to increase the statutory penalties for infringement. Copyright piracy, Mr. Speaker, is flourishing in the world. With the advanced tech-
nologies available and the fact that many computer users are either ignorant
of the copyright laws or simply believe that they will not be caught or punish-
ed, the piracy trend will con-

One way to combat this problem is to increase the statutory penalties for
copyright infringement so that they will be an effective deterrent to this con-
duct.

Another significant aspect of H.R. 3456 addresses a problem on regarding the
difficulty of prosecuting crimes against intellectual property. It in-
structs that within 120 days on enact-
ment of this act or within 120 days after there is a sufficient number of voting
members to constitute a quorum, the United States Sentencing Commis-
sion shall promulgate emergency
guideline amendments to implement the sentencing mandate in the No
Electronic Theft, popularly known as the NET Act, which became law in the
105th Congress.

It is vital that the United States rec-
ognizes intellectual property rights and provides strong protection and en-
forcement against violation of those rights.

This legislation, Mr. Speaker, makes significant and necessary improve-
m ents to the Copyright Act. The Sub-
committee on Courts and Intellectual
Property and the Committee on the Judiciary support H.R. 3456 in a bipartisan manner, and I urge its adoption today.

If I may, Mr. Speaker, at this time I have one more bill and possibly two more bills that are very brief, but I would be remiss as we conclude the first session of the 106th Congress if I did not convey my personal expressions of thanks to the distinguished gentleman from California (Mr. Berman), the ranking member of the subcommittee; to each Democrat and Republican member of the subcommittee; to our very fine chairman, the gentleman from Illinois (Mr. Hyde); and to the staff on both the Democrat and Republican side for the accomplishments.

And pardon our immodesty, but I think we have realized accomplishments during this first session.

Mr. Berman. Mr. Speaker, continuing my reservation of objection, first let me just respond to the last comment of my friend.

As he knows, and I have discussed this publicly before, it was a real pleasure to be his ranking member this past year. We did get a lot done. We did it, I think, on a bipartisan basis on almost every single issue we faced and accomplished quite a bit, probably not as much as the Transportation and Infrastructure committee, but a substantial work product, much of which was in the legislation that passed as part of the non-omnibus appropriations bill.

I also want to express my appreciation to the staff both of the subcommittees and the full committees and to the gentleman from Illinois (Mr. Hyde) and the gentleman from Michigan (Mr. Conyers) as well for all their support.

On this particular legislation which is an important bill, it comes under our obligations under the intellectual property provisions of Article 1 of the Constitution to reassess the efficacy of our laws in protecting copyright. Toward that end, earlier this year the Committees on the Judiciary in both Houses resolved to address several concerns which have been brought to our attention regarding the deterrence of copyright infringement and penalties for such infringement in those instances when it is serious.

While I was praising all my colleagues on the Judiciary and on the subcommittee, and, of course, intellectual property, inevitably omissions are committed and I inadvertently failed to mention the distinguished gentleman from Michigan (Mr. Conyers), the ranking member of the full committee.

Mr. Berman. Mr. Speaker, I withdraw my reservation of objection.

The Speaker pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. Coble. Mr. Speaker, I thank the gentleman for yielding.

While I was praising all my colleagues on the Judiciary and the subcommittee, and, of course, intellectual property, inevitably omissions are committed and I inadvertently failed to mention the distinguished gentleman from Michigan (Mr. Conyers), the ranking member of the full committee.

Mr. Berman. Mr. Speaker, I withdraw my reservation of objection.

The Speaker pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 254

WHEREAS diversity and tolerance are essential principles of an open and free society;
WHEREAS all people deserve to be safe within their communities, free to live, work and worship without fear of violence and bigotry;
WHEREAS crimes motivated by hatred against African-Americans, Jews, Asian-Americans, or other groups undermine the fundamental values of our Nation;
WHEREAS the communities of Skokie, the West Rogers Park neighborhood of Chicago, Northbrook, and Urbana, Illinois, and Bloomington, Indiana, were terrorized by hate crimes over the Fourth of July weekend, a time when our Nation celebrates its commitment to freedom and liberty;
WHEREAS hate crimes tear at the fabric of American society, leave scars on victims and their families, and weaken our sense of community and purpose;
WHEREAS Ricky Byrdsong, at age 43, was a loving husband and father, an inspiring community leader, and a former basketball coach at Northwestern University;
WHEREAS Ricky Byrdsong was a man of deep religious faith who touched the lives of countless people and whose death is mourned by his family, friends, and community, and by all Americans.
WHEREAS Won-Joon Yoon, at age 26, was the only son in a family of 6, and was soon to become a doctoral student in Economics at Indiana University;
WHEREAS Won-Joon Yoon was a man who, through his demeanor and firmly-held Christian beliefs, positively influenced those who knew him, and whose death is mourned by his family, friends, and community, and by the citizens of the United States and Korea; and
WHEREAS individuals who commit crimes based on hate and bigotry must be held responsible for their actions and must be
Stopped from spreading violence: Now, therefore, be it
Resolved, That the House of Representatives—
(1) condemns the senseless violence that occurred in Illinois and Indiana over the Fourth of July weekend;
(2) conveys its deepest sympathy to the victims and their families;
(3) condemns the culture of hate and the hate groups that foster such violent acts;
(4) commends the communities of Illinois and Indiana for uniting to condemn these acts of hate in their neighborhoods;
(5) commends the efforts of Federal, State, and local law enforcement officials; and
(6) reaffirms its commitment to a society that fully respects and protects all people, regardless of race, religion, or ethnicity.

The resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 2015

SENSE OF CONGRESS THAT CHINESE GOVERNMENT SHOULD STOP PERSECUTION OF FALUN GONG PRACTITIONERS

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 218) expressing the sense of the Congress that the Government of the People's Republic of China should stop its persecution of Falun Gong practitioners, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

THE SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from New York?

Mr. BROWN of Ohio. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York to explain the bill.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H. Con. Res. 218, calling on the People's Republic of China to stop persecuting the Falun Gong practitioners which was introduced by the distinguished gentleman from New Jersey (Mr. SMITH), the chairman of the Subcommittee on International Operations and Human Rights. During the past few weeks, the leaders of the People's Republic of China have arrested, jailed, beaten and tortured thousands of peaceful followers of Falun Gong, a religious synthesis of traditional Chinese physical exercises and Buddhist and Taoist teachings. Adherents to this meditation movement have done nothing more than express their humble belief that people should be kind to one another and work on themselves to change their own lives. They are nonviolent and have not adopted any so-called foreign beliefs. They do not promote nor do they use drugs. They are not a cult. They only want to meditate, take their lives into their own hands and attempt to live productive and peaceful lives.

What in the world can be wrong with that? What sort of government finds so threatening that it would have these good citizens arrested, tortured, dismissed from their job? What sort of government sends peaceful religious practitioners to labor camps and creates such circumstances whereby some of them felt that they had to take their own lives?

The answer to those questions is that the government of the People's Republic of China is doing just that. The same government that earlier this week threatened the State of Israel if its leaders had the audacity to meet with its holiness, the Dalai Lama. It is the same government that Pentagon administration so desperately wanted to be accepted as a member of the WTO. And it is the very same government that the State Department continues to promote military exchanges with.

Mr. Speaker, the government of China is led by those who do not share our beliefs in what is right and what is wrong. They have an agenda that is not moral. They have a purpose that is not peaceful. By their repression of Falun Gong, they demonstrate that they will use any means and methods to promote their effort to stay in power.

The repression of religion in China is a serious threat to all that civilized people hold dear. If our government and other democracies around the world continue business as usual with such a regime, we will have only ourselves to blame for the ultimate consequences.

Reconciling, I urge my colleagues to support H. Con. Res. 218.

Mr. BROWN of Ohio. Mr. Speaker, further reserving the right to object, I rise in strong support of this resolution which was introduced by my colleague on the Committee on International Relations and chairman of the Subcommittee on International Operations and Human Rights the gentleman from New Jersey (Mr. SMITH) and congratulate him on his good work.

Most Americans, and, for that matter, most Members of Congress probably had not heard of Falun Gong until last summer when the Chinese dictatorship banned and started throwing thousands of people in jail for practicing it. It is hardly surprising people that Chinese is systematically arresting, torturing and even killing its own citizens for wanting to practice their faith, which is what Falun Gong is. This is the same gang of dictators, after all, that persecutes Christians, Muslims and Buddhists and winks at forced abortions.

But even though this latest purge is completely in character, it is a perfect illustration why we need to radically alter our relations with that dictatorship.

Because when Beijing decided to make practicing Falun Gong a capital offense, in which dictatorship's Liberty Army turned its tanks and machine guns on the people in Tiananmen Square who wanted nothing less than the very same political liberty that lets us stand here tonight and debate this resolution.

As I speak there are thousands of men and women in China who are being beaten and killed for choosing to believe in ideals we take for granted in this country, whether it is our faith in Government so desperately wanted to belong to Falun Gong. As we consider, Mr. Speaker, permanent NTR next year to China, let us remember what the Communist Chinese are doing to the Falun Gong.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from New Jersey (Mr. SMITH).

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

Mr. Speaker, 2 weeks ago I introduced H. Con. Res. 218 which already has more than 70 bipartisan cosponsors, including the chairman of the full committee the gentleman from New York (Mr. GILMAN); the gentlewoman from California (Ms. PELOSI); the gentleman from Virginia (Mr. WOLF); the gentleman from California (Mr. LANDOS); the gentleman from Ohio (Mr. BROWN); the gentleman from Pennsylvania (Mr. PITTS) and many others, condemning the crackdown of the Falun Gong spiritual movement by the government of the People's Republic of China. As we all know by now, the Chinese dictatorship has long been brutal in its suppression of religious practice that is not state-controlled. Tibetan Buddhists, Catholics loyal to the Pope, Uighur Muslims in Xinjiang Province and Protestant House Church members have all borne the brunt of a systematic and brutal persecution by the Chinese government which often includes torture. In recent months, the Chinese government has embarked on a new campaign, an attempt, in its own words, to smash Falun Gong, a peaceful and nonviolent form of spiritual practice.

A meditative spirituality that blends elements of Buddhism and Taoism, Falun Gong has millions of adherents in China and elsewhere. Since the group was banned in July of this year, thousands of ordinary citizens from all over China have been jailed for refusing to give up their practice. There have been many credible reports of torture and inhumane treatment of detained practitioners, including a report that a 42-year-old woman was tortured...
to death by Chinese thugs. Numerous practitioners, Mr. Speaker, have been sentenced to labor camps without trial and thousands have lost their jobs or have been expelled from schools.

The Chinese government has also enacted laws criminalizing Falun Gong. This past Friday after a single, 7-hour closed hearing, China handed down the first sentence against Falun Gong practitioners. Three men and one woman received sentences ranging from 2 to 12 years for “using an evil cult to obstruct the law.” It is feared that those were only the first of what will become many trials aimed at stamping out the practice of Falun Gong. According to press reports, China will begin a new series of approximately 300 trials starting on Sunday with the trial of a 63-year-old retired teacher and former Falun Gong practitioner. This is an absolute outrage. Thankfully the House, I hope, will soon go on record condemning it.

The fact that this rash of trials follows so closely on the heels of the Beijing visit of U.N. Secretary-General Kofi Annan demonstrates the failure of his visit to advance the cause of human rights in China. I could not believe my eyes, Mr. Speaker, reading yesterday’s press reports of the Secretary-General’s remarks on Tuesday. Mr. Annan stated that the Chinese foreign minister had given him “a better understanding of some of the issues involved” in the Falun Gong crackdown. He also parroted the Chinese official line, stating that, and I quote, “In dealing with this issue, the fundamental rights of citizens will be respected, and some of the actions they are taking are for the protection of individuals.”

Certainly Mr. Annan cannot be ignorant of the credible reports to the contrary that have been pouring out of China in recent weeks. I fear that the Secretary-General’s failure to empathize with and to speak out on behalf of these oppressed people and his willingness to give the Chinese oppressors the benefit of an unjustified doubt has only emboldened them in their efforts to crush Falun Gong.

The suppression of Falun Gong in China has been brutal, it has been systematically and it continues as we meet here tonight. Two days ago, during the Secretary-General’s visit, the authorities arrested 20 more people who were practitioners of Falun Gong who were meditating in Tiananmen Square. The police used force against the group, reportedly kicking and jumping on the peaceful protesters before removing them from the square in a van.

In response to this further suppression of fundamental human rights by the Beijing dictatorship, H. Con. Res. 218 expresses the sense of the Congress that the government of the PRC should stop persecuting Falun Gong practitioners and other religious believers and expresses our belief that the U.S. Government should use every appropriate forum to urge the PRC to release all detained Falun Gong practitioners; allow those practitioners to pursue their beliefs in accordance with the Chinese constitution; and to abide by the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.

Given this Chamber's commitment to freedom of conscience and the undisguised severity of the persecution against Falun Gong, I strongly urge support of this resolution.

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

Mr. BROWN of Ohio. Further reserving the right to object, I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding.

Mr. Speaker, I wanted to report to my colleagues that this resolution introduced by the distinguished gentleman from New Jersey (Mr. SMITH) with many other cosponsors was reported to the Subcommittee on Asia and the Pacific only lately because it was introduced on November 2. We took a look at it, made very slight rhetorical changes, cleared it with the gentleman from California (Mr. LANTOS) and the gentleman from Connecticut (Mr. GILMAN) on the minority side who were also cosponsors along with the gentleman from New York (Mr. GILMAN) and other distinguished members of the Congress, including some on our committee, the Committee on International Relations, and we thought it was entirely appropriate that it was reported to the floor.

The gentleman from New Jersey has highlighted some of the concerns that obviously we have with the way the Falun Gong is being treated in China. It only makes me wonder, I think, it speaks unfortunately to their legitimacy. I would hope that this is a message that they will take to heart. I urge support of this resolution.

Mr. BROWN of Ohio. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the Government of the People's Republic of China should stop persecuting Falun Gong practitioners and other religious believers;

(2) the Government of the United States should use every appropriate public and private forum, including but not limited to the United Nations Human Rights Commission, to urge the Government of the People's Republic of China—

(A) to release from detention all Falun Gong practitioners and put an immediate end to the practices of torture and other cruel, inhuman and degrading treatment against them and other prisoners of conscience;

(B) to allow Falun Gong practitioners to pursue their religious beliefs in accordance with article 36 of the Constitution of the People's Republic of China; and

(C) to abide by the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Speaker, I offer an amendment in the nature of a substitute:

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. GILMAN:

Strike out all after the resolving clause and insert:

That it is the sense of the Congress that—

(1) the Government of the People's Republic of China should stop persecuting Falun Gong practitioners; and

(2) the Government of the United States should use every appropriate public and private forum, including but not limited to the United Nations Human Rights Commission,
Section 1. Designation

The Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, shall be known and designated as the "Mervyn Malcolm Dymally Post Office Building".

Section 2. References

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Mervyn Malcolm Dymally Post Office Building".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.
House adjourns today, it adjourn to meet at noon tomorrow.

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

There was no objection.

DESIGNATION OF THE HONORABLE CONSTANCE A. MORELLA OR THE HONORABLE FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE AND TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS FOR REMAINDER OF FIRST SESSION OF 106TH CONGRESS

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

WASHINGTON, DC, November 18, 1999.

I hereby appoint the Honorable Constance A. Morella or, if not available to perform this duty, the Honorable Frank R. Wolf to act as Speaker pro tempore to sign enrolled bills and joint resolutions for the remainder of the First Session of the One Hundred Sixth Congress.

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

The SPEAKER pro tempore. Without objection, the designations are agreed to.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
WASHINGTON, DC, November 17, 1999.

Hon. J. Dennis Hastert,
Speaker of the House, Capitol,
Washington, DC;

Dear Mr. Speaker: I am transmitting herewith copies of the resolutions approved on November 10, 1999 by the Committee on Transportation and Infrastructure, as follows:

Committee survey resolutions authorizing the U.S. Army Corps of Engineers to study the following potential water resources projects: Brazoria County Shoreline, Texas; Dickinson Bayou, Texas; and for the City of Brownsville, Texas.

Committee resolution authorizing the natural Resources Conservation Service to undertake a small watershed project for the Middle Deep Red Run Creek Small Watershed, Oklahoma.

With kind regards, I am
Sincerely,

BUD SHUSTER,
Chairman.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DISTURBING PATTERN OF PAKISTANI ACTIONS DEMANDS SERIOUS SCRUTINY BY THE ADMINISTRATION AND CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Pallone) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, last Tuesday in this House we approved on a bipartisan resolution a resolution congratulating the people of India and their government for the successful parliamentary elections recently concluded by that thriving democracy. I was pleased to support that resolution and to speak in favor of it.

Unfortunately, action on another resolution that has been approved by the Committee on International Relations and Foreign Affairs on this floor has been delayed. That other resolution would express the strong opposition of Congress to the recent military coup in Pakistan that overthrew the civilian government. While individual Members of Congress, including me, have spoken out against the Pakistani coup, it is important for the House of Representatives to go on record collectively stating that we do not tolerate the overthrow of an elected government.

I am very disappointed, Mr. Speaker, in the Republican leadership for the continued delay in bringing up this resolution. Since we are about to adjourn, I fear the resolution is dead for this year.

Last month, Mr. Speaker, the military coup in Pakistan was one of a series of disturbing actions that deserve very close scrutiny and clear condemnation by the U.S. government, this Congress, as well as the administration. One of the most shocking of these was last week’s rocket attacks against American and UN targets in the Pakistani capital of Islamabad. The rockets were aimed at buildings in the heart of the capital, including the U.S. Embassy, a library and cultural center known as the American Center, and an office tower housing several UN agencies. Thank God, no one was killed, although one person was injured, a Pakistani guard at the American Center.

Mr. Speaker, the attacks came 2 days after UN sanctions were scheduled to go into effect against the Taliban militia in Afghanistan, and with bin Laden. Pakistan and the Taliban represent the height of violent anti-Americanism, and yet here is the Pakistani regime tolerating, if not directly supporting, the operations of these movements in their country.

We have recently seen another example of the lack of respect for democracy and the rule of law on the part of the new Pakistani military regime with the initiative to indict the deposed Prime Minister, Sharif, on trumped up charges of treason and hijacking, charges which carry the death penalty.

Mr. Speaker, I do not want to get carried away singing the praises of Mr. Sharif. He was deeply involved in the ill-fated military campaign in Kashmir earlier this year. But he was the recognized legitimate leader of the nation. He had apparently attempted to dismiss the army’s Chief of Staff, General Musharraf, and, instead, the general turned the tables and dismissed the prime minister, indicating who is really in charge in Pakistan. The turn of events indicates that the notion of democratic civilian leadership and the rule of law are not well developed in Pakistan.

Reports in the last day out of Pakistan indicate that Prime Minister
Sharif, who has been in military custody since he was deposed in the October 12th coup, has been moved to the port city of Karachi in a military aircraft in preparation for a court appearance.

Mr. Speaker, in conclusion, there are some who seem to welcome the seizure of military power by the military in Pakistan as a recipe for stability. I believe this is misguided thinking. First, as the rocket attacks against American targets last week indicate, the military regime is no better at maintaining stability and security than the previous civilian government. Furthermore, this year’s Pakistan attack on India in Kashmir demonstrates behavior that is highly destabilizing and could lead to a wider war that would devastate much of South Asia.

It was the military regime now in charge of the country who precipitated that conflict, and who continue to promote the ongoing border incidents. Finally, the fact that Pakistan has been under military dictatorship for approximately half of its 52 years of independence inevitably led George Bush to conclude that it was his right to dismiss the Prime Minister, not the other way around. Until that type of thinking changes, Pakistan’s prospects for stability and democracy are dim. While we may not be able to change Pakistani behavior, the United States should not be playing the role of enabler, out of cynical expediency or in the misguided belief that the military regime will bring “stability.” This body should go on the record expressing our condemnation of this policy.

As the Book of Proverbs reminds, “If you refuse to listen to the cry of the poor, your own cry will not be heard.”

The Jubilee movement is worldwide, but American leadership is critical. In recent years we have demonstrated to the world our lead in the use of force. Now we must show an equal commitment to leading in the delivery of compassion. In a world in which divisions between rich and poor daily become more accentuated, it is imperative that Jubilee relationships be righted, that the alternative to war and famine with their attendant social and capital costs be averted.

Just as the Marshall Plan symbolized practicality and generosity at the end of the greatest war in human history, debt relief under the Jubilee banner stands at the end of the second millennium after the birth of Christ as a critical moral response to social challenges in parts of the world where poverty is endemic and governments have proven unable or unwilling to serve well their people.

CONGRESSIONAL RECORD—HOUSE 30791

Mr. Speaker, I rise today to emphasize to my colleagues and the public that as part of the omnibus spending resolution just adopted, the United States House of Representatives has endorsed the most seminal piece of legislation we will put before the Congress a comprehensive rebuilding and reconstruction bill. At that time, we will seek the support of our colleagues in the House and Senate, as well as the support of the administration.

One aspect of the legislation we will introduce will be the provision of grants rather than loans for those homeowners and business owners who simply cannot be helped by loans alone. Unless we are able to provide grants, there are many, many who owned homes before the storm will not
be able to afford replacement houses after the storm. Unless we are able to provide grants, there are many business people, small farmers who were in business before the storm, but will not be able to return or remain in business because of the storm.

Over the years, America has come to the aid of many in foreign countries, as we should and as we must continue to do. We have helped to rebuild Europe. We have helped to boost the recovery of Japan. We have come and will continue to come again and again to the aid of Kosovo. Surely, Mr. Speaker, we can come to the aid of our fellow citizens in eastern North Carolina.

Mr. Speaker, America is at its best when conditions of our fellow citizens are at their worst. America was at its best on November 6 when those Members of Congress who have their hearts and time and hands to those storm-torn communities and to the flood victims.

In the budget agreement we just voted on, Congress did indeed provide some relief. It is not enough for many and very appreciative, although I was forced to vote against the bill because it did not contain $81 million promised by the Senate leadership for the agriculture cooperative that would have aided our tobacco farmers, our peanut and cotton farmers. There were indeed provisions in there that will provide a response to the Housing needs and additional resources for agriculture and loans and grants. I also want to thank the administration for its support.

With this budget, we have made a significant step, but only a step. Much, much more is needed before we can say that Congress has done its part. We must, indeed, do more.

TRAGEDY AT TEXAS A&M

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from Texas (Mr. BARTON) is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Speaker, as one of the last speakers to speak in this chamber in this century in terms of other than the purely procedural motion, it is with great sadness that I rise this evening to talk of a terrible tragedy. This happened in the time of my heart, and the time of the heart of our nation. And that is the time of my heart, and the heart of our nation. And I speak on behalf of the students and the families of those who have been injured and killed. I speak on behalf of those who have been injured and killed.

Mr. Speaker, there is a tradition of Texas A&M and the Aggie family, literally all over the world, is in shock and mourning for the students and their families that were injured and killed.

Mr. Speaker, there are a number of other Aggie traditions, one of which, unfortunately, will have to be utilized in the very near future. Silver Taps is a tradition at Texas A&M where any student that dies while an active student, there is a ceremony on campus where all of the lights are turned out in the evening, all the students gather at a common area in front of the academic building and Silver Taps are played. Sometimes in December, there will be Silver Taps for the students that were killed earlier this morning and Aggies mourn their passing.

There is a memorial service that is going on as we speak. The gentleman from Texas (Mr. BRADY), whose district Texas A&M is located in, flew down to College Station earlier this afternoon and he will be there at the time, and Silver Taps will be played for the students there as they have that memorial service this evening.

The bonfire has been held every year, but one year since 1989. In 1983, after the assassination of President Kennedy, the bonfire was canceled. That is the only time that it has been canceled until next week. Because of the tragic accident, there will be no bonfire at Texas A&M next week before the football game between Texas University and Texas A&M.

Mr. Speaker, again, I rise in strongest sympathy this evening. I would ask all of my colleagues in the House of Representatives to pray for the families whose children have been killed or injured. I have one more daughter, Kristin, who is a senior in high school this year, and she hopes to attend Texas A&M. It is my hope that the A&M administration, President Bowen, who is an excellent academic leader and faculty leader at Texas A&M, will conduct a full investigation of this accident. If there is a way to find a cause and to prevent it from happening in the future, I know that he will do that, but I also hope that we can do not cancel the bonfire in the future.

Again, hundreds of thousands of former students of Texas A&M have participated in the bonfire. With almost no exceptions, those who have participated have nothing but the highest regard. Our thoughts and our prayers are with all those who have been injured and killed. I have one more daughter, and I am very, very appreciative, although I was forced to vote against the bill because it did not contain $81 million promised by the Senate leadership for the agriculture cooperative that would have aided our tobacco farmers, our peanut and cotton farmers. There were indeed provisions in there that will provide a response to the Housing needs and additional resources for agriculture and loans and grants. I also want to thank the administration for its support.

With this budget, we have made a significant step, but only a step. Much, much more is needed before we can say that Congress has done its part. We must, indeed, do more.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BARNEY), to offer his sympathy to the families of the victims of the bonfire tragedy at Texas A&M University, those who lost their lives and those who were severely injured. My sympathy to my colleague, Congressman BRADY whose district the university is in, and my sympathy to my constituents, many of whom attend Texas A&M and whose family members have attended Texas A&M. My prayers are with them and their families, and I hope that they will know that they are in our thoughts and that the university will proceed with a review of the circumstances. But I offer to them my deepest sympathy.

Mr. Speaker, today I rise on behalf of the children of America who are among the 13.7 million that suffer from severe mental health disorders. When we think of the tragedies that we have discussed over the past year, the hateful acts of students allegedly in Cleveland, Ohio; the tragedy of a killing of a middle school younger in my own community; the enormous tragedy of Columbine; the killings in Fort Worth, Texas and Jonesboro, we do know that our children need help, need aid, need nurturing, and need intervention.

Mr. Speaker, more than 13.7 million children in America suffer from severe mental disorders. I have long been an advocate for children’s mental health services because I believe that good mental health is indispensable to overall good health.

Mr. Speaker, today I introduced Give a Kid a Chance Omnibus Mental Health Services Act of 1999. H.R. 3455 was offered and filed with over 42 original sponsors. I believe that all children need access to mental health services, whether these services are provided in a private therapy session or in a group setting, in our communities, or available as an intervention method in our communities.
schools. My bill will provide mental health services to children, adolescents and their families in our schools and communities. By making these services more readily available, more accessible, more known, we can spot mental health issues in children early before we have escalated or they have escalated these incidences into violence.

Mr. Speaker, at least one in five children in adolescence has a diagnosable mental, emotional or behavioral problem that can lead to school failure, substance abuse, violence or suicide. However, 75 to 80 percent of these children do not receive any services in the form of specialty treatment or some form of mental health intervention.

Mr. Speaker, it is not always the kind of specialized treatment that is needed. We should make sure that our mental health family and parents access to some form of counseling that will be readily available that would not be distant, that would not be overly exorbitant in cost, that would not be beyond their reach. The lack of access to mental health services has resulted in an increase of children dropping out of school, becoming involved in delinquent or criminal activity and becoming involved in the juvenile justice or protective child systems.

In light of the Columbine tragedy and other violent events of the past 7 months, our children need us to pay close attention to the early signs of mental disorders. Clearly, there are warning signs of trouble in young people that point to the possibility of emotional and behavioral disorders. These warning signs include isolation, depression, alienation and hostility. But if they have no access either through the community or school health services or their parents do not know where to go, these terrible warning signs can turn into actions of violence. Recognizing these signs is the first step to ensuring that the troubled youngsters get the attention they need early to address their mental health needs before it is too late.

Although the problem of youth violence cannot be traced to a single cause or source, unrecognized or unaddressed mental health disorders in children can be catalytic. The current mental health system fails to provide a refuge for these children before they are dumped into the juvenile justice system. Two-thirds of the children who are in the juvenile justice system need mental health intervention. I believe that prevention and intervention from an early age are critical to stemming the tide of youth violence. We must put something in place to intervene in a child’s life.

This bill provides for a comprehensive, community-based, culturally competent and developmentally appropriate prevention and early intervention program that provides for the identification of early mental health problems and promotes the mental health and enhances the resiliency of children at birth to adolescence and their families.

It incorporates families, schools and communities in an integral role in the programs. It coordinates behavioral health care services. Mr. Speaker, interventions and support in traditional and nontraditional settings and, finally, it provides a continuum of care for children from birth through adolescence along with their families.

Let me close simply, Mr. Speaker, by saying that I hope that all of my colleagues, Republicans and Democrats, will join in a unified voice in support of pushing this legislation quickly, because we are in great need of providing the kind of comfort and support of our children, intervention, support, mental health services to all.

I rise today on behalf of the children—the more than 13.7 million that suffer from severe mental health disorders. I have long been an advocate for children’s mental health services because I believe that good mental health is indispensable to overall good health. Today I introduced a bill, “Give a Kid a Chance Omnibus Mental Health Services Act of 1999,” H.R. 3455 with forty-two (42) Original Co-Sponsors.

I believe that all children need access to mental health services. Whether these services are provided in a private therapy session or in a group setting in the schools, we need to make these services available.

My bill will provide mental health services to children, adolescents and their families in the schools and communities. By making these services more readily available, we can spot mental health issues in children early before we have escalated incidents of violence.

At least one in five children and adolescents has a diagnosable mental, emotional or behavioral problem that can lead to school failure, substance abuse, violence or suicide. However, 75 to 80 percent of these children do not receive any services in the form of specialty treatment or some form of mental health intervention.

The lack of access to mental health services has resulted in an increase of children dropping out of school, becoming involved in delinquent or criminal activity, and becoming involved in the juvenile justice or protective child systems.

In light of the Columbine tragedy and other violent events of the past 7 months, our children need us to pay close attention to the early signs of mental disorders. Clearly, there are warning signs of trouble in young people that point to the possibility of emotional and behavioral disorders. These warning signs include isolation, depression, alienation and hostility.

Recognizing these signs is the first step to ensuring that troubled youngsters get the attention they need early to address their mental health needs before it is too late.

Although the problem of youth violence cannot be traced to a single cause or source, unrecognized or unaddressed mental health disorders in children can be catalytic. The current mental health system fails to provide a refuge for these children before they are dumped into the juvenile justice system. Two-thirds of the children who are in the juvenile justice system need mental health intervention. I believe that prevention and intervention from an early age are critical to stemming the tide of youth violence. We must put something in place to intervene in a child’s life.

This bill provides for a comprehensive, community-based, culturally competent and developmentally appropriate prevention and early intervention program that provides for the identification of early mental health problems and promotes the mental health and enhances the resiliency of children at birth to adolescence and their families.

The current mental health system fails to provide a refuge for these children before they are dumped into the juvenile justice system. I believe that prevention and intervention from an early age are critical to stemming the tide of youth violence. We must put a system in place that can intervene in a child’s life early on, long before the first act of violence is ever committed.

However, there is a greater need to address the mental health needs of all children, not just those who end up in the juvenile justice system. We need to address the mental health needs of all children before they become at-risk or troubled youth. Our children need to feel more comfortable about seeking help for their problems.

In preparing this legislation, I worked with a coalition of mental health professionals—psychologists, counselors, social workers and others to create comprehensive mental health services that will benefit all children and their families.

Mental health is indispensable to personal well-being, family and interpersonal relationships. Mental health is the basis for thinking and communication skills, learning, emotional stability and self-esteem.

There were several issues that we considered—access to services, the issue of stigma and the cultural and ethnic barriers to treatment. This bill addresses each of these concerns. Access to mental health services is key to saving this generation from self-destructive behavior.

In addition to access, there is the significant issue of stigma, particularly among the various cultural groups in this country. As we all know, there is already a significant stigma attached to mental health services for adults.

Adults need to realize that mental health is not separate from physical or bodily health. Good physical health is all encompassing, inclusive of the mind and body. As adults, we need to feel more comfortable about our own issues. We cannot continue to believe in the stigma of mental help.

We must also explore the cultural and ethnic barriers to making mental health services available to all children. In certain ethnic cultures, the issue of mental health is almost a non-issue. For example, in some cultures, a person may complain of physical discomfort when the real issue is of a psychological nature.

In addition to internal cultural barriers to mental health treatment, there are cross-cultural barriers that must be overcome. Mental health professionals must be culturally savvy and have an understanding of various cultural and ethnic backgrounds.

People from various cultural backgrounds are often mistrustful of seeking professional mental health services because of a lack of trust in the healthcare system, economic constraints, and limited awareness of the value of good mental health. The challenge to the mental health profession is to overcome these barriers to provide comprehensive treatment.

This silence ultimately harms our children. For example, in the African American community, mental health is rarely discussed and it often goes untreated in both adults and children. Depression is the most common mental health disorder affecting 10 percent of the
population, yet we still do not engage in a public dialogue about this issue. The progress we make now in terms of mental health access and treatment, erasing the stigma and overcoming the cultural barriers will be long reaching.

I urge my colleagues to add their names to the list of cosponsors of this legislation. In the next session, I look forward to this bill passing.

**LEAVE OF ABSENCE**

By unanimous consent, leave of absence was granted to:

Mrs. CAPP (at the request of Mr. GE Privard) for today and the balance of the week on account of family illness.

**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. MALONEY of Connecticut, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Mr. UDALL of Colorado, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. BARTON of Texas) to revise and extend their remarks and include extraneous material:)

Mr. LEACH, for 5 minutes, today.

Mr. BARTON of Texas, for 5 minutes, today.

Mrs. MYRICK, for 5 minutes, today.

**SENATE ENROLLED BILLS SIGNED**

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 278. An act to direct the Secretary of the Interior to convey certain lands to the county of Rio Arriba, New Mexico.

S. 382. An act to establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes.


S. 1355. An act to clarify certain boundaries on maps relating to the Coastal Barrier Resources System.

**JOINT RESOLUTION PRESENTED TO THE PRESIDENT**

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 83. A joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

**ADJOURNMENT**

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 p.m.), under its previous order, the House adjourned until tomorrow, Friday, November 19, 1999, at noon.

**OATH OF OFFICE OF MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES**

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 331:

1 AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 106th Congress, pursuant to the provisions of 2 U.S.C. 25:

JOE BACA, Forty-second, California.

**EXECUTIVE COMMUNICATIONS, ETC.**

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

5439. A letter from the Associate Administrator, Dairy Programs, Agricultural Marketing Service, transmitting the Service’s final rule—Milk in the New England and Northeastern Areas: Exemption of Handlers Operating Plants in Clark County, Nevada, From Order Requirements (Docket No. DA–09–01) received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5440. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Herbicide Safener HOE-107882; Extension of Tolerance for Emergency Exemptions (OPP–300933; FRL–6472–3) received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5441. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Glyphosate; Pesticide Tolerance (FRL–6090–5) (RIN: 2070–AB78) received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5442. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Clopyralid; Pesticide Tolerances for Emergency Exemptions (OPP–300958; FRL–6598–5) (RIN: 2070–AB78) received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5443. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Avermectin B1 and its delta-8,9-isomer; Extension of Tolerance for Emergency Exemptions (OPP–300948; FRL–6991–6) (RIN: 2070–AB78) received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5444. A letter from the Secretary of Defense, transmitting a report entitled “Establishing an Entitlement to Reimburse Rental Car Costs to Military Service Members”; to the Committee on Armed Services.

5445. A letter from the Secretary of Defense, transmitting a Report On Proposed Obligations For Weapons Destruction And Non-Proliferation In The Former Soviet Union; to the Committee on Armed Services.

5446. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Air Quality Implementation Plans; States of Ohio, Wyoming; General Conformity (CO–001–0035a; UT–001–0022a; WY–001–0004a; FRL–6471–4) received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5447. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Air Quality Implementation Plans; Iowa; Update to Material Incorporated by Reference (IA 075–1075: FRL–6462–3) received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5448. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Air Quality Implementation Plans; New Jersey; Approval of Clean Air State Implementation Plan Revisions; Determination of Carbon Monoxide Attainment; Removal of Oxygenated Gasoline Program (Region 2 Docket No. NJ–37–2–003 FRL–6477–3) received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.


5450. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—National Emission Standards for Hazardous Air Pollutants:
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Generic Maximum Achievable Control Technology [Air] [PRC]; received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.


4545. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission’s final rule—Landowner Notification, Expanded Categorical Exclusions, and Other Environmental Filing Requirements [CC Docket No. 89-609] received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4546. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2000-07, authorizing the furnishing of assistance from the Emergency Refugee and Migration Assistance Fund to meet the urgent needs related to the Timor crisis and for the North Caucasus crisis, pursuant to 22 U.S.C. 2801(c)(3); to the Committee on International Relations.

4547. A communication from the President of the United States, transmitting a report on progress toward a negotiated settlement of the Cyprus question covering the period August 1, 1999, to September 30, 1999, pursuant to 22 U.S.C. 2573(c); to the Committee on International Relations.

4548. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the justification and designation of Iran, Iraq, and Sudan as “countries of particular concern” for having engaged in or tolerated particularly severe violations of religious freedom; to the Committee on International Relations.

4549. A letter from the Chairman and Chief Executive Officer, Chemical Safety and Hazard Investigation Board, transmitting the Board’s report on Audit and Investigative Activities for Fiscal Year 1999, pursuant to 5 U.S.C. app. (Inap. Gen. Act) section 5(b); to the Committee on Government Reform.

4550. A letter from the Comptroller General, transmitting a list of General Accounting Office reports from the previous month; to the Committee on Government Reform.


4552. A letter from the Chief Administrative Officer, U.S. House of Representatives, transmitting the quarterly report of the Statement of Disbursements of the House of Representatives covering receipts and expenditures of appropriations and other funds for the period July 1, 1999 through September 30, 1999, pursuant to 2 U.S.C. 104(a); (H. Doc. No. 106-125); to the Committee on House Administration and ordered to be printed.

4553. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department’s final rule—Indiana Regulatory Program [SPAT/S No. IN-143-FOR; State Program Amendment No. 98-5] received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Natural Resources.

4554. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department’s final rule—Maryland Regulatory Program [MD-044-FOR] received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Natural Resources.

4555. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department’s final rule—Ohio Regulatory Program [OH-246-FOR] received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Natural Resources.

4556. A letter from the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resource projects previously funded by the Secretary under such Act or related laws; with amendments (Rept. 106-494 Pt. 1). Ordered to be printed.

4557. A letter from the Acting Director, Office of Management and Budget, reviewing the National Policy on Federal Financial Management, pursuant to 5 U.S.C. 555a; jointly to the Committees on Ways and Means, Education and the Workforce extended for a period not later than November 19, 1999.

4558. A letter from the Acting Director, Office of Management and Budget, reviewing the National Policy on Federal Financial Management, pursuant to 5 U.S.C. 555a; jointly to the Committees on Ways and Means, Education and the Workforce extended for a period not later than November 19, 1999.

4559. A letter from the Acting Director, Office of Management and Budget, reviewing the National Policy on Federal Financial Management, pursuant to 5 U.S.C. 555a; jointly to the Committees on Ways and Means, Education and the Workforce extended for a period not later than November 19, 1999.


4561. A letter from the Secretary of Health and Human Services, transmitting activities taken relative to Medicare approved home health agencies including the status, implementation and impact of the revised survey cycle; jointly to the Committees on Ways and Means and Commerce.


4563. A letter from the Acting Director, Executive Office of the President, transmitting a legislative proposal entitled, “Southeast Europe Trade Preference Act”; jointly to the Committee on Ways and Means, Education and the Workforce, and Agriculture.

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. LEACH: Committee on Banking and Financial Services. H.R. 985. A bill to require the United States, acting through the Department of the Treasury, to provide bilateral debt relief, and improve the provision of multilateral debt relief, in order to give a fresh start to poor countries; with an amendment (Rept. 106-483 Pt. 1). Ordered to be printed.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 728. A bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resource projects previously funded by the Secretary under such Act or related laws; with amendments (Rept. 106-494 Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2989. A bill to reauthorize the Coastal Zone Management Act of 1972, and for other purposes; with an amendment (Rept. 106-465). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1538. Referral to the Committee on Armed Services extended for a period ending not later than November 19, 1999.

H.R. 3061. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 19, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. JOHNSON of Connecticut (for herself and Mr. CARBON):

H.R. 3443. A bill to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHENOWETH-CHIDES (for herself, Mr. BARRETT of Georgia, Mr. WATTS of Oklahoma, Mr. DOOLITTLE, Mrs. CURBIN, Mr. GIBBONS, Mr. CURBIN, Mr. YOUNG of Alaska, Mr. MCBRIDE, Mr. PAUL, Mr. GOOD, Mr. HASTINGS of Washington, Mr. CANNON, Mr. SMITH of Michigan, Mr. SKEEN, Mr. PICKETT, Mr. BELCHER of Montana, Mr. RATFINK, Mr. RYUN of Kansas, and Mr. WICKER):


H.R. 3444. A bill to repeal section 658 of Public Law 88-79, commonly referred to as the Lautenberg amendment; to the Committee on the Judiciary. By Mr. FOWLER:

H.R. 3447. A bill to amend title 10, United States Code, to allow the Secretaries of the military departments to authorize civilian special agents of their respective military investigative organizations to execute warrants and make arrests; to the Committee on Armed Services. By Mr. OBERSTAR:

H.R. 3448. A bill to authorize appropriations for the Surface Transportation Board, to enhance railroad competition, to protect collective bargaining agreements, and for other purposes; to the Committee on Transportation and Infrastructure. By Mr. HASTINGS of Washington (for himself and Mr. WALDEN of Oregon):

H.R. 3449. A bill to amend the Clean Air Act to provide for a State waiver of the requirement concerning the oxygen content of gasoline; to the Committee on Energy and Commerce. By Mr. EHRLERS:

H.R. 3450. A bill to direct the Archivist of the United States to establish a schedule for transfer to the National Archives of records relating to certain Federal land located in the State of Michigan to the Gerald R. Ford Foundation in trust, and for other purposes; to the Committee on Government Reform. By Mr. ABERCROMBIE:

H.R. 3451. A bill to amend the Internal Revenue Code of 1986 to allow the unused portion of the low-income housing credit for buildings financed with tax exempt State bonds to be used for the construction of military housing in the State; to the Committee on Ways and Means. By Mr. BAKER (for himself, Mr. HUNTER, Mr. STUMP, Mr. TRAFICANT, Mr. HEFFLEY, Mr. CORKNEY, Mr. WAMP, Mrs. BOND, Mrs. CHENOWETH-HAGE, Mr. BACHUS, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON of Texas, Mr. CUNNINGHAM, Mr. TAUSIN, and Mr. SCHULTZ):

H.R. 3452. A bill to establish conditions on the payment of certain balances under the Panama Canal Act of 1979; to the Committee on Armed Services. By Mr. GOODLATTE:

H.R. 3453. A bill to amend the Food Stamp Act of 1977 to require the Secretary of Agriculture to consider additional commodities for distribution under section 214 of the Emergency Food Assistance Act of 1983 for fiscal years 2001 and 2002; to the Committee on Agriculture. By Mr. CHAMBLISS:

H.R. 3454. A bill to designate the United States post office located at 451 College Street in Marietta, Georgia, as the "Henry McNeal Turner Post Office"; to the Committee on Government Reform. By Ms. JACKSON-LEE of Texas (for herself, Ms. MILLINDER-McDONALD, Ms. KILPATRICK, Ms. LEES, Ms. SCHAKOWSKY, Mr. GREEN of Texas, Mr. MCDERMOTT, Mr. EDWARDS, Mr. FLETCHER, Mr. MILLER of California, Mrs. HAWAI, Mr. RANGEL, Mr. BARRETT of Wisconsin, Mr. SAWYER, Mr. MENENDEZ, Mr. FUKUSHIMA, Mr. CRANDALL, Mr. MENendez of Florida, Mrs. MNOX of Hawaii, Mr. DAVIS of Illinois, Mr. CLYBURN, Mr. TOWNS, Ms. NAPOLITANO, Ms. PLOMOLI, Mr. FARR of California, Mr. CALDERON, Mr. FORBES, Mr. MCDERMOTT, Mr. FISHER of Texas, Mr. LEW, Mr. PASCRELL, Mr. WEYGAND, Mr. BACA, Mr. MEKES of New York, Mr. BASH, Mr. STRICKLAND, and Mr. JIMENEZ)

H.R. 3455. A bill to amend the Public Health Service Act with respect to mental health services for children, adolescents and their families; to the Committee on Commerce. By Mr. COBLE:

H.R. 3456. A bill to amend statutory damages provisions of title 17, United States Code; to the Committee on the Judiciary. By Mr. UPTON (for himself, Mr. STUPAK, Ms. JACKSON-LEE of Texas, Mr. FLANAGAN, Mr. GONZALEZ, Mr. LEW, Mr. ELISBERG, Mr. KATZ, Mr. NASPETTI, Mr. PACRELL, Mr. WITTMAN of Maryland, Mr. PLEKANIC, Mr. HEPSTEIN, Mr. PLEKANIC, Mr. PARKER, and Mr. PARKER)

H.R. 3457. A bill to amend the Controlled Substances Act to direct the emergency scheduling of gamma hydroxybutyric acid, to provide for a national awareness campaign, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. By Mr. GREENWOOD:

H.R. 3458. A bill to amend the Affordable Housing Act of 1987 to establish a program of the Department of Housing and Urban Development to provide grants to States, local governments, and other nonprofit organizations to develop and finance the construction of affordable rental and ownership housing for very low- and low-income elderly persons; to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. By Mr. CUNNINGHAM, Mr. TAUSIN, and Mr. WAMP:

H.R. 3459. A bill to provide that a person who brings a product liability action in a Federal or State court for injuries sustained from a product which is not in compliance with a voluntary or mandatory standard issued by the Consumer Product Safety Commission may recover treble damages, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. By Mr. BACHUS (for himself and Mr. JONES of North Carolina):

H.R. 3460. A bill to amend title 10, United States Code, to require the consent of a member of the Armed Forces before administrative procedures may be initiated concerning certain reports received by criminal investigative organizations to execute warrants and make arrests; to the Committee on Armed Services. By Mr. ANDREW:

H.R. 3461. A bill to provide that a person who brings a product liability action in a Federal or State court for injuries sustained from a product which is not in compliance with a voluntary or mandatory standard issued by the Consumer Product Safety Commission may recover treble damages, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. By Mr. BACHUS (for himself and Mr. JONES of North Carolina):

H.R. 3462. A bill to amend title I of the Employee Retirement Income Security Act of 1974, to establish certain enforceable standards under such title relating to certain stock purchase arrangements maintained by employers for employees, and to amend the Internal Revenue Code of 1986 to provide favorable treatment for such arrangements meeting such requirements, subject to certain restrictions on disposition of transferred shares; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. By Mr. BOEHNER (for himself, Mr. OXLEY, and Mr. PORTMAN):

H.R. 3463. A bill to amend title I of the Employee Retirement Income Security Act of 1974, to establish certain enforceable standards under such title relating to certain stock purchase arrangements maintained by employers for employees, and to amend the Internal Revenue Code of 1986 to provide favorable treatment for such arrangements meeting such requirements, subject to certain restrictions on disposition of transferred shares; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. By Mr. BONIOR (for himself, Mr. JOHNSON of New York, Mr. STEWART, Mrs. LIEBER, Mr. MILLER of Florida, Mrs. WELDON of Pennsylvania, Mr. HERNUE, and Mr. HORN):

H.R. 3464. A bill to amend title 36, United States Code, to grant a Federal charter to the Ukrainian American Veterans, Incorporated; to the Committee on the Judiciary. By Mr. BOSWELL:

H.R. 3465. A bill to establish a cooperative program of the Department of Agriculture, the Department of Energy, and the Environmental Protection Agency to evaluate the feasibility of using only fuel blended with ethanol to power municipal vehicles; to the Committee on Commerce. By Mr. BRADY of Texas (for himself, Mr. McINTOSH, and Mr. BRYAN):

H.R. 3466. A bill to provide safer schools and a better educational environment; to the Committee on Education and the Workforce. By Mr. CAMP (for himself, Mr. THOMSON of Connecticut, and Mrs. THURMAN):

H.R. 3467. A bill to amend the Internal Revenue Code of 1986 to provide tax credit for electricity produced from certain renewable resources to energy produced from landfill gas; to the Committee on Ways and Means. By Mr. CAMP:

H.R. 3468. A bill to direct the Secretary of the Interior to convey to certain water rights to Duchesne City, Utah; to the Committee on Armed Services. By Mr. CANNON:

H.R. 3469. A bill to amend title 10, United States Code, to direct the Secretary of Defense to establish procedures for ensuring that persons reporting instances of suspected child abuse occurring on military installations may submit such reports anonymously; to the Committee on Armed Services. By Mr. EVANS (for himself and Mr. LEACH):

H.R. 3470. A bill to provide for the appointment of 1 additional Federal district judge for the eastern district of Virginia, and for other purposes; to the Committee on the Judiciary. By Mr. GREEN of Wisconsin:

H.R. 3471. A bill to provide for the appointment of 1 additional Federal district judge for the eastern district of Wisconsin, and for other purposes; to the Committee on the Judiciary.
By Mrs. LOWEY of Oregon:
H.R. 3477. A bill to amend the Truth in Lending Act to require credit card statements to be marked in order to avoid the late fee and to prohibit a late fee for a consumer's payment by mail marked by such date, and for other purposes; to the Committee on Banking and Financial Services.

By Ms. HOOLEY of Oregon:
H.R. 3477. A bill to amend the Truth in Lending Act to require credit card statements to be marked in order to avoid the late fee and to prohibit a late fee for a consumer's payment by mail marked by such date, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. KELLY (for herself, Mr. KANJORSKI, Mr. GILLMOR, and Mr. HANSON):
H.R. 3478. A bill to establish a compensation program for the contractors of the Department of Energy, Defense and beryllium vendors who sustained a beryllium-related illness due to the performance of their duty, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY (for herself, Mr. FRANK of New Jersey, and Mr. JONES of North Carolina):
H.R. 3479. A bill to authorize the Small Business Administration to make grants and loans to small business concerns and to agricultural enterprises, to enable such concerns and enterprises to reopen for business after a natural or other disaster; to the Committee on Small Business.

By Mr. KLINK (for himself and Ms. DIGGETT):
H.R. 3480. A bill to amend title XIX and XXI of the Social Security Act to expand enrollment of children under the Medicaid and State children's health insurance program (SCHIP) through the expanded use of pre-existing liability; to the Committee on Commerce.

By Mrs. LOWEY of North Carolina:
H.R. 3481. A bill to impose a 2-year moratorium on the issuance of new Federal licenses to deal in firearms; to the Committee on the Judiciary.

By Mr. MALONEY of Connecticut:
H.R. 3482. A bill to amend title XVIII of the Social Security Act to assure access of Medicare beneficiaries to prescription drug coverage through the use of NICE drug benefit program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKY:
H.R. 3483. A bill to amend the Federal securities laws to enhance oversight over certain derivatives dealers and hedge funds, reduce the potential for such entities to increase systemic risk in financial markets, enhance investor protections, and for other purposes; to the Committee on Commerce.

By Mr. McCOLLUM (for himself and Mr. DELAY, Mr. DIAZ-BALAERT, Mr. SAXTON, Mr. SMITH of New Jersey, Mr. FRANKS of New Jersey, Mr. ROGAN, Mr. POLFURY, Mr. TAMIAT, and Ms. KAPTON) :
H.R. 3484. A bill to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the use of fraud, electronic eavesdropping, and for other purposes; to the Committee on the Judiciary.

By Mr. McCOLLUM (for himself, Mr. DEED, Mr. DIAZ-BALAERT, Mr. SAXTON, Mr. SMITH of New Jersey, Mr. FRANKS of New Jersey, Mr. ROGAN, Mr. POLFURY, Mr. TAMIAT, and Ms. KAPTON):
H.R. 3485. A bill to modify the enforcement of certain anti-terrorism judgments, and for other purposes; to the Committee on the Judiciary.

By Mr. MORAN of Kansas:
H.R. 3486. A bill to protect previously approved state Medicaid change State Medicaid payment for school-based health services for Medicaid-eligible children with individualized education programs; to the Committee on Government Reform.

By Mr. OXLEY (for himself, Mr. DAVIS of Virginia, Mr. BOUCHER, Ms. ESHOO, and Mr. STUPAK):
H.R. 3487. A bill to provide consumers in multitenant buildings with the benefits of competition among providers of telecommunications services by ensuring reasonable and nondiscriminatory access to rooftops of multitenant buildings by competitive telecommunications carriers, and promote the development of fixed wireless, local telephone, and broadband infrastructure, and for other purposes; to the Committee on Commerce.

By Mr. PALLOINE (for himself, Mr. ANDREWS, Mr. SMITH of New Jersey, Mr. FRANK of New Jersey, Mr. PASCARELL, Mr. FREILINGHUYSEN, Mr. HOLT, Mr. ROHMANN, Mr. PAYNE, Mr. MENENDEZ, Mrs. ROUKEMA, and Mr. SAXTON):
H.R. 3488. A bill to designate the United States Post Office Main Post Office Building at 344 Fourth Avenue in Long Branch, New Jersey, as the “Pat King Post Office Building”; to the Committee on Government Reform.

By Mr. PICKERING (for himself, Mr. MARKY, Mrs. WILSON, Mr. LARGENT, and Mr. TAUSIN):
H.R. 3489. A bill to amend the Communications Act of 1934 to regulate interstate commerce in the use of mobile telephones and to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes; to the Committee on Commerce, 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. PORTMAN (for himself and Mr. WELLS):
H.R. 3490. A bill to amend the Internal Revenue Code of 1986 to provide that certain uses of charitable organizations for the construction of a community center and the renovation of a sports complex in such city;
to the Committee on Banking and Financial Services.

By Mr. UDALL of Colorado:
H.R. 3500. A bill to direct the Administrator of the Small Business Administration to conduct a pilot program to raise awareness among small business employers and to encourage such employers to offer telecommuting options to employees; to the Committee on Small Business.

By Mr. UDALL of Colorado (for himself and Mr. UDALL of New Mexico):
H.R. 3501. A bill to provide for the private placement of securities among existing small business employers and to encourage such employers to offer telecommuting options to employees; to the Committee on Small Business.

H.R. 3502. A bill to enhance the ability of the National Laboratories to meet Department of Energy missions, and for other purposes; to the Committee on Energy and Commerce.

By Ms. WATERS:
H.R. 3503. A bill to provide for basic low-cost banking services, to eliminate certain automated teller machine surcharges, and to reauthorize a bank fee survey conducted by the Board of Governors of the Federal Reserve System, and for other purposes; to the Committee on Banking and Financial Services.

By Ms. WATERS (for herself, Mr. GYLBURN, Mr. TOWNS, Mr. MARKEY, Mr. CONYERS, Mrs. MEEK of Florida, Mr. FRANK of Massachusetts, Mr. BROWN of California, Mr. SANDERSON of New York, Mr. PAYNE, Mr. CAPUANO, Mrs. MALONEY of New York, Ms. MILLINDER-McDONALD, Ms. JACKSON-LANDER of California, Mr. MEEK of New York, and Mrs. JONES of Ohio):
H.R. 3504. A bill to amend the Bank Holding Company Act of 1956, the Revised Statutes of the United States, the Community Reinvestment Act of 1977, and the Gramm-Leach-Bliley Act with regard to community reinvestment, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. WATKINS:
H.R. 3505. A bill to amend the Internal Revenue Code of 1986 to provide for a medical research tax credit; to the Committee on Ways and Means.

By Mr. WELDON of Florida:
H.R. 3506. A bill to amend the Service Contract Act of 1965 to provide for the responsibility in certain cases of a parent corporation of a Federal contractor to provide health benefits to retired employees if the contractor if the contractor fails to provide such benefits; to the Committee on Education and the Workforce.

By Mr. WISE (for himself, Mr. RAHALL, and Mr. MOLLOHAN):
H.R. 3507. A bill to establish a program of supplemental unemployment benefits for unemployed coal miners who have exhausted their rights to regular unemployment benefits, and whose separation from employment is due to environmental laws or court orders directly relating to the mining of coal; to the Committee on Ways and Means.

By Mr. WU (for himself, Mr. DAVIS of Virginia, and Mr. STARK):
H.R. 3508. A bill to amend the Immigration and Nationality Act to provide status in each of fiscal years 2000 through 2002 for 65,000 H-1B nonimmigrants who have a master’s or Ph.D. degree and meet the requirements for such status and whose employers make scholarship payments to institutions of higher education for undergraduate and postgraduate education; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:
H.J. Res. 84. A joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes; to the Committee on Appropriations.

By Mr. ARMLEY:
H.J. Res. 85. A joint resolution appointing the day for the convening of the second session of the One Hundred Sixth Congress; considered and agreed to.

H. Con. Res. 234. Concurrent resolution authorizing and directing the Speaker to transmit a bill designated H.R. 3460 making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes; considered and agreed to.

By Mr. ARMLEY:
H. Con. Res. 235. Concurrent resolution providing for the sine die adjournment of the first session of the One Hundred Sixth Congress; considered and agreed to.

H. Con. Res. 236. Concurrent resolution authorizing enrollment of H.R. 1180; considered and agreed to.

By Mr. GEORGE MILLER of California (for himself, Mr. COLBROOK, Mr. KENNY of Rhode Island, Mr. VENTO, Mr. PASTOR, Mr. INSLEE, Mr. UNDERWOOD, Mr. FALKE, Mr. McDermott, Mrs. CHRISTENSEN, Ms. ESHOO, and Ms. WATERS):
H. Con. Res. 237. Concurrent resolution expressing the sense of the Congress that a portion of the budget surplus should be used to fulfill moral and legal responsibilities of the United States by ensuring proper payment and management of the tribal trust fund accounts and individual Indian money accounts; to the Committee on Resources.

By Ms. PELOSI (for herself, Mr. GEJSDENSON, Mr. PORTER, Mr. LANTOS, Mr. DeFAZIO, Ms. KILPATRICK, Mr. MEEHAN, Mr. OBERSTAR, Mr. HOLT, Mr. DELAHUNT, Mr. ESHOO, Ms. SCHAKOWSKY, Mr. ENGEL, Ms. KAPTUR, Mr. BOUCHER, Mr. STARK, Mr. MOAKLEY, Ms. STABENOW, Mr. MALONEY of Connecticut, Mr. KIND, Mr. FROST, Mr. HINCHEN, Mr. LAFAKE, Ms. WOOLSEY, Mr. UDALL of Colorado, Ms. SLAUGHTER, Ms. WATERSTED, Mr. PAYNE, Mr. BERMAN, Mr. CUMMINGS, Mr. McGovern, Mr. SANDERS, and Mr. SOULBY):
H. Con. Res. 238. Concurrent resolution expressing the sense of Congress regarding a peaceful resolution of the conflict in the state of Chiapas, Mexico, and for other purposes; to the Committee on International Relations.

By Mr. FROST:
H. Res. 391. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. WELLER:
H. Res. 392. A resolution expressing the sense of the House of Representatives regarding National Pearl Harbor Remembrance Day to the Committee on Government Reform.
MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

286. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 79 memorializing the Congress of the United States to oppose the proposed transfer of the United States Navy ships and sailors from the Earle Naval Weapons Station, located in Monmouth County, New Jersey, to naval stations at Norfolk, Virginia and Mayport, Florida and requests the postponement of any final transfer decision so that the feasibility and practicality of the transfer can be properly studied; to the Committee on Armed Services.

287. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 97 memorializing the Congress of the United States to provide federal assistance to cover costs incurred by the Federal government in providing health care at New Jersey hospitals to the Kosovo refugees; to the Committee on Commerce.

288. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a resolution memorializing the President and the Congress to act boldly to secure that East Timor triumphantly transitions to independence by seeking the prompt ratification by the Indonesian National Assembly of the East Timorese Referendum Vote, and for other purposes; to the Committee on International Relations.

289. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 79 memorializing the Federal Government to continue its financial support for the Port Newark-Elizabeth dredging project; to the Committee on Transportation and Infrastructure.

290. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 78 memorializing the Congress of the United States, the President of the United States, the Secretary of the Interior to take whatever action is necessary to establish the Gateway National Recreation Area as a National Park Service entity separate and distinct from the Gateway National Recreation Area for administrative and funding purposes; to the Committee on Resources.

291. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 79 memorializing the Federal Government to continue its financial support for the Port Newark-Elizabeth dredging project; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 338: Mrs. JONES. A bill for the relief of Elizabeth McKenney Paggett, to the Committee on the Judiciary.

H.R. 3510. A bill to authorize the Secretary of Transportation to convey the National Defense Reserve Fleet vessel S.S. Guam to American Trade Pair Ship, Inc., to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 72: Mr. POSSELLA and Mrs. McCarthy of New York.

H.R. 73: Mr. GOODLATTE.

H.R. 133: Mr. BLUMENTAUR.

H.R. 148: Mr. MASCARA.

H.R. 205: Mr. WISE.

H.R. 383: Mr. CRAMER.

H.R. 383: Mr. STAUB.

H.R. 355: Mr. WISE.

H.R. 357: Mr. STABENOW and Mr. BOSWORTH.

H.R. 372: Mr. ROTHMAN.

H.R. 385: Mrs. CLAYTON and Mrs. McCarthy of Missouri.

H.R. 487: Mr. HUNTER.

H.R. 488: Mr. BUCHER, Mrs. STABENOW, Mr. LARKIN, Mr. WENGLAND, Mr. KLINK, Ms. BERKELEY, Mr. UDALL of New Mexico, Mr. THOMPSON of Colorado, Mr. INSLEE, Mr. PRICE of North Carolina, and Mr. GREENWOOD.

H.R. 444: Mr. LATOUR and Mr. STUPAK.

H.R. 475: Mrs. CHRISTENSEN, Mr. HANSEN, and Mr. FOSTER.

H.R. 531: Mr. INSLEE.

H.R. 534: Mr. OWEN, Mr. ALLEN, Mr. LAHOOD, and Mrs. WILSON.

H.R. 648: Mr. WISE.

H.R. 670: Mr. MARKERT, Mr. COX, Mr. CRAMER, Mr. GERHARDT, Mr. GUTIERREZ, Mrs. MALONEY of New York, Mr. DIXON, Mr. CONDIT, Mr. PETerson of Minnesota, Mr. BILLING, Mr. HASTINGS of Florida, Mr. LAMAR, Mr. MINING, Mr. GEIGER, Mr. CALLAHAN, and Mr. BARK of Georgia.

H.R. 701: Mr. HANSEN, Mr. GEORGE Miller of California, Mr. SMITH of New Jersey, and Mr. SANTORI.

H.R. 721: Mr. EVERITT and Mr. BACHUS.

H.R. 732: Mr. CAMP.

H.R. 742: Ms. LEE.

H.R. 762: Mr. Hinojosa, Mrs. BOUKEMA, Mr. JOHN, Mr. THOMPSON of California, Mr. DICKER, Mr. GEORGE Miller of California, Mr. KANJORSKI, Mr. BAIRD, and Mr. EWING.

H.R. 797: Mr. BERRY.

H.R. 815: Mr. FLETCHER.

H.R. 827: Mrs. CHRISTENSEN.

H.R. 866: Mr. PRICE of North Carolina, Mr. OWENS, and Mr. DICKER.

H.R. 877: Mr. WISE.

H.R. 938: Mr. CHRISTENSEN.

H.R. 903: Ms. LEE.

H.R. 904: Mr. SMITH of Washington.

H.R. 937: Mr. MILLER of Florida.

H.R. 941: Mrs. LOWEY.

H.R. 957: Mr. WALDEN of Oregon.

H.R. 982: Mrs. CUBIN.

H.R. 997: Ms. DEGETTE and Ms. RIVERS.

H.R. 1044: Mr. BURGUIER.

H.R. 1069: Mr. SANDERS.

H.R. 1071: Mrs. CHRISTENSEN and Mr. WISE.

H.R. 1079: Mr. DICKS, Mr. BONIOR, and Mr. CALVET.

H.R. 1095: Mr. TINKER.

H.R. 1102: Mr. MCINNIS.
Deletions of Sponsors from Public Bills and Resolutions

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

- H.R. 331: Mr. McIntosh.
- H.R. 332: Mr. Bentzen.
- H.R. 333: Mr. Scott, Mr. Gephardt, Mr. Taylor of Mississippi, Mr. Hastings of Florida, Mr. Miethe, Ms. Norton, Mr. Berman, and Mr. Lipinski.
- H.R. 334: Mr. Pallone.
- H.R. 335: Mr. Gilchrist.
- H.R. 337: Mr. Herger.
- H.R. 339: Mr. Sweeney, Mr. Holt, Mr. Houghton, Mr. Walsh, Mr. Weiner, Mr. McHugh, Mr. Holden, Mr. Hoyer, and Mr. Nadler.
- H.R. 341: Mr. Deutch, Mrs. Emerson, Mr. Nethercutt, Mr. Crane, Ms. Danner, and Mr. Metcalfe.
- H.R. 342: Mr. Capuano, Mr. Forbes, Mr. Menendez, Mr. Bilbray, Mr. Maloney of Connecticut, and Mrs. Merk of Florida.
- H.R. 343: Mrs. Hall of Ohio, Mr. Ney, and Mr. McCollum.
- H.R. 345: Mr. Fossella.
- H.R. 347: Mr. Gallegly.
- H.R. 348: Mr. Graham, Mr. Metcalfe, Mr. Salmon, Mr. Young of Alaska, Mr. Nethercutt, Ms. Danner, and Mr. Hunter.
- H.R. 349: Mr. Calvert.
- H.R. 350: Mr. Luetkemeyer and Mr. Olver.
- H.R. 351: Mr. Rangel.
- H.R. 353: Mr. Thurman, Mr. Barrett, Mr. Davis of Illinois, and Mrs. Johnson of Connecticut.
- H.R. 354: Mr. Lantos and Mr. Thompson of Mississippi.
- H.R. 355: Mr. Duncan, Mr. Evert, and Mr. Metcalfe.
- H.Con. Res. 218: Mr. Pallone, Ms. Rivers, Mr. Goodlatte, Mr. Conk, and Mr. Rush.
- H.Con. Res. 228: Mrs. Fowler, Mr. Snyder, and Mr. Ortiz.
- H.Con. Res. 231: Mr. Duncan, Mr. Ney, Mr. Wamp, and Mr. Doolittle.
- H.Con. Res. 37: Mr. Green of Texas and Ms. Schakowsky.
- H.Con. Res. 238: Mr. Bumeneau, Mr. DeFazio, and Mr. Walden of Oregon.
- H.Con. Res. 386: Ms. Waters, Mr. Sheehy, Mr. Cohn, Ms. Meeks of New York, Mr. Payne, Mr. Deal of Georgia, Mr. Owens, Ms. Kilpatrick, Ms. Stabenow, Ms. McKinney, Mr. Frost, Mr. Lampson, Mr. Lucas of Kentucky, Mr. Watt of North Carolina, Mrs. Mink of Hawaii, Mr. Smith of Texas, and Mr. Thompson of Mississippi.
- H.Con. Res. 337: Mr. Davis of Florida, Mr. Delahunt, Mrs. Clayton, and Mr. Berman.
- H.Con. Res. 289: Mr. Delahunt, and Mr. Kucinich.

Petitions, Etc.

Under clause 3 of rule XII, petitions and papers were laid on the clerk’s desk and referred as follows:

- Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:
  - H.R. 332: Mr. Scott, Mr. Gephardt, Mr. Taylor of Mississippi, Mr. Hastings of Florida, Mr. Miethe, Ms. Norton, Mr. Berman, and Mr. Lipinski.
  - H.R. 334: Mr. Pallone.
  - H.R. 335: Mr. Gilchrist.
  - H.R. 337: Mr. Herger.
  - H.R. 339: Mr. Sweeney, Mr. Holt, Mr. Houghton, Mr. Walsh, Mr. Weiner, Mr. McHugh, Mr. Holden, Mr. Hoyer, and Mr. Nadler.
  - H.R. 341: Mr. Deutch, Mrs. Emerson, Mr. Nethercutt, Mr. Crane, Ms. Danner, and Mr. Metcalfe.
  - H.R. 342: Mr. Capuano, Mr. Forbes, Mr. Menendez, Mr. Bilbray, Mr. Maloney of Connecticut, and Mrs. Merk of Florida.
  - H.R. 343: Mrs. Hall of Ohio, Mr. Ney, and Mr. McCollum.
  - H.R. 345: Mr. Fossella.
  - H.R. 347: Mr. Gallegly.
  - H.R. 348: Mr. Graham, Mr. Metcalfe, Mr. Salmon, Mr. Young of Alaska, Mr. Nethercutt, Ms. Danner, and Mr. Hunter.
  - H.R. 349: Mr. Calvert.
  - H.R. 350: Mr. Luetkemeyer and Mr. Olver.
  - H.R. 351: Mr. Rangel.
  - H.R. 353: Mr. Thurman, Mr. Barrett, Mr. Davis of Illinois, and Mrs. Johnson of Connecticut.
  - H.R. 354: Mr. Lantos and Mr. Thompson of Mississippi.
  - H.R. 355: Mr. Duncan, Mr. Evert, and Mr. Metcalfe.
  - H.Con. Res. 218: Mr. Pallone, Ms. Rivers, Mr. Goodlatte, Mr. Conk, and Mr. Rush.
  - H.Con. Res. 228: Mrs. Fowler, Mr. Snyder, and Mr. Ortiz.
  - H.Con. Res. 231: Mr. Duncan, Mr. Ney, Mr. Wamp, and Mr. Doolittle.
  - H.Con. Res. 37: Mr. Green of Texas and Ms. Schakowsky.
  - H.Con. Res. 238: Mr. Blumenauer, Mr. DeFazio, and Mr. Walden of Oregon.
  - H.Con. Res. 386: Ms. Waters, Mr. Sheehy, Mr. Cohn, Ms. Meeks of New York, Mr. Payne, Mr. Deal of Georgia, Mr. Owens, Ms. Kilpatrick, Ms. Stabenow, Ms. McKinney, Mr. Frost, Mr. Lampson, Mr. Lucas of Kentucky, Mr. Watt of North Carolina, Mrs. Mink of Hawaii, Mr. Smith of Texas, and Mr. Thompson of Mississippi.
  - H.Con. Res. 337: Mr. Davis of Florida, Mr. Delahunt, Mrs. Clayton, and Mr. Berman.
  - H.Con. Res. 289: Mr. Delahunt, and Mr. Kucinich.
IN SUPPORT OF H.R. 2420

HON. RICHARD H. BAKER
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mr. BAKER. Mr. Speaker, we need to make sure that America's schools, libraries, and rural clinics are allowed to capitalize on the newest computer and data communications technology.

In 1996, Congress and the Clinton Administration joined together to establish a program to extend the Internet to all our schools. That effort is underway—at a cost of about $2.45 billion a year, incidentally. But in this field, just like everywhere else, it is the weakest link in the chain that matters. And, the “weak link” here is the data communications network—or, more accurately, the lack of such a network.

Mr. Speaker, instead of trying to expand these networks by harnessing the power of competition, economic freedom, and individual choice, the Federal Communications Commission (FCC) seems to be relying on yesterday’s tools—heavy handed and restrictive regulation.

That's not my estimate, it's the considered judgment of two of this country's experts—Congressman JOHN DINGELL and his colleague, the Chairman of the House Telecommunications Subcommittee, Congressman TAUZIN.

Their appraisal of the situation is that we need to modernize and reform FCC regulation—because, otherwise, the data links which this country needs, are just not going to be available. That is the philosophy reflected in their bill, H.R. 2420. And, it is a pro-growth, pro-progress view which I want to embrace.

Mr. Speaker, if we can accomplish reform in this field, all of the experts are predicting that there can be a rapid expansion of our communications networks. That expansion, in turn, will help connect our schools, libraries, and clinics faster. And that will yield substantial public policy dividends.

IN RECOGNITION OF THE TEXAS REALTOR OF THE YEAR

HON. RALPH M. HALL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mr. HALL of Texas. Mr. Speaker, I rise today to offer my congratulations to Barbara Russell of Denton, Texas, who this year was named the 1998 Realtor of the Year by the Texas Association of Realtors.

Barbara has served on the Texas Association of Realtors Board of Directors and is a former regional vice president and chairman of the legislative and economic development committees. She also served two three-year terms on the National Association of Realtors Board of Directors.

In Denton, Barbara has earned many honors, including the Greater Denton/Wise County Association of Realtors President’s Award, Women’s Council of Realtors Gold Rule Award, Realtor of the Year and Associate of the Year. In addition, she is active in various civic and charitable organizations, including serving as former chairman of the board of the Denton Chamber of Commerce and serving four years on the Denton Planning and Zoning Commission.

Barbara has nearly 30 years of experience in the real estate business, and this recent award is a testament to her professional accomplishments and her hard work. She is married to Benny Russell, and they have two daughters and four grandchildren.

And Mr. Speaker, I would be remiss if I also did not pay tribute to the late Mary Claude Gay, a prominent realtor in Denton and associate of Barbara’s. Mary Claude’s contributions to her profession also have been significant, and she, too, was very influential in Denton’s community life.

Mr. Speaker, I am pleased to recognize Barbara Russell and Mary Claude Gay for their accomplishments and her hard work. She is married to Benny Russell, and they have two daughters and four grandchildren.

Mr. Speaker, I am fortunate to have The Houston Department of Veterans Affairs Medical Center located in my congressional district. Having just celebrated fifty years of service to the veterans in the Houston community. Some 1,646,700 veterans live in the State of Texas alone. The House VA Medical Center expects to receive and serve over 50,000 veterans in this year alone. I expect this measure to improve the quality of life for all our veterans who so proudly served our nation.

Mr. Speaker, I am fortunate to have The Houston Department of Veterans Affairs Medical Center located in my congressional district. Having just celebrated fifty years of service to the veterans in the Houston community. Some 1,646,700 veterans live in the State of Texas alone. The House VA Medical Center expects to receive and serve over 50,000 veterans in this year alone. I expect this measure to improve the quality of life for all our veterans who so proudly served our nation.

Mr. Speaker, this bill is important not only because it provides for the needs of our veterans today but because it sends an important signal to the men and women serving our nation in places like Bosnia, Kosovo, Germany, Korea, Japan and other far off places around the world. That message is simple, that when you serve our nation we will answer the plea of President Lincoln “to care for him who shall have borne the battle.”

I urge my colleagues to vote “yes” on H.R. 2116 and care for the men and women who have borne the battle.
TRIBUTE TO JOHN DORRENBACKER—A GREAT AMERICAN

HON. SCOTT MCGINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mr. McGINNIS. Mr. Speaker, it is with great sadness that I wish to take this moment to recognize the remarkable life and significant achievements of a leading civic servant, John Dorrenbacker. Tragically, John died in his home Monday, November 8, 1999. While family, friends and colleagues remember the truly exceptional life of John, I, too, would like to pay tribute to this remarkable man.

For the last 18 years, John ran the computers and books for the Colorado Republican Party. In his time at the party, he was a pioneer of the mailing list. In the earliest days of computers, the mailing list generation was one of the greatest adventures of all time. But, it is an adventure that must be overcome.

Today as I lift up Daisy Bates, I acknowledge that there is new knowledge to be gained, new rights to be won for the progress of not just African Americans, but all Americans. Whether this country likes it or not, there will come a day when the position of pre-eminence for the United States will not rest on the human rights it has obtained for others across the world, but the rights and dignity she has bestowed upon her own citizens.

Our forefathers made certain that this country would rise, the first waves of the industrial revolution, the first waves of modern invention, the first waves of nuclear power, and the first waves of equality under the law. Unfortunately, we have not yet ridden the wave for equal justice and must struggle to once again be a part of it and lead it. The eyes of the world now look unto us for the banner of freedom and peace.

So, today, as I honor my mentor for her work and undying courage, I challenge my brothers and sisters across the world to begin establishing their lives, like Daisy Bates as instruments of knowledge and understanding.

IN HONOR OF THE SOKOL GREATER CLEVELAND'S NEW ATHLETIC FACILITY

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to announce the grand opening of the Czech Cultural Center of Sokol Greater Cleveland's new athletic, a state-of-the-art expansion to the historic Bohemian National Hall.

After considerable planning and construction, the new facility opening this month will provide a variety of health, fitness, leisure, and cultural activities to everyone in the community. In the tradition of the American Sokol Organization, the Czech Cultural Center of Sokol Greater Cleveland's new athletic facility will provide Cleveland citizens with the opportunity to strengthen both their physical and mental character allowing them to enhance their celebration of life and vitality. With membership open to the community, this new facility is sure to provide Cleveland citizens with an opportunity to cultivate a harmonious and total person.

The Czech Cultural Center of Sokol Greater Cleveland's new athletic facility promisses to be a popular place for fitness enthusiasts who will enjoy the volleyball, gymnasium, cardio-conditioning area and strength training center. Additionally, the facility will serve as a center for community development where both young and older generations can display their abilities and knowledge in dance and gymnastic performances. In short, the health and quality of life for everyone in Cleveland will improve greatly with the opening of this new facility.

My fellow colleagues, please join me in recognizing dedication of the Czech Cultural Center of Sokol Greater Cleveland for building this new athletic facility for the benefit of the Cleveland community.
named manager of Operations in 1989, became a vice president in 1990 and was named president in 1998.

Mr. Scoggins received a bachelor’s degree in mechanical engineering from the University of Texas and is a Registered Professional Engineer in Texas. He serves on the Texas Chemical Council’s Board of Directors and on the Board of Trustees at Good Shepherd Medical Center.

Texas Eastman’s influence on economic development and community causes in Longview has been enormous, and the employees and administrators at Texas Eastman—like Don Scoggins—have played a significant role in those accomplishments. Mr. Speaker, I am pleased to recognize Don Scoggins for his contributions to Texas Eastman Division and to his community—and to wish him well in his retirement.

I am especially privileged in that Don’s mother is another lifelong resident of Rockwall. They are, like Don, strong and loved members of the First United Methodist Church. They teach, direct, entertain, and lead us in both the Sunday School class and in the overall direction of our religious activities.

As we come on the last day of this century that the United States House of Representatives is in session—let us adjourn on this signal day in respect and admiration for Don Scoggins.

INTRODUCTION OF TWO BILLS TO REDUCE TAXES ON SOCIAL SECURITY BENEFITS

HON. JERROLD NADLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mr. NADLER. Mr. Speaker, I rise today to join with Representative Nita LOWEY in announcing the introduction of two bills to reduce taxes on Social Security benefits. The first bill would repeal the 1993 tax increase on Social Security benefits. I have always opposed this provision, and I believe that it is now time to repeal this tax on our Nation’s seniors.

The 1993 economic plan imposed additional taxation on the benefits of single social security recipients with incomes over $34,000, and on married recipients with joint incomes over $44,000 by including, in each case, 85 percent of Social Security benefits in taxable income. At the time, proponents of the tax increase said it was necessary to reduce to deficit. Remember the atrocity national debt had risen from $800 billion in 1981 to more than $4 trillion in 1993. The annual deficit, which was almost $300 billion a year in 1992, was projected to increase to $500 billion a year later in the decade. We passed a tough economic plan, the economy improved, and the deficit was eliminated.

I believed it was unfair to tax seniors on their social security benefits to reduce the deficit, and, therefore, I joined with Representative NitaLOWEY in offering a bill which would have repealed the provision immediately and taken other steps to reduce the deficit. We demonstrated that you could still reduce the deficit without increasing taxes on social security benefits. Now that 6 years have passed and the deficit has been transformed into a surplus, it is more important than ever that we abolish this unwise tax on seniors. So, again, I am joining with Representative Nita LOWEY to abolish this unfair tax on social security benefits. I urge my colleagues to support this bill and work toward its swift passage.

Mr. Speaker, if we are unable to implement this bill quickly, then the very least we should do is adjust the 1993 income threshold to take into account the rise in the cost of living. That is why I am also announcing the introduction of another tax relief bill for our seniors, which should be implemented immediately. Again, I am proud to work with Representative NitaLOWEY to advance this effort.

This bill would ensure that we do not inadvertently tax more and more seniors with relatively less income every year. Under current law, the income levels that were set in 1993 were not adjusted for increases in the cost of living. As a result, more and more people are having their social security benefits taxes. This is unfair and unnecessary. So, this second bill would require the 1993 level to be adjusted on an annual basis to take account for the rise in the cost of living. I am hopeful that we can build strong bipartisan support for this legislation and work together to ease the tax burden on our Nation’s seniors. I urge all of my colleagues to support these two tax cut measures.

INTRODUCTION OF EXPEDITED RESCission LEGISLATION

HON. CHARLES W. STENHOLM
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mr. STENHOLM. Mr. Speaker, I am introducing legislation today that will give the President an important tool to control spending by identifying low priority and wasteful spending that can be eliminated. The legislation I am introducing today, known as modified line item veto or expedited rescission legislation, would strengthen the ability of Presidents to identify and eliminate low-priority budget items with the support of a majority in Congress.

Under this legislation the President would be able to single out individual items in tax or spending legislation and send a rescission package to Congress. The President would have the option of earmarking savings from proposed rescissions to deficit reduction by proposing that the discretionary spending caps be reduced by the amount of the rescissions. Congress would be required to vote up or down on the package under an expedited procedure. Members could offer motions to remove individual items from the package by majority vote if their motion was supported by fifty members. The spending items would be eliminated or the tax item would be repealed if a majority of Congress approves the rescission package. If the rescission bill is defeated in either House the funds for any proposed rescission would be spent or the tax item would take effect.

This legislation embodies an idea which many Members, both Democrats and Republicans, have worked on for several years. Dan Quayle first introduced expedited rescission legislation in 1985. Tom Carper and Dick Armey did yeomen’s work in pushing this legislation for several years. On the Democratic side, Tim Johnson, Dan Glickman, Tim Penny and L.F. Payne were particularly effective advocates of this legislation for years. Numerous Republicans, including Lynn Martin, Bill Frenzel, Gerald Solomon, Harris Fawell and others who survived, were part of an American force that advanced Democracy and forever changed the world. This weekend, we observe their country called. They sacrificed because their way of life was threatened. They rose to incredible heights of courage because their faith and resolve mandated no less.

My friend and fellow-Mississippian, Sid Spior, was on the S.S. Leopoldville. Mr. Spior, after the direct torpedo hit, lowered himself in the freezing water by a rope. And for three hours he floated and waited for help. The water was freezing and he nearly died. He was 19 years old then. Today, he and other survivors often gather to remember and commemorate their fellow Americans who died. I am in awe of these men. And I want Sid and all of them to know of my admiration and respect.

These young men, forever part of our national memory, must be honored. We must never forget. I salute the survivors of the S.S. Leopoldville and I honor the memory of those who gave their lives.

THE TRAGEDY OF THE S.S. "LEOPOLDVILLE"

HON. RONNIE SHOWS
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mr. SHOWS. Mr. Speaker, today I would like to take a minute to tell my colleagues and the American people about a pitch-black night on Christmas Eve in 1944 during one of the darkest hours of World War II. A Belgian troop transport, the S.S. Leopoldville, was sunk by a German U-Boat, taking the lives of 802 American soldiers. The Leopoldville was part of a crossing of the English Channel for the Battle of the Bulge. 2,235 American Soldiers were being carried to this historic battle.

The Leopoldville was torpedoed and sunk 5½ miles from Cherbourg, France. The result was a horrific loss of lives—almost one-third of the 68th Infantry Division was killed. 493 bodies were never recovered from the cold and murky waters of the English Channel. Most of the soldiers who died were young Americans, from 18 to 20 years old, barely out of High School. These young men came from 46 out of the 48 states that were part of the Union at that time.

Sadly, this tragic story has been a mere footnote in the history books of World War II. Their efforts to preserve and sustain Democracy must be remembered. Their lives must not be vainly forgotten.

Today, I ask my colleagues and all Americans to join me in remembering and honoring those who gave their lives that we might be free today. The young men aboard the S.S. Leopoldville, those who perished and those
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made meaningful contributions to expedited rescission legislation as it has developed.

Thanks to the efforts of these and other members, the House overwhelmingly passed expedited rescission legislation in the 102nd Congress. In the 103rd Congress, John Spratt and Butler Derrick worked with me to refine the legislation. This revised legislation was passed by the House in 1993. In 1994, Representatives Joe Kolich and Tim Penny joined the effort and helped pass a strengthened version of this legislation. Since then, Representatives Bob Wise, Rob Andrews and others have advocated this approach. Today, I am joined by David Bing, Bob Andrews, Collin Peterson, Marion Berry, Max Sandlin, Ralph Hall and Allen Boyd in introducing this legislation.

We have heard a lot of talk about eliminating waste and pork barrel spending, but little serious action to actually eliminate pork barrel spending. We set aside the appropriations bills passed by the House includes hundreds of earmarks for spending items that were not requested by the administration and have not been subject to hearings or review. Senator John McCain has identified more than $14 billion of spending in appropriations bills that have not been subjected to the proper review. Other private organizations have identified even more earmarked spending in the appropriations bills passed by Congress which they believe can be eliminated. Instead of subjecting these spending items, buried in the appropriations bills, the Majority has proposed an across the board spending that would cut good programs just as much as we cut low priority and wasteful programs.

Forcing votes on individual items in tax and spending bills will bring a little more accountability to the budget process. I hope that my colleagues from both sides of the aisle who are serious about controlling spending and eliminating wasteful spending and special interest tax breaks that cannot withstand public scrutiny, will join me in cosponsoring this legislation.

SUMMARY OF EXPEDITED RESCISSION LEGISLATION

The legislation would amend the Budget Control and Impoundment Act of 1974 to require Congress to consider Presidential rescissions of appropriations or tax items by a majority vote. The President could propose to cut or eliminate individual spending items in appropriations bills or to repeal targeted tax breaks (tax breaks which benefit a particular taxpayer or class of taxpayers, except benefits based on demographic conditions).

The President is required to submit proposed rescissions of tax items within ten days of signing the tax bill. Proposed rescissions of spending items would be submitted at any time during the fiscal year.

The President could propose that the discretionary spending limits be reduced by the amount of the rescissions, but would not be required to do so.

Within ten legislative days after the President sends a rescission package to Congress, a vote shall be taken on the rescission bill in the House. The bill may not be amended on the floor, except that 50 House members can request a vote on a motion to strike an individual rescission package. If the President’s rescission package is approved by a simple majority of the House, the bill would be sent to the Senate for consideration under the same expedited procedure. Fifteen Senators may request a separate vote on an individual item.

If a simple majority in either the House or Senate rejects a presidential proposal, the funds for programs covered by the proposal would be released for obligation in accordance with the previously enacted appropriation. The tax provision would take effect. If a bill rescinding spending or eliminating tax benefits is approved by the House and Senate, it would be sent to the President for signature. Upon Presidential signature, the spending items in the rescission package are reduced or eliminated, or the tax items in the rescission package are repealed.

TRIBUTE TO FRANCES L. MURPHY II

HON. ELEANOR HOLMES NORTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Ms. NORTON. Mr. Speaker, I rise today to honor Frances L. Murphy II, publisher emeritus of the Washington Afro-American newspaper, and a great lady who has had major responsibility for this great asset to the city of Washington and the communities surrounding it. Her hard-hitting editorials and well written stories provide the local African American community with news and information that cannot be obtained elsewhere. She has trained and nurtured many journalistic talents, who have taken what they learned at the AFRO to institutions as diverse as the NAACP, the Washington Post, and African Americans on Wheels magazine.

Ms. Murphy’s grandfather, John H. Murphy, Sr., founded the AFRO in 1892. Her father, Dr. Carl Murphy, was editor and publisher of the AFRO-American Newspapers from 1918 until his death in 1967. But, Ms. Murphy did not start at the top. She learned her business outside in, spent many years as a journalist, and moved up to the editorial team, then editor, magazine editor, and managing editor before becoming publisher.

In addition to her work as publisher of the AFRO, Ms. Murphy has spent much of her time as an educator. She started in the Baltimore schools in 1958, where she stayed until 1964, when she took her first position in higher education at Morgan State College. Until she retired from teaching in 1991, she held various teaching positions at University of Maryland Baltimore County, Buffalo State College, and Howard University. Her students rated her a top professor, and said, as others have said about her journalism, “She is tough but fair.”

Ms. Murphy is well known for her contributions to her community, having served as a member of the National Board of Directors of the NAACP and of the Board of Trustees of both the State Colleges of Maryland and the University of the District of Columbia. She is on the board and serves as treasurer of the African American Civil War Memorial Foundation. She also is an active member of St. Luke’s Episcopal Church, where she is a member of the flower guild, a lector, a member of the Search Committee and president of the Episcopal Church Women. All this from a woman who has been a distinguished journalist and publisher and manager, as well, to raise three children, and now to be grandmother to fourteen grandchildren, and great-grandmother to two.

Mr. Speaker, Ms. Murphy and her accomplished family are a quintessential family of service and a source of great and enduring pride to the entire Washington region. Like thousands of Washingtonians, I count Frances Murphy as a friend whom I greatly admire. I ask my colleagues to join me in a well-deserved honor for the model life and career of Frances L. Murphy II.

OUTSTANDING VETERANS DAY ESSAYS FROM DISTRICT STUDENTS

HON. WILLIAM O. LIPINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues, seven outstanding Veterans Day essays by young individuals from the 3rd Congressional District of Illinois. For my annual Veterans Day Ceremony in Chicago, the following students wrote about what Veterans Day means to them. I hope you will also enjoy these essays:

VETERANS DAY

(By Katie Wielens, Kinzie Elementary School)

Veterans Day is a very important day. It is the day when we remember the American soldiers who have lost their lives in the many wars. More than 58,000 soldiers died during the Vietnam War. It has been called one of the most painful periods in our history. But, America still had it good, after all, we had ceased fighting and were trying to rebuild South Vietnam by sending money. America has been the “good guy” in almost every war. This stereotype goes for not just the government, but the people and soldiers as well. I think they have a right to be remembered. It is our debt to them to have this memorial for four of the many soldiers who fought so hard for us. This memorial is a “good thing,” as Martha Stewart would say. I would say, it is a very good thing.

VETERANS DAY

(By Rich Pala, Byrne Elementary School)

Veterans Day is a day all proud Americans honor the men and women who served the American Army. Some people fought and died for what they believed was right. Some went to war and many died for our country. These are the true heroes of America, and deserve all the respect of billions of American people. Without these brave men and women, America would not be what it is today. We owe everything to these men and women, because they put the pride and honor in America. They fought for everything America stands for.

VETERANS DAY

(By Shaun Caulfield, Byrne Elementary School)

Bring to mind images of brave soldiers fighting for our country in war time, working in peace time, and trying to keep our
country free. Great soldiers come in mind: General William C. Sherman, General George Patton, Admiral Nimitz, the list goes on. These heroes risked their lives for the principles of our country. They worked hard to uphold our nation’s belief in freedom, and they deserve to have a day of recognition.

Although Veterans Day is probably not one of the most publicly mentioned holidays, it has great meaning towards my family and me. My grandfather served in World War II, and thankfully survived unharmed. He, and all the other men, worked day and night in the midst of shootings, killings, and pain. They didn’t know if they would ever get through a day, let alone survive until the end of the war. If this sort of endurance doesn’t deserve a holiday, then I don’t know what does. These men did so much for our country, so that someone would be able to lead happy, safe lives.

So, to me, Veterans Day is a very important holiday, because it helps people realize what others went through to help the nation.

WHAT VETERANS DAY MEANS TO ME
(By Jennifer Geneme, Grade 8, St. Jane de Chantal Elementary School)

In my opinion, I think it is only fair to honor our veterans on this commemorative day, but every day, because without our armed forces there would be no peace or freedom.

To all of the people who have served for our country, you make me feel proud to be an American.

HON. LOUISE McINTOSH SLAUGHTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999
Ms. SLAUGHTER, Mr. Speaker, on October 25, JOHN DUNCAN of Tennessee and I introduced H.R. 3142, the College Student Credit Card Protection Act. Madison Avenue and the credit card companies have convinced our college students that getting a credit card is necessary for a fun college experience. But upon graduation, many of these young people find themselves buried in debt. Just recently, the House recognized the need to educate young people on this issue by passing a bill to encourage high schools to teach financial literacy, including credit education. College by college, state by state, this issue is being recognized as a serious problem that needs to be addressed.

A recent report found that one-fifth of the Nation’s college students are carrying credit card debts of more than $10,000. Seventy percent of undergraduates at 4-year colleges possess at least one credit card. One 19-year-old sophomore student in the Rochester, NY area who had no income recently attempted to declare bankruptcy; he had accumulated a stack of credit cards and owed the credit card companies $23,000! In Knoxville, TN, one college student ran up $9,000 in credit card debt in just 2 years. Students are snowballing into debt through the extension of unaffordable credit lines, peer pressure to spend, and financial naiveté. Low minimum monthly payments and routine credit limits hikes add to the seductiveness of plastic.

Even though many students with credit cards have no income to pay the bills, credit card companies are aggressively marketing their cards to college students. Credit card companies set up tables during orientation week and outside college lunchrooms, advertising free gifts such as t-shirts and mugs, to sign up as many students as possible. Most of the time, all that is required is a student identification card. For many students, they experience problems when they cannot afford to make payments on their credit cards, which ruins their credit ratings before they have even entered the workforce. While many college students are adults, responsible for the debt they charge, the credit card industry’s policy of extending high lines of credit to unemployed or underemployed students needs to be examined.

This bipartisan legislation would compel credit card companies to determine before approving a card whether any prospective customer who is a traditionally aged full-time student, can afford to pay off the balance. This bill would limit credit lines to 20 percent of a student’s annual income without a cosigner. Students could also receive a starter credit card with a lower credit limit, allowing increases over time if prompt payments have been made. Another provision would eliminate the fine print in credit card agreements and solicitations, where fees and penalties are hidden. This print would have to be enlarged. Finally, parents would have to agree in writing to increases in the credit limit of cards which they have cosigned.

HON. CHARLES W. STENHOLM
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999
Mr. STENHOLM. Mr. Speaker, I rise today with a great deal of Texas pride to recognize
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EXTENSIONS OF REMARKS

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“Coach” was an important figure during the formative years of my life, and he has remained so. Early in his career, he coached in my hometown of Stamford. He led our team to two State championships, and I am proud to have been part of his early success. He went on to lead the Brownwood Lions to seven State championships and won a total of 405 games in his 43-year career.

Coach Wood is a legend in Texas not only for his coaching but for the way he has led his life. To me, that puts him in the Ranks of Tom Landry, Bear Bryant and Joe Paterno.

I wish to include in the RECORD a copy of the article that ran this morning in the Dallas Morning News.

This honor is a great tribute to Coach Wood and his wife, Katharine, and I know there are many folks who join me in sending them congratulations and best wishes.

[From the Dallas Morning News, Nov. 17, 1999]

ALWAYS IN THE GAME—FOOTBALL, GORDON WOOD STYLE, STILL ABSORBS COACH OF CENTURY

(Kevin Sherrington)

BROWNWOOD, Texas.—Gordon Wood wears hearing aids in both ears. He had a triple bypass in 1990, and five years ago a stroke punched a few holes in his memory. He’s working on his third artificial hip. He’s diabetic. A faint white web of scars runs wild over his mottled face, the vestiges of 13 skin tumors.

This is what can happen to you if you live 85 years.

He can’t play golf because of the bad left hip. He walks with a cane. He takes a rowdy anymore because that’s what he was doing when the world started spinning, and he walked into a restroom and couldn’t find his way out. A stroke, the doctors told him. A woman came to get him in the restroom and asked him to step back with his right foot. He tried to comply but stepped forward instead, right into the toilet.

Checkers was fun, and he was good at it, but it’s not worth it if it reminds him of that. So now the only hobby he has left is football.

This is what can happen to you if you coach 43 years.

Or maybe this is what happens if you’re Gordon Wood, the greatest coach in the history of Texas high school football.

A Dallas Morning News panel of college coaches and sports writers chose Wood over a group that included Waco’s Paul Tyson, who won four state championships in the 1920s, and Abilene’s Chuck Moser, who won 49 consecutive games. Joe Golding got some consideration at Wichita Falls, as did Amarillo’s Blair Cherry.

Wood wasn’t a hard choice, though. He won nine state championships, two at Stamford and seven at Brownwood, which in the 40 years before he arrived had won only a single district title.

He won 405 games overall, which was more than anyone in the nation when he retired in 1985 at 71.

But, if you’re looking for numbers to define Wood’s greatness, you must know that he is the only coach to win 100 games in five different decades. He is the only coach to win state titles in three decades, as well.

Those numbers indicate that he never lost his enthusiasm for the game, never thought he knew so much that he couldn’t learn more, never won so much that he got enough of it.

Not when he retired 14 years ago. Not even now.

The numbers say a lot about Gordon Wood. But, if you really want to know why he was so great, you only have to go to a game with him.

He is better-looking in person than in photographs. Pictures can’t capture his vitality or regal posture, his warmth, his habit of extending both hands to someone in greeting, or his habit of holding on to the hand of a young person while bending down to talk to him. In most pictures, he looks almost sad, or, at best, blank. They couldn’t be less telling. Pictures can’t show the balletic movement of a curious young person while he’s talking to him.

He is sitting in the press box of the stadium named after him, talking about his offense between bites of a ham sandwich.

“Have you always run the Wing-T?”

“I have since the war,” Wood says.

He means World War II. He put in the offense at the college of Clyde “Bulldog” Turner once called the toughest football player ever. But it was Turner’s old college coach, Warren Woodson, who invented the offense, the same one he used at Hardin-Simmons and in the State and Arizona, and in the process was the only coach ever to produce the nation’s top rusher four years in a row.

“Warren Woodson was one of the greatest offensive coaches that ever was,” Wood says. “Cocky little devil, too. He watched us one time and came up to me afterward and said, ‘Coach, it makes a difference in our offense. You did such a lousy job.’

‘Yeah, he was the best offensive coach I ever saw.’

Woodson is dead. So is Bulldog Turner. They are great names lost to a younger generation that wouldn’t know a Wing-T offense from a wingtip shoe. Wood knew Turner and Woodson, and he knows Darrell Royal, who calls Wood “one of the all-time great football coaches, regardless of the level.” He is a friend of Bum Phillips, who calls Wood the best coach he knows. Bear Bryant told Wood’s son, Jim, that, had he stayed at Texas A&M, “I would have given your dad a heck of a run for the best coach in Texas.”

Wood knows Bill Parcells. Perhaps you remember the story that came out a couple of years ago, when Parcells took over as coach of the New York Jets after going to Super Bowls with two different organizations. Parcells told him how he had coached linebackers for Texas Tech in the 1970s. They had 20 spring practices, and at more than a dozen, he saw the same leathery old man leading the Jimmy Johnson-Billy Joe Castiglione-Tyrone Willingham group. He introduced himself and asked the old man where he was from.

“A little town down the road here,” the man said.

“Outside Lubbock?” Parcells asked.

“No, a little further.”

“How far is it?”

“Well, it’s 21⁄2 hours one way.”

Wood drove five hours a day to watch Tech’s linebackers. He drove every day for two weeks to learn something from a coach half his age. Parcells said Wood had as much influence on him as Halas, Lombardi, Noll or Landry, and he thinks about him every summer when training camp starts, thinks about the old man with more than 300 wins “driving five hours a day to find out something.”

Wood has gone farther than that. Every year, for 43 years, he has traveled around the country to the American Football Coaches Association meeting. He has lectured at coaching clinics in 18 states, most of them more than once. He spoke in Tennessee last summer.

He went to Canada three times, in the summers of 1967, ’68 and ’71. He was guest coach for the CFL’s Winnipeg Blue Bombers, coached by a man named Jim Spavitol, who played at Oklahoma State and first met Wood in the Navy.

After one of his summer trips north, Kathy and I were at dinner with the coach. I asked how he could possibly have such a long career. He said that he had “been around the block a few times.”

“Coach Wood is a legend in Texas not only for his coaching but for the way he has led his life,” the man said.

“Yeah, he was the best offensive coach I ever saw.”

But, if you really want to know why he was so great, you only have to go to a game with him.

And, always, the rules were the same.

“Kid makes a mistake in practice,” Wood says, “we run it over again.”

Wood hates mistakes. He made a point in his career of making players believe in themselves. He won a state championship his first season at Brownwood, in 1960. He says that, in his career ruined by injuries in the NFL. The best set was the three Southall brothers—St., Terry and Shae—all quarterbacks, the sons of his long-time assistant, Morris Southall.

Southall helped run the offense. In the Wing-T, the Lions flipped the offensive line to do what their number one running play and simplify blocking assignments. Wood told Royal about it in 1960, when Royal invited him on a trip to New York. Royal used the flip-flop in 1962 when he won his first national championship.

“We ran more formations than most teams run plays,” Wood says. “We’d run 36, 39, 42 plays a week in practice, and the second team got just as many reps as the first team.”

And, always, the rules were the same.

“Kid makes a mistake in practice,” Wood says, “we run it over again.”

Wood hates mistakes. He made a point in his career of making players believe in themselves. He won a state championship his first season at Brownwood, in 1960. He says that, if you severely criticize a player at practice, you have to make sure you do something to build him up again.

But it is his obsessive perfectionism that drives him. He watches anxiously from a press box cubicle as the Lions play host to Joshua, a heavy underdog. He talks until a play starts and then stops talking until it’s over. If the play is a success for Brownwood, he might say nothing, most likely picking up his speech where he left off. If the play favors Joshua, it might give him fits.

“Okay, let’s try it again.”

See something in a college game on Saturday
Mistakes kill him, but he says he didn’t make one by staying at Brownwood all those years. Katharine had put it in perspective earlier. “You take Tom Landry and Spike Dykes and Grant Teaff and Hayden Fry,” she said. “They’re all great coaches, but they were all just kids who played high school football in Texas.”

And Gordon Wood was a Texas high school football coach, the best ever, his peers say. Even an old perfectionist couldn’t beat that.

“I wouldn’t change anything,” he says softly, sitting in his driveway in his sensible sedan. “No.”

HONORING RONALD R. ROGERS AS HE IS INSTALLED AS GRAND MASTER OF THE GRAND LODGE OF FREE AND ACCEPTED MASONS IN OHIO

HON. ROB PORTMAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mr. PORTMAN. Mr. Speaker, I rise today to recognize Ronald R. Rogers, a constituent, who recently became Grand Master of the Grand Lodge of Free and Accepted Masons for 1999–2000.

Mr. Rogers has an extensive Masonic record. He began his Masonic career as Master Councillor of Ivanhoe Chapter of the Order of DeMolay. He received his Chavalier Degree in 1952 and was awarded the Active Legion of Honor in 1976. He became a Master Mason in Norwood Lodge No. 576 in 1972. Before becoming Grand Master, Mr. Rogers was elected Junior Grand Warden in 1996, Senior Grand Warden in 1997, and Deputy Grand Master in 1998.

A Cincinnati native, Mr. Rogers is a graduate of Norwood High School and received his B.A. from the University of Cincinnati. He worked for Clayton L. Scroggins, a management consulting firm in Cincinnati, for 35 years. Mr. Rogers is the proud father of a daughter, Robin, and the proud grandfather of a granddaughter, Leslie.

Active in his community, Mr. Rogers is a member of the Forest Chapel United Methodist Church. He has served Forest Chapel as Chairman of Finance, Chairman of Music and a member of the Administrative Board. He sang in the Forest Chapel Chancel Choir and also served as its president. Mr. Rogers is a past Area Financial Officer of United Way and past President of the Forest Park Band Boosters.

We congratulate Ronald Rogers on his position as Grand Master, and wish him every success during his tenure.

COMMUNICATIONS SATELLITE COMPETITION AND PRIVATIZATION ACT OF 1999

SPEECH OF
HON. TOM BILLEY
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 10, 1999

Mr. BILLEY. Mr. Speaker, I rise in support of H.R. 3261. I am pleased that today we will...
pass on suspension in bipartisan fashion our satellite reform and privatization legislation, H.R. 3261. The fact that we will pass this decisive and that no one has indicated he or she will vote against this bill indicates the widespread support in the House for this legislation. It is high time to end the current cartel-like ownership and management structure of INTELSAT and Inmarsat. They must not only be privatized, they must be privatized in a pro-competitive market. We must eliminate their privileges and immunities, warehoused orbital locations or frequencies, and limit their ability to use their governmental privileges to expand their services and assets pending privatization. There is no reason for government to be providing commercial communications services. We must also replace monopoly control with competition and provide full direct access in the United States to INTELSAT and Inmarsat. As the author and manager of this legislation, I think it is important to specify what will be the legislative history for H.R. 3261. With the exception of section 641, the deletion of old section 642, the addition of section 649, and several other changes, H.R. 3261 is identical to the bill the House passed on May 6, 1998, H.R. 1872. We have put this legislation on the suspension calendar because Members already voted for the same text by a margin of 403 to 16. Because most of the bill is identical to last year’s bill, it is unnecessary to go through the Committee hearing and report process again this year. Thus, no report will be filed with H.R. 3261. Instead, we intend that the Committee report for H.R. 1872 (See House Rpt. 105-494), the record for the legislative hearing held on September 30, 1997, and the floor debate on H.R. 1872, in relevant part, be used as legislative history for H.R. 3261.

What follows is a specific discussion of changes that have been made in H.R. 3261 when compared to H.R. 1872, which, when taken together with the H.R. 1872 legislative history discussed above, will serve as the legislative history for H.R. 3261.

Section 601(b)(1) advances the dates for the privation of INTELSAT and Inmarsat, respectively, from January 1, 2002 to April 1, 2001, for INTELSAT, and from January 1, 2001 to April 1, 2000, for Inmarsat. The reason for this change is that it has become clear that the long transition periods provided in H.R. 1872 are no longer necessary. Both organizations have taken some steps toward some form of privatization. For example, Inmarsat moved to end its intergovernmental status, although it still has not proceeded with an initial public offering of its stock. Moreover, the INTELSAT Assembly of Parties announced some steps which could move INTELSAT in the direction of privatization.

Section 602(a)(1)(A) and section 621(1) have also been changed to reflect the new dates set out in section 601(b)(1). Similarly, the dates set out in the Federal Communications Commission to make annual findings and report to Congress on INTELSAT’s progress toward privatization have been advanced to reflect the fact that longer transition periods are not needed. Thus, the first Commission finding is required on or before January 1, 2000.

Furthermore, the fact that over a year has elapsed since passage of H.R. 1872, the number of annual findings has been reduced from four to three, with the second finding of H.R. 1872 now included in the first annual finding in section 601(2). The last finding is due January 1, 2002, which is later than the April 1, 2001 date established for INTELSAT privatization. It may be appropriate to make the FCC finding date the same as the privatization date of April 1, 2001 at the next stage in the legislative process.

Finally, there have been changes in the dates by which the privatized INTELSAT and Inmarsat must conduct initial public offerings of their shares; from January 1, 2001 to April 1, 2001 for INTELSAT, and from January 1, 2000 to April 1, 2000 for Inmarsat.

H.R. 3261 does not grant the Commission authority to impose a signatory fee or limit direct access by foreign signatories nor should the statement indicating that the Commission has authority to implement direct access be interpreted as meaning that the Commission has the authority to impose signatory fee or limit direct access by foreign signatories. New section 641 also does not direct the Commission to take action on COMSAT’s petition to be treated as a non-dominant common carrier because the FCC has already acted on this petition. Furthermore, section 641(4), stating that direct access regulation would be eliminated after a pro-competitive privatization of INTELSAT or Inmarsat is achieved was unnecessary and thus was deleted.

H.R. 3261 does not include an equivalent of section 642 of H.R. 1872 dealing with the renegotiation of monopoly contracts, which is also known as “fresh look.” The sections of H.R. 3261 which preceded section 642 were numbered to reflect the deletion of old section 642.

New section 649 is intended to prevent U.S.-licensed international carriers and satellite operators from gaining access to those foreign markets. The effect of Section 649 is to apply this policy to all foreign satellite operators seeking to do business in the United States. Exclusive market access is a critical barrier to the provision of competitive satellite services by United States companies. Mr. Speaker, I urge my colleagues to support this important legislation.

CONGRATULATING SOUTH GRAND PRAIRIE HIGH SCHOOL

HON. MARTIN FROST
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. FROST. Mr. Speaker, I want to congratulate South Grand Prairie High for winning one of 13 New American High School awards from the Department of Education. This designation recognizes South Grand Prairie’s tremendous efforts in raising academic standards and student achievement.

South Grand Prairie is a diverse high school of over 2,400 students. It reflects the changing demographics of the surrounding community, half of the student body comes from minority backgrounds. In 1997, South Grand Prairie undertook an extensive reform program to raise academic performance by the school’s “middle majority,” the large segment of the student body whose needs were not entirely being met. The high school created a full-academy model that incorporates Advanced Placement-level curricula with career-oriented programs.

Students at South Grand Prairie pursue a rigorous academic program in an area that best suits them—Business and Computer Technology, Creative and Performing Arts, Health Science and Human Services, Humanities or Law, and Math, Science and Engineering. This allows students to raise their performance by capitalizing on their interests.
South Grand Prairie has enlisted the entire community in this effort. They have formed partnerships with local middle schools and area colleges. An Academic Advisory Board comprised of students, teachers, and prominent local business and industry leaders, has been formed to develop a curriculum and assessments of the program. And the Chamber of Commerce participates in a teacher-shadowing program which allows educators to understand the skills needed in the vocational areas in which they are teaching.

The results of this innovative program have been remarkable. South Grand Prairie has raised its students passage rate on Texas’ state math exam by 18 percent. South Grand Prairie students pass the state’s reading test at a 24 percent higher rate than the state average, and the school has higher SAT scores and rates of college enrollment than the state’s average.

Clearly, South Grand Prairie’s academic reforms have been a success, the school is highly deserving of the New American High School award. If South Grand Prairie represents the future in American education, the future looks bright indeed. Congratulations to Principal Roy Garcia and all of South Grand Prairie’s faculty and parents. Your school is a model for all of America’s high schools and you have made North Texas proud. I am pleased to be able to join South Grand Prairie officials at their White House award ceremony this Friday.

IN RECOGNITION OF THE 5TH ANNUAL COVENANT HOUSE WASHINGTON CANDLESIGHT VIGIL

HON. ELEANOR HOLMES NORTON
OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Ms. NORTON. Mr. Speaker, I rise today to recognize the Covenant House Candlelight Vigil, where I will speak on Tuesday, December 4, 1999. The Vigil is a national event held every year in early December in some 20 cities across the country. The Candlelight Vigil symbolizes community hope for the well being of all our children and highlights the plight of homeless, runaway, and at-risk children.

The Vigil in Washington alone has 3,000 concerned adults and youth marching, bearing candles and flashlights in support of youth. They will march shoulder to shoulder for a quarter of a mile to the Covenant House Washington Community Service Center, setting a tone of joy, solidarity, commitment, and hope. Similar rallies are held simultaneously at Covenant House sites across the country.

Since its inception in 1995, Covenant House Washington has invested over $13 million of private funding in our youth. They have given hundreds of youth a hand up by providing food, shelter, tutoring, life skills, job training, legal representation, and positive recreational opportunities.

Mr. Speaker, I ask all my colleagues to join me in honoring Covenant House Washington and their commitment to our most vulnerable young people and in recognizing the 1999 Covenant House Washington Candlelight Vigil.

EXTENSIONS OF REMARKS
HONORING THE WORK OF MIKE WOODS

HON. BART GORDON
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mr. GORDON. Mr. Speaker, I rise today to honor Mike Woods and his more than 25 years of work as city clerk for the town of Smyrna, Tennessee. Mike’s tenure will soon come to an end. He has decided to retire on November 30.

As clerk, Mike has seen Smyrna grow from a small community with an annual budget of $500,000 dollars and 27 employees to being one of Tennessee’s fastest growing cities with a population of more than 20,000, a current budget of more than $25 million dollars and over 300 employees.

Mike worked hard, along with former Mayor Sam Ridley, to make Smyrna the home of Nissan Motor Manufacturing U.S.A., which has almost 6,000 workers. His vision and invaluable experience have served Smyrna well, and the city has been recognized with numerous state and national awards. Mike truly exemplifies the best of public service and will be sorely missed in city government.

I have known Mike since he first began his tenure in Smyrna and consider him a close friend. He has given me lots of good advice over the years, and I thank him for that. I congratulate Mike for his admirable and distinguished career and wish him the best of luck in future endeavors.

IN RECOGNITION OF THE 5TH ANNUAL COVENANT HOUSE WASHINGTON CANDLESIGHT VIGIL

SPEECH OF
HON. SHEILA JACKSON-LEE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 16, 1999

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to acknowledge the Covenant House Candlelight Vigil, which I will attend, Tuesday, November 16, 1999. It is an event that serves to recognize the many who are working to help young people in need. The Covenant House provides a safe haven for thousands of homeless and runaway youth across the country. It is an organization that is committed to helping young people reach their full potential.

But as we celebrate their efforts, we must also remember those who are still in need of help. The task of ending youth homelessness is not easy, but it is necessary. We must continue to work together to ensure that every young person has a safe and stable home.

During the Vigil, I will be able to see firsthand the work that Covenant House is doing. I look forward to hearing from the young people who have been helped by the organization and meeting with some of the professionals who are working to make a difference in the lives of these children.

As we light our candles tonight, let us remember the importance of supporting organizations like Covenant House. Together, we can make a difference in the lives of young people who are in need.

RECOGNIZING AND HONORING WALTER PAYTON AND EXPRESSING CONDOLENCE OF THE HOUSE TO HIS FAMILY ON HIS DEATH

SPEECH OF
HON. EARL F. HILLIARD
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 16, 1999

Mr. HILLIARD. Mr. Speaker, I rise today to call for increased congressional spending to continue the research now progressing to seek a cure for diabetes. This devastating disease affects every family in America—my own brother is a victim of diabetes. The results of the disease are too numerous to count, but include blindness, loss of limbs, even shock resulting at times in death. At this time in our history, the incidence of diabetes in our population appears to be increasing.

We have made many strides in the treatment of diabetes, but much more needs to be done. It is very possible that in the near future we will be able to regenerate damaged beta cells in the pancreas, the cells which normally produce insulin. Alternatively, we may soon be able to generate new beta cells; in either case, it appears we will actually be able to cure the disease.

At this point in the process, we need to make an absolute commitment to this struggle to end this devastating disease. I commit myself and my vote to increasing spending on diabetes to an amount which will be sufficient for our scientists to accomplish this high goal.
And as an African-American, I am proud that an African-American holds such an imposing NFL record. His rushing record shows that anyone can achieve lofty goals, regardless of race. It is a record that will stand for many years and will remain a testament to Payton’s excellence.

Teammate Mike Singletary, one of five who offered a tribute at Payton’s service, said if Payton saw people crying he would say: “Hold everything—I’m on hallowed ground, I’m running hills, I’m running on clouds. I’m running on stars. I’m on the moon.”

“He affected so many people in a positive way, not only through athletic prowess, but through his generosity and for the way he lived his life,” said Ditka, the coach of that Bears team that won 18-1. “Yeah, it isn’t fair. Forty-five years on this Earth, you should be in the prime of your life. But I think it warns us that tomorrow is not promised.”

We will remember Walter Payton and his famous jersey number “34” that he wore first at Jackson State and then with the Bears. We also will remember Payton in his Chicago uniform with his trademark white headband.

But most of all, we will remember Walter Payton for his pleasant smile, his warmth of character, and his wish to achieve.

IN REMEMBRANCE OF DUB HAYES

HON. RALPH M. HALL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. HALL of Texas. Mr. Speaker, it is an honor for me to rise today to pay tribute to an outstanding individual and close personal friend, James W. “Dub” Hayes of Whitesboro, Texas, who died suddenly on October 3 of this year.

He was known as a man who thrived in Whitesboro and Grayson County as a prominent community leader who genuinely cared about people. His influence will be felt for generations to come.

Dub was honored as Outstanding Citizen of Whitesboro three times—in 1965, 1978, and 1994—a testimony to the contributions he made to the life of his home town. At the time of his death he was serving as a director of the Grayson County College Foundation, treasurer of Whitesboro Citizens for Excellence in Education and a member of the Whitesboro Economic Development Corporation Board of Directors.

He was an ardent proponent of education, having served for 33 years as a Trustee of Grayson County College and as past president of the board. He served on the Board from 1965, the year the school opened until 1997.

Dub also served as a charter member of the Texoma Blood Bank Board of Directors, a member of the Grayson County Airport Board and the Texoma Regional Planning Commission, past president of the Chamber of Commerce, Rotary Club and Quarterback Club in Whitesboro. Dub was active in the First Baptist Church of Whitesboro, where he served for many years as deacon, treasurer and Sunday School teacher.

Dub and his brother, Ed, owned and operated a retail pharmacy business in Whitesboro for 26 years. Dub also worked as a pharmacist for 15 years at Wilson N. Jones Hospital—and continued working until his death as a relief pharmacist and consultant. Dub will be lovingly remembered as one of those pharmacists who was willing to get up in the middle of the night to fill prescriptions for those who were sick.

He was a member of several professional organizations, including the Grayson, Collin, Cook Pharmaceutical Association, the Texas Pharmaceutical Association, the Texas Society of Hospital Pharmacists and the American Society of Hospital Pharmacists.

Born in 1925 in Whitesboro, the son of the late James Albert Hayes and Ruth Cherry Hayes, Dub graduated from Whitesboro High School, attended North Texas Agricultural College in Arlington and received his pharmacy degree from the University of Texas. He served his county during World War II in both the Pacific and European theaters. In 1949 he married his wife of 50 years, Ruth Helen Acker.

Dub is survived by his wife, Helen; three children, Diane Hayes Gibson and her husband, Mark; Dr. Jim Hayes of Dallas; and Bill Hayes and his wife, Kelly; four grandchildren, Laura and Robert Gibson and Sarah and Charlie Hayes; brother, Ed Hayes, and his wife, Pat; sister-in-law Marjorie Acker Lane and her husband, Bobby, three nieces and two nephews.

Mr. Speaker, Dub Hayes was a truly great man who lived a life of devotion to his family, his community, his church, and his profession. He was the community leader who led an exemplary life—and he was loved by all who knew him. We will miss him—but his memory will be kept alive in our hearts and in our thoughts—and his legacy will continue to be felt in Whitesboro and Grayson County. Mr. Speaker, as we adjourn today for the last time during this century, I ask my colleagues to join me in paying our last respects to this outstanding man and great American—James W. “Dub” Hayes.

INTRODUCTION OF THE TELEHEALTH IMPROVEMENT ACT OF 1999

HON. BRIAN P. BILBRAY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. BILBRAY. Mr. Speaker, I rise today to announce the introduction of H.R. 3420, the Telehealth Improvement Act of 1999. As we are learning, telemedicine services can dramatically improve upon the range of health care services available in medically under-served areas through the use of telecommunications technologies and services. Telemedicine can improve the delivery and access of health care services, and is especially useful when a patient needs a specialist who is unavailable in his or her area.

By relying on technologies ranging from interactive video, e-mail, computers, fax machines, and satellites, patients will be able to communicate with their doctors and receive the health care they need regardless of their physical location. These telemedicine technologies can be used to deliver health care, diagnose patients, read X-rays, provide consultation, and educate health professionals, among other things.

Telemedicine services reduce the cost of health care by increasing the timeliness of care, reducing emergency transportation costs, improving patient administration, and strengthening the expertise available to primary-care providers. Telemedicine services.
also help to bring services to medically underserved areas in a quick and cost-effective manner, and can enable patients to avoid traveling long distances in order to receive access to health care.

While the Balanced Budget Act of 1997 includes a provision that provides for some Medicare reimbursement for telemedicine services, the Health Care Financing Administration (HCFA) has interpreted it too narrowly and as a result, has severely limited the services which are covered. The Telehealth Improvement Act of 1999 will clarify the intent of Congress regarding Medicare reimbursement for telemedicine services and increases telemedicine access to medically underserved areas. This legislation makes improvements to the way telemedicine services are currently regulated and reimbursed through the Medicare program, and applies to rural, underserved, and frontier areas, including areas designated as health professional shortage areas under the Public Health Service Act.

Mr. Speaker, I urge my colleagues in the House to support and cosponsor the Telehealth Improvement Act of 1999. We must continue to provide access to health care to underserved areas and provide adequate reimbursement to the hospitals and providers that are currently providing these services.

HONORING THE LATE D.R. MILLER, "MR. CIRCUS"

HON. WES WATKINS
OF OKLAHOMA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mr. WATKINS. Mr. Speaker, today I pay tribute to the late D.R. Miller, known as "Mr. Circus" to those who knew him best, for his decades of service to his fellow citizens, and for his lifetime of providing laughter and fun to children of all ages.

D.R. Miller was born on July 27, 1916, in Smith Center, Kansas. But it was Hugo, the town in Oklahoma's Third Congressional District that serves as the winter headquarters for his Carson & Barnes Circus, that D.R. called home.

D.R. Miller passed away on September 8, 1999, in McCook, Nebraska—the very town where D.R.'s father and mother took D.R. and his brother to see their first circus, on August 19, 1915, they had built and consecrated a church in Gary at 20th Avenue and Connecticut Street. In 1938, a new church was built at St. Mark's Church, located near 13th Avenue and Maryland Street. In 1941, they had built and consecrated a church in Gary at 20th Avenue and Virginia Street. In 1951, they had built and consecrated a church in Gary at 20th Avenue and Washington Street. In 1958, they had built and consecrated a church in Gary at 20th Avenue and Connecticut Street. In 1963, a new church was built at

November 18, 1999

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November 18, 1999
Mr. Speaker, I rise to congratulate the members of the congregation of South Post Oak Baptist Church in my home district of Houston, Texas for celebrating their church's 40th anniversary. The South Post Oak Baptist Church family has been a pillar of the community, effectively ministering to its members for four decades.

South Post Oak Baptist Church was organized October 4, 1959 as a separate entity of Almeda Baptist Church and was incorporated in 1961. From its humble beginnings, the church has been a viable point of spiritual reference for the community. Under the leadership of Rev. Remus E. Wright, the membership of the church has grown rapidly, from 300 in 1991 to more than 4,500 members in 1999.

Over the past decade Rev. Wright and his wife Mia have worked to make South Post Oak Baptist Church, “A Positive Place in a Negative World.” Their endurance and tremendous energy in addressing the needs of South Post Oak Baptist Church’s congregation have served their community well. The youngest of nine children born to Remus and Elizabeth Wright in Indianapolis, Indiana, Rev. Wright answered the call to the ministry during his high school years, becoming an Associate Minister at Grace Apostolic church. He joined the Pentecostal Ambassadors and recorded two gospel albums on which he sang, wrote and produced most of the songs.

Upon relocating to Houston, Pastor Wright found his home at South Post Oak Baptist Church, guiding the church into its largest ever period of growth. The Church’s focus has been on the family; the responsibilities of men; special needs of our senior citizens; and “real life” programs for youth. Rev. Wright’s focus on families is a major reason why he now devotes his energy to ministering to more than 2,500 families at South Post Oak Baptist Church.

While Rev. Wright’s religious and spiritual obligations have always been paramount, as a community leader, he has undertaken his civic duties with the utmost seriousness and passion, serving on several boards and organizations. He serves on two Summer Leadership Institute Program at Harvard University designed to strengthen faith-based programs throughout urban communities in the United States.

Mr. Speaker, South Post Oak Baptist Church has much to celebrate on its 40th anniversary. The church has a haven for its community. Since its beginnings four decades ago through the last 8 years of unprecedented growth, South Post Oak Baptist Church should be commended for its dedication to God and commitment to the needs of its congregation and surrounding community.

Mr. Speaker, I rise today to congratulate the University of Wisconsin’s football team. This has been an exceptional season for the Badgers in many respects.

For the second straight year, the Badgers are off to play in a major NCAA Bowl Game. The Badgers could go to the Rose Bowl, just as they did last year, or to another major bowl, depending on how other college teams fare in the closing weeks of the season. On Saturday, a beautiful and unusually balmy day at Camp Randall, the Badgers sealed their ticket to a bowl game by defeating the Iowa Hawkeyes, 41 to 3, and winning the Big Ten championship.

But securing the championship was not all that was celebrated on Saturday. Before nearly 80,000 screaming Badger fans, tailback Ron Dayne made history as he became the all-time rushing leader in NCAA Division I football. Ron Dayne has finished his collegiate career with 6,397 yards—and is the favorite for winning this year’s Heisman Trophy.

Ron Dayne’s historic record and going to a major bowl game for the second straight year are only part of the triumphant season. The whole team created this championship. It was particularly heartening to see the team come together when Coach Barry Alvarez was either coaching from his hospital bed or the coach’s box while waiting for knee replacement surgery.

The Badgers end the regular season with a 9–2 record. Congratulations to all the players, students and fans at the University of Wisconsin. I look forward to enjoying the Fifth Quarter at the bowl game. On Wisconsin!
services furnished at the CORF. Also, state survey agencies are not precluded from making visits to the off-site locations as necessary, to ensure that the CORF requirements are met.

Recently, a briefing on CORFs and outpatient rehabilitation facilities was held for Kevin Thurm, Deputy Secretary of DHHS. I presented the Health Care Financing Administration (HCFA)'s program integrity action plan based on analysis we had initiated with the HCFA Miami Satellite Office. The plan includes intensified medical review in targeted areas, educational providers and fiscal intermediaries, and increased reviews of off-site locations. I believe these interventions and the increased oversight will curb inappropriate growth of the providers until HCFA is granted statutory authority to require that PT, OT, or SP be furnished at a single, fixed location.

Thank you for your interest in this matter.

Sincerely,

MICHAEL M. HASH,
Deputy Administrator.

A TRIBUTE TO BILL SHIVELY ON HIS RETIREMENT

HON. JIM RAMSTAD
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mr. RAMSTAD. Mr. Speaker, I rise today to pay tribute to one of our nation's best and brightest business leaders.

By any measure of merit, William C. Shively is a truly visionary business leader. His hard work and pioneering efforts in the area of financial management and commitment to public service are absolutely exemplary—as well as an inspiration to us all.

Mr. Speaker, Bill Shively is retiring as Executive Vice President of the nationally recognized Gelco Information Network in my Third District of Minnesota.

Bill had the vision in 1992 to bring corporate America's soundest financial management practices to the government. His book Best Practices, Bill Shively identified areas for immediate improvement and re-engineering. He targeted official business travel within government, since, in the corporate world, travel is the third largest business expense behind payroll and data processing.

Mr. Speaker, in 1992 the federal government was spending over $7 billion on official business travel. Mr. Shively realized the government was spending unnecessary overhead based on the outdated business processes that governed federal travel.

The need for improvement in this arena, Mr. Speaker, was the source for Bill's vision to create a business unit dedicated to identifying improvements and recommending solutions to save taxpayer money. The vision's underlying theme was to end the "give-up" in the taxpayer money through the implementation of re-engineered systems and processes.

Mr. Speaker, the Government Services Division of Gelco was born on March 1, 1995 and was comprised of Bill and one other employee. Since 1995, the business has grown close to 100 employees, supporting products and services utilized today within every single federal executive agency within our government.

EXTENSIONS OF REMARKS

Bill helped the Department of Defense through the evolutionary stages of defining its vision, leading at one time of the largest non-weapon programs—DTS.

Mr. Speaker, Bill Shively leaves a legacy of public service that will be long remembered. But, more important to Bill, he leaves a legacy to that is sure to inspire his family for generations to come. Despite the impact of his visionary actions around the world, Bill Shively's No. 1 priority has been his family. Bill has been a dedicated father of three sons and a devoted husband to his wife, Betty.

Mr. Speaker, Bill Shively has done much for his country. We must take the time to pay tribute to great Americans like Bill, citizens who share their special skills to make outstanding contributions to their nation. Bill Shively may be retiring, but he has improved federal processes and driven down costs to taxpayer—truly lasting contributions that will benefit our country for generations to come.

At a time when good role models are few and far between, a time when people of integrity are needed more than ever, Bill Shively is a shining example of how to achieve success in our personal, professional and public lives.

Mr. Speaker, please join with me today to honor William Shively for all he has done to help others. We wish him and his family all the best in his retirement and in all his future endeavors.

RESIGNATION OF NATIONAL FOREST SUPERVISOR GLORIA FLORA

HON. GEORGE MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, Gloria Flora, forest Supervisor of the Humboldt-Toiyabe National Forest in Nevada resigned last week, citing "irreconcilable personal differences." Since becoming Supervisor of the largest national forest in the lower 48 just over a year ago, Ms. Flora has become embroiled in disputes over grazing, endangered species protection, and road closures. One of these disputes recently culminated in Elko County resident's letter to the Forest Service employees who share her concerns. I submit Ms. Flora's letter to her fellow employees.

OPEN LETTER TO EMPLOYEES OF THE HUMBOLDT-TOIYABE NATIONAL FOREST

November 8, 1999

There is no easy way to give love and a good-bye to a group of hard-working, dedicated employees and friends. But the time has come when I must do just that. The best part of working with the state of Nevada, the county, and the Forest Service is watching each of you perform your work so well. The results speak for themselves in the outstanding land stewardship and exemplary business practices found on this Forest.

I have become increasingly troubled by the difficult conditions that so many of us face in the state of Nevada. The state of Nevada’s natural resources are commonplace unwarranted criticisms of and verbal attacks on federal employees. Officials at all levels of government in Nevada participate in this irresponsible fed-bashing. But the public is largely silent, watching as if this were a spectator sport. This level of anti-federal fervor is simply not acceptable.

It is not like this in other places! As you know, I’ve worked throughout the Intermountain West: Montana, Idaho, Utah and Wyoming. Yes, there are arguments and strong disagreements over land use policy, but they usually stay within the bounds of reason. As tensions escalate, others weigh in with their opinions and the media does in-depth investigative reporting. There is a sense of balance. Outlandish words and acts, regardless of the origin, are repudiated openly by reasonable community members. Constructive collaboration and discourse are recognized as the methods to resolve complex natural resource issues. Yes, things may get heated but all people have a voice.

The attitude towards federal employees and federal laws in Nevada is pitiful. People in rural communities who do respect the law and accept responsibility for complying with it are often rebuked or ridiculed. They are compared to collaborators with the Vichy government in Nazi-controlled France! People who support the federal government or conservation of natural resources ask that they not be identified for fear of retaliation. When I speak against the diatribes and half-truths of the Sagebrush Rebellion, I am labeled a liar and personally vilified in an attempt to silence me. When I express concerns for Forest Service employees’ safety, I am accused of inciting violence.

This is the United States of America. All people have a right to speak and all people have a right to protection from discrimination. However, I learned that in Nevada, as a federal employee, you have no right to speak, no right to do your job and certainly no right to be treated with respect. If you go on and on with examples of those of you who have been castigated in public, shunned in your communities, refused service in restaurants, kicked out of schools, because of who you work for. And we cannot forget those who have been harassed, called before kangaroo courts, or had their very lives threatened.

It disturbs me to think that two million people in this state watch silently, or worse,
in amusements, as a small percent of their number breaks laws and encroaches on the rights of others with impunity. Worse yet, there are elected officials who actively support these offenders. Those whose responsibility it is to help us enforce the laws passed by Congress and do our mandated jobs, always seem to have a reason why action must be postponed.

The Jarbidge situation is just another example of how current elements would rather light and excoriate the federal government than work towards a solution. These people need an “evil empire” to attack. When a member of Congress, Sten Congress: forces with them, using the power of the office to stage a public inquisition of federal employees followed by a political fundraiser. I must protest. This member and others continue to do this, and we, as an agency, believe that it is best to keep turning the other cheek. Enough is enough. I am not pro-moting conflict; I’m simply advocating that our agency demands fairness and common decency. It’s time to speak up.

But speaking up and continuing to work here are not compatible. By speaking out, I cannot provide you, my employees, with a safe working environment. And to date, I have not been able to convince others that the current atmosphere is unacceptable and requires a proactive response. I refuse to continue to participate in this charade of normalcy.

Equally troubling is our limited ability to perform the mission of the Forest Service under these conditions. As stewards for public lands, entrusted with protecting and restoring natural resources for present and future generations, we must be able to perform those functions in a cooperative and cooperative manner. The health of the land is paramount.

I am choosing to leave for my principles for my personal well-being, and so I can actualize my commitment to natural resource management in a setting where respect and civil discourse is the norm. I have no definite plans and I am not seeking special treatment from the agency. I will stay at least until the end of the year to help ensure a smoother transition to new leadership.

I leave with my fondest wishes for continued success in your endeavors. I will continue to support your efforts in the future and hope to be able to return to public service in the near future.

Sincerely,

Gloria E. Flora,
Forest Supervisor.
EXTENSIONS OF REMARKS

November 18, 1999

Mr. Speaker, I invite all of our colleagues to bring to the attention of my colleagues in the House of Representatives a recent article about the wonderful medical advances at the M.D. Anderson Cancer Center in Houston, Texas. The article tells the stories of two people, a young college student and the former Speaker of the House Jim Wright, dealing with cancer of the jaw and their experiences with this once debilitating disease. Their respective stories highlight the need to support our Nation's cancer centers and highlight how medical advances can truly give Americans hope where none previously existed. "Reconstructing Lives by Mary Jane Schier—For 19-year-old James Smith, the quality of survival from cancer of the jaw is paramount in order to pursue his dream of playing professional football."

Smith is a junior majoring in health and human performance at McNeese State University in Lake Charles, LA, where he was an outstanding defensive tackle until diagnosed with a disease uncommon among teenagers. He and his family were stunned to learn in November 1998 that he had a tumor in his right mandible, the horseshoe-shaped bone that forms the lower jaw. He underwent surgery to remove the tumor and radiation treatment, and then was fitted with a prosthetic jaw.

Smith was forced to take an extended time out from the football team to begin the biggest challenge of his young life. Upon coming to M.D. Anderson, he joined a new team whose members are nationally ranked for treating head and neck cancers. The head coaches in the multidisciplinary treatment regimen that Smith received are Dr.
Along with their blood supply, to use in reconstruction of the oral cavity is to reconstruct the mandible with bone and tissue taken from his left leg. Although he couldn’t talk or eat his favorite pizza for a while, Smith says now, “I’m getting stronger every day . . . and I’m eager to play again.”

At the other end of the age spectrum is former U.S. House Speaker Jim Wright, who at age 76 also illustrates the importance of high quality in one’s life.

“I’ve always been a talker, so I was a little concerned before the surgery that I wouldn’t be able to talk well enough for people to understand me,” confides Wright, a Fort Worth Democrat whose 34-year span in Congress was complete in 1989.

During more than 13 hours of surgery at M.D. Anderson last March 12, Wright’s cancerous right mandible, an adjacent segment of the tongue and eight teeth were removed, then a six inch piece of bone from his left leg was used to form a new jaw. Skin from his left thigh overlying the bone was also transplanted to replace part of his inside of his mouth and tongue and the external skin of his cheek.

“My life feels truly blessed,” Wright says in a strong and clear voice.

His gratitude has been enhanced by recalling how his father lost a jaw to cancer more than 30 years ago. “There was no thought then of replacing it with bone from somewhere else in the body . . . He spent his last days with a facial disfigurement that was the mark then of many cancer victims,” Wright remembers.

This was Wright’s second bout with an oral cancer. In 1991, he had surgery at M.D. followed by extensive radiotherapy. Since his latest extensive surgery, he has resumed most of his favorite activities, including writing a regular newspaper column and of course, “talking with anyone who’ll listen.”

Intensive collaboration among head and neck surgeons and plastic surgeons in recent years has greatly improved our ability to resect all sizes of tumors and to restore vital function and appearance as well as to extend survival,” observes Dr. Goepfert, who holds the M.G. and Lillie A. Johnson Chair for Cancer Treatment and Research.

New methods developed by plastic surgeons permit reconstruction of the oral cavity safely and with increasingly good outcomes. The key to success involves transferring tissues—together with vital blood vessels and nerves—from elsewhere in a patient’s body to use for rebuilding parts of the head and neck affected by cancer.

Dr. Robb explains, “The head and neck is the most difficult area to reconstruct. But through specialized Micro vascular techniques, we can move tissues, muscle, fat and bone, along with their blood supply, to use in reshaping the tongue, the jaw, and parts of the nose, ear, and throat.”

Age is no obstacle for performing big reconstructive procedures so long as older patients have good blood vessels to transfer with the tissues. Regardless of age, Dr. Robb says, “It’s crucial for him to restore form, contour and function to the body parts affected by cancer surgery so that patients can enjoy the highest quality of life.”

For Wright, being able to talk, chew, swallow and look virtually normal is a “miracle stemming from remarkable medical progress and his religious faith. “The good news is that cancer is conquerable” and “useful life is prolongable.”

Realizing the best quality of cancer survival for Smith, however, will occur when he can return to the football field. During a recent follow-up visit to M.D. Anderson, his doctors encouraged him to continue that dream.

**COMMUNICATIONS SATELLITE COMPETITION AND PRIVATIZATION ACT OF 1999**

**SPEECH OF**

HON. FRANK PALLONE, JR.
OF NEW JERSEY

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, November 10, 1999**

Mr. PALLONE. Mr. Speaker, I wish to commend the distinguished Chairman of the Commerce Committee, Chairman BLILEY, and Chairman TAUZIN, who have worked diligently to bring satellite privatization legislation before the House in these last days of this Session. This bill is an important step toward legislation that will advance increased competition in the global satellite telecommunications market.

When the House passed this bill last year, it was with the firm belief that time and technology that had passed by the 1962 law that created COMSAT. In spite of the overwhelming House support, the bill was stalled over concerns raised by colleagues in the other body. Since that time, Lockheed Martin has arrived on the scene to bid for COMSAT and make it a normal, private company without legal immunities or exclusive access to the Intelsat system. This is exactly what the proponents of the Bliley-Tauzin bill want and is yet another example of the marketplace being ahead on Congress.

To date, Lockheed has followed regular order in its acquisition of COMSAT. It has received the approval of both the Federal Communications Commission and the Department of Justice to acquire 49% of COMSAT. Neither federal agency felt that competition or anti-trust laws were threatened by Lockheed Martin’s purchase.

Now it is Congress’ turn to weigh on this issue and I believe that this bill goes to great lengths to achieve honest and fair competition in the satellite competition in the satellite communications market. I also believe that we can complete legislative action on this bill before Congress leaves this year, which I understand the Chairman has said he intends to do. But as we move toward that legislative objective, it is important that we realize that certain issues must be addressed before we can declare a victory for the private competitive marketplace.

First of all, there is the issue known as “Level IV direct access.” In effect, it would result in the forced divestiture of billions of dollars of Comsat shareholder investment in Intelsat infrastructure—all undertaken often at the behest of the U.S. Government. Level 4 direct access simply guts the economic rationale for a private company to invest in Comsat. Indeed, that may be the rationale behind this provision: to dissuade Lockheed from acquiring Comsat. If that is the case, it would be a cynical attempt to manipulate the free market in the name of “competition.” This provision must be changed in conference. Similarly, Congress should simply repeal the ownership cap on Comsat upon enactment of final consensus legislation, rather than making it contingent upon occurrence of unrelated events as it does now.

Other outstanding differences between the House and Senate have been raised by other Members and must similarly be resolved in conference. I urge Chairman Bliley to work with Mr. Dingell toward a consensus, notably on the privatization criteria, which serve as FCC licensing criteria, and must be made more flexible.

Again, I consider myself as a supporter to this bill. The Congress has been very shrewd in letting the telecommunications marketplace work its will towards fair competition. We should use this opportunity to continue that successful record. I urge the conferees to consider these issues when crafting a final package to present to the Congress and ultimately to the President.

**A TRIBUTE TO FREDERICK C. MALKUS, JR.**

**HON. STENY H. HOYER**

OF MARYLAND

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, November 17, 1999**

Mr. HOYER. Mr. Speaker, I rise to pay tribute to a great statesman and leader in the State of Maryland. With the death of former state Senator Frederick C. Malkus, Jr., on November 9, Maryland, as well as the entire Country, lost a great patriot and a dutiful public servant.

Frederick C. Malkus, Jr. died at the age of 86, having spent all of his adult life in the service of his fellow citizens. Senator Malkus, a conservative Democrat, served in the legislature for 46 years—at the age of 86, having spent all of his adult life in the service of his fellow citizens. Senator Malkus, a conservative Democrat, served in the legislature for 46 years—12 in the House of Delegates and 34 in the Senate—before retiring in 1994. Upon his retirement, he was the longest serving State Legislator in the United States.

Born July 1, 1913, in Baltimore, Senator Malkus moved to the 380 acre Egypt Road farm, nine miles outside of Cambridge, on Maryland’s Eastern Shore where he was raised there by his aunt and uncle. He spent the past 83 years on the working farm that produces wheat, corn, and soybeans. He graduated for Western Maryland College in 1934 and received his law degree four years later from the University of Maryland Law School. During World War II, Senator Malkus served in the U.S. Army and rose to the rank of major. He returned to Maryland and in 1947 won a seat in the House of Delegates. He was, Mr. Speaker, an unforgettable individual who was a wonderful servant to Maryland and America. To know Fred Malkus was
to know how deeply he cared for rural America and more specifically for the Chesapeake Bay region. Senator Malkus was at the forefront of the fight to save the Bay. Even though he was pro-business in his views, he was a great environmentalist. His legacy will no doubt live on and serve as a model for future leaders of our State and our Country.

Senator Malkus is survived by his wife of 41 years, the former Margaret "Maggie" Moorer, his son, Frederick C. Malkus III, two daughters, Margaret Elizabeth "Betsy" LaPerch, and Susan Moorer Malkus, and three grandsons.

HONORING JACK A. BROWN III

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mr. TOWNS. Mr. Speaker, I want to recognize the achievements of Jack A. Brown III. Jack is a native New Yorker who was born and raised on the lower east side of Manhattan. He currently resides, in my district, in the Clinton Hill section of Brooklyn. Jack has had a distinguished seven-year career with the Correctional Services Corporation (CSC). The Corporation is a private company contracted by local, State, and Federal Corrections Department to provide concrete services to the inmate population. As the Vice President of Correctional Services Corporation Community Services Division, Mr. Brown maintains overall responsibility for the day to day operations of the five New York programs. These programs, three for the Federal Bureau of Prisons and two for the New York State Department of Corrections, are designed to provide inmates with the tools necessary to successfully reintegrate back into their prospective communities as self-sufficient, responsible, law abiding citizens.

Prior to his employment with CSC, Jack served as an officer in the United States Army's Air Defense Artillery Division for four years. He is a graduate of the State University of New York at Buffalo with a Bachelor's degree in Human Services, with a concentration in mental health, and Biology. During his academic years, he gained invaluable experience in the field of human services holding positions as Physiatrics Counselor, Chemical Dependency Counselor and Youth Counselor. In December, Jack expects to earn a double major in psychology and biology from the University of New Hampshire.

I wish Jack Brown success in his future endeavors and I commend his achievements to my colleagues' attention.

TRIBUTE TO NATIONAL WOMAN'S CHRISTIAN TEMPERANCE UNION

HON. DAN BURTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mr. BURTON of Indiana. Mr. Speaker, on November 18, 1999, the National Woman's Christian Temperance Union (WCTU) will celebrate 125 years in existence, making it the oldest, continuously nonsectarian Christian woman's organization in the United States. Their motto is "For God and Home and Every Land."

Directed entirely by women from its beginning, the WCTU has united women from various backgrounds and geographical regions in their determination to educate the world about the dangers associated with the use of alcohol, tobacco, and other drugs. Throughout the years, the WCTU has advocated for universal voting rights for women and minorities, the eight-hour work day, equal pay for equal work, opposition to child labor, shelters for abused women and children, and world peace. In 1945, the WCTU became a charter member of the United Nations Non-Governmental Organizations (NGO).

Their first National president, Annie Wittenmyer, was honored by Presidents Abraham Lincoln and Ulysses S. Grant for her work during the Civil War in organizing diet kitchens in military hospitals. Their second National president, Frances E. Willard, was honored in 1905 by having her statue placed in the Statuary Hall of the U.S. Capitol. The first woman and the only woman to be honored for more than 50 years. The current National president of the WCTU is Sarah Ward, a resident of the great State of Indiana, and I wish her all the best in her endeavors with the WCTU as they continue their good work for the protection of the home.

A TRIBUTE TO JENNIFER MUMMERT

HON. JERRY LEWIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to Jenny Mummert, a hardworking, highly valued staff member of the Defense Subcommittee of the House Appropriations Committee, who is leaving November 19th after eight years to pursue her career in the private sector.

Whether she was putting in long days and endless hours working on behalf of our national defense—or struggling to look serious at the Paris Air Show—Jenny Mummert couldn't help being her ever-positive self. She has always been a vital member of the team, doing all she can to make the defense appropriations committee the best committee in the House of Representatives.

Now she has decided to leave us to seek new challenges and opportunities. But she will always be a part of our family. We know that her husband, Joe, and their four children, Joey, Kandyce, Kevin and Karley, are excited about her new career. But they are very likely just as excited about the prospect of mom having a more normal work schedule.

Mr. Speaker, I ask you and my colleagues to join me in wishing the best for Jenny in her new endeavor, and to let her know that we will miss her every day and will always be grateful for what she's done for the Congress and our national defense.

TRIBUTE TO NATIONAL WOMAN'S CHRISTIAN TEMPERANCE UNION

HON. DAN BURTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mr. BURTON of Indiana. Mr. Speaker, on November 18, 1999, the National Woman's

EXTENSIONS OF REMARKS

THE BOOKER T. WASHINGTON LEADERSHIP INSTITUTE AT HAMPTON UNIVERSITY

HON. ROBERT C. SCOTT
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mr. SCOTT. Mr. Speaker, I am pleased today to introduce "The Booker T. Washington Leadership Act of 1999". This legislation will establish the Booker T. Washington Leadership Institute at Hampton University in Hampton, Virginia.

Booker T. Washington is perhaps the most renowned alumnus of Hampton University. His vision championed the idea that black colleges and universities should embrace the responsibility not only to train men and women in their disciplines and trades, but to create and sustain new institutions and communities driven by the principle of service—service to God, country, and humankind.

The mission of this Institute reflects this vision. It is based on Hampton University's fundamental premise that leadership development is best understood and achieved in the moral context of social responsibility and service to society. The Institute will be committed to the development of ethical values, interpersonal skills and the competencies that are required for effective leadership in a broad range of business, civic and political environments.

Hampton University is uniquely prepared to launch this Institute. For the past 130 years, Hampton University has promoted higher education and positive character development as the cornerstones of effective leadership and responsible citizenship. Initially founded in 1868 to train promising young men and women to teach and lead their recently emancipated people, it has grown into a comprehensive university, offering a broad range of technical, liberal arts, pre-professional, professional and graduate degree programs. Over the past twenty years, Hampton University has doubled the student population from 2,700 to 7,000, and the average student SAT score has increased by 300 points. Forty-five academic programs have been added, including graduate degree programs in Business Administration, Museum Studies, Applied Mathematics and Chemistry, with PhD programs in Physics, Pharmacy, Physical Therapy and Nursing. Over 40% of Hampton University graduates enter graduate school within 5 years.

The Booker T. Washington Leadership Institute combines the heritage of Hampton University with the vision of Booker T. Washington, to educate young people with the knowledge, skills, insights, and positive values necessary for leading the United States into the new millennium.

Mr. Speaker, I submit the Booker T. Washington Leadership Act for my colleagues' consideration.
Mr. RILEY. Mr. Speaker, I rise today to recognize John P. Powell, who was honored on November 14, 1999, at the official dedication of the newly named John P. Powell Middle School in Chambers County, Alabama.

John P. Powell was born in Chambers County, Alabama, on September 13, 1912. After graduating from Florida A&M University, he began his teaching career at Langdale School in 1949. On September 24, 1954, he became the principal of the Chambers County Training School (renamed Southside Elementary School during the 1970–71 school year) and remained its principal for 27 years until his retirement on May 28, 1976. The Chambers County Board of Education by official action renamed the school, now a middle school for grades 6–8, in Professor Powell’s honor on May 19, 1999.

During his career and after his retirement, Mr. Powell was active in the Lafayette, Alabama, community. He served on the Chambers County Industrial Board and was active in the Chambers County Extension Service. His community involvement included the Red Cross, the United Givers Fund, Powell Chapel United Methodist Church, the Chambers County Retired Teachers organization and senior citizens’ groups. Even now, at the age of 87, Professor Powell is president of the Birmingham Rehabilitation Center where he resides.

In 1991, the Lafayette City Council proclaimed John Powell Day in Lafayette. In the resolution issued, Mr. Powell was commended for his community involvement and his leadership, particularly in the fields of education, industry and race relations. Now, once again, he is being recognized for what he has done to promote respect between races and the value of education for his students. Most important, however, he is recognized for his life-long commitment to public service.

I join the residents of Chambers County in thanking John P. Powell and saluting him on this special day of recognition.

CONDEMNATION OF ARMENIAN ASSASSINATIONS

SPEECH OF
HON. PETER T. KING
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 16, 1999

Mr. KING. Mr. Speaker, I rise today to express my concern about the violence that recently took place in Armenia. The Prime Minister and the Speaker of the Parliament, as well as other prominent Armenian politicians, were killed in a hail of gunfire on the floor of the Armenian Parliament.

Besides my deep concern and sympathy for the individuals who were brutally murdered and for their families and friends, I fear that this event could cause a delay or postponement of the peace talks currently underway between Armenia and Azerbaijan. Thankfully, both governments have stated that the peace process will not be interrupted by this tragic event.

Armenia should step up its efforts to push the peace process along. The conflict between Armenia and Azerbaijan has been going on for 11 years now, and more than 30,000 people have been killed and over a million refugees created on both sides, including over 800,000 in Azerbaijan. It is time to reach a peace agreement, and Presidents Heydar Aliyev of Azerbaijan and Robert Kocharian of Armenia have met four times in recent months to discuss such a settlement.

As original sponsor of legislation designed to repeal Section 907 of the Freedom Support Act, I would like to draw your attention to a statement in the New York Times, that appeared on November 3, urging to lift “the ban on giving Azerbaijan the same kind of economic assistance that it provides to all other former Soviet republics. This would serve both to recognize the risks that Heydar Aliyev, Azerbaijan’s President, has taken for peace and begin to bring about more realistic attitudes in Armenia. If we are to be an effective broker, we must adopt a balanced approach.”
through the enrollment cracks again, much less 11.1 million children.

Our current approaches places the burden on already disadvantaged parents. State and local enrollment and welfare workers are unable to determine which families match various programs—much less process pages of forms and documentation in order to enroll children in health insurance.

Instead, I propose we do what's right, sensible, and directly accomplishes the goal of health insurance for all of our children: (1) Enroll every child in MediKids automatically at birth; and (2) allow parents who do have other choices for a child's health insurance to attach evidence of coverage to their tax forms, thus exempting themselves from the premiums used to finance MediKids.

Children are relatively inexpensive to insure, but this program will have a budget impact. I am developing a plan for covering the costs of this program. Ultimately, however we pay for it, we must make the stand that some things are worth spending money on, particularly in this time of unprecedented, record-breaking economic growth.

My staff and I will be refining this bill over the holiday recess. For example, we will want to adjust the MediKids program to cover the specific services which children need. As our work progresses, we will be posting our drafts on our website, http://www.house.gov/stark and invite everyone to visit the site and offer their input.

We plan to introduce this bill at the start of the next Congressional session—the first of the new millennium. I invited all of my colleagues, and everyone in America who cares about the health of our children, to join us in developing this idea, and to co-sponsor this important effort to get every millennium baby off to a good start.

IN HONOR OF THE PANPAPHIAN ASSOCIATION AND SAVAS C. TSIVICOS

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay special tribute to the Panpaphian Association, its members, friends and special honoree, this year, Savas Tsivicos.

The Panpaphian Association was founded in 1987, by a group of Cypriot-Americans of Paphos. He came to the United States in 1982 from a farming community in the village of Inia to live the “American Life.” His life embodies the dreams, hopes and aspirations of thousands of immigrants who arrive in the United States to construct a decent life. Mr. Tsivicos holds a Bachelor’s Degree and MBA from Fairleigh Dickinson University and a Masters Certification from George Washington University, where he received numerous scholastic awards and honors.

Mr. Tsivicos has also become an outspoken community leader. He serves on the Ethnic Advisory Council of New Jersey and he has been elected President of the Cyprus Federation of America. He is a member of the Archdiocesan Council of the Greek Orthodox Church of America and is an Archon of the Ecumenical Patriarchate. Mr. Tsivicos is on the Advisory Board of the Center for Byzantine and Modern Greek Studies of Queens College, and on the Board of Directors for the Foundation of Hellenic Studies, the Greek American Chamber of Commerce, and the Council of Overseas Cypriots.

Savas Tsivicos is a proud American who has not forgotten his roots. He is imbued with determination to bring justice and freedom to Cyprus and has served as Vice President of the International Coordinating Committee Justice for Cyprus. A very successful businessman, Mr. Tsivicos is president and owner of Paphian Enterprises, Inc. He is married to Maria Tsivicos and they have three children, Haralambos, Elpetha and Evangelos ages 11, 9 and 6.

The Panpaphian Association is now led by Florentia Christodoulidou, and supported by: George Sophocleous, Debbie Riga Evangelides, Spyros Stylianou, Michael Hadjioucas, Kyriaki Christodoulou, Irene Theodorou, Andreas Pericleous and George Theodorou, plus the Advisory Board, Annoula Constantinides, Andreas Chrysostomou, Anna Chrsostomou, Savvas Konnaris, Georgios Kouspos, Chrusi Kleopas Notskis, Ismini Michaelides, and Evan Tziaras.

Mr. Speaker, I salute Mr. Savas Tsivicos and the work of the officers and friends of the Panpaphian Association of America.
Mr. DOYLE. Mr. Speaker, I rise today to speak about the final version of legislation that deals with a comprehensive and complex set of veterans' healthcare and benefits issues. Without question, this conference report on H.R. 2116, the Veterans Millennium Health Care and Benefits Act, deals constructively with a significant portion of the substantive matters considered at length by the Veterans Affairs Committees in both the House and the Senate.

I want to recognize the efforts of Senator SPECTER, Senator ROCKEFELLER, Senator STUMP, and Ranking Member EVANS for their demonstrated leadership in crafting collaborative compromises in the most productive manner as the conference allowed.

This agreement, in my opinion, steps forward in defining the VA's mission in a number of critical health care areas: Extended care, emergency services, mental health services, and chiropractic treatment to name a few. This agreement also moves in the right direction in terms of addressing the lingering need for additional national veterans cemeteries and long-term care facilities, as well as needed renovations at various VA medical centers.

This agreement also provides constructive direction in the areas of veterans' education and housing, in meeting the needs of homeless veterans, and improving the administrative structure of the court of appeals for veterans claims.

I am disappointed however, that many of the provisions that were originally included in the House version and pertaining to employee and veteran organizations participation in various VA decision-making and planning practices were not made part of this final package. I also think that the conference could have produced a better work product in terms of providing strong language that speaks to the need for cost-benefit analysis, employee protections, stringent hospital closure guidelines, and heightened oversight measures throughout the entire VA network. Inclusion of such provisions would have greatly improved the agreement's overall intentions and would have made them, less susceptible to inconsistent system wide.

So in summary, while the conference agreement is not a perfect piece of legislation, it is nonetheless worthy of members' support. And as Representative EVANS pointed out earlier, the conference agreement in many ways represents the need to demonstrate our concerted interest in reaffirming our commitment to our nation's veterans. But as I have repeatedly stated, the most well intentioned efforts in terms of authorizing language are only as good as the amount of adequate funding that is appropriated. I have very serious concerns that next year we will find ourselves in the same vicious circle of logical debate. And the circle begins and ends with the need to have adequate resources to sufficiently support our responsibilities in meeting the needs of our veterans.

It is my hope that all members who cast their vote in support of the conference agreement will maintain their focus on veterans issues so that in the next fiscal year we can reverse the course we have been on for far too long and begin our work on matters concerning veterans with enhanced resources, not severe budgetary cuts.

TRIBUTE TO COLONEL HARRY SUMMERS

HON. IKE SKELTON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mr. SKELTON. Mr. Speaker, Colonel Harry G. Summers, Jr., United States Army, died this week. In his passing, the Army and the Nation have lost a soldier and scholar, who ranks among the preeminent military strategists and analysts of his generation.

As an Army officer, who began his professional life as an enlisted soldier, and later as a military analyst, author and commentator, Colonel Summers knew personally the bayonet-point reality of war and thought and wrote widely about strategic issues. He was a decorated veteran of combat in Korea and Vietnam, awarded the Silver Star and the Bronze Star for Valor, and the Legion of Merit; twice awarded the combat infantry badge; and twice awarded the Purple Heart for wounds received in combat.

An infantry squad leader in the Korean conflict, he served as a battalion and corps operation officer during the Vietnam war, and later as a negotiator with the North Vietnamese in Saigon and in Hanoi. Instructor of strategy at the U.S. Army Command and General Staff College, he was a political-military action officer on the Army General Staff, a member of the then Army chief of staff Creighton Abrams' strategic assessment group, and served in the Office of the Army Chief of Staff from 1975 to 1980, before joining the faculty of the U.S. Army War College.

At the war college, Colonel Summers was at the heart of the rebirth of strategic studies in the professional military education of our Armed Forces in the early 1980's. His book On Strategy: The Vietnam War in Context provided a critical strategic appraisal of American strategy in that war and a seminal American work in the relationship of military strategy to national policy. On Strategy has been characterized as being "about" the Vietnam war in much the same way that Clausewitz is "about" the Napoleonic wars or that Mahan is "about" 18th-century naval struggles between France and England. That is, Harry Summers used the Vietnam war as a vehicle for analysis and illustration of principles of war that apply universally.

After his retirement from active service, Harry Summers continued to contribute to the professional development of the officer corps and to the development of strategic thought and military strategy as a lecturer, visiting professor, columnist, editor, and commentator.

When Harry Summers testified before the House Armed Services Committee in December 1990 before Operation Desert Storm, he reemphasized the need for clarity of purpose and the relation of means to objective as this House wrestled with the decision to go to war against Iraq and commit U.S. military forces to protect the vital interests of the United States. He appeared before the committee again as we reviewed what happened to U.S. forces in Somalia in 1994 and provided valuable insights on the relation of military force and commitment to our national objectives and commitment in that country.

Harry Summers was justifiably proud of his sons and their service as Army officers and of his daughter-in-law who served as a warrant officer in the Persian Gulf War. In all this, he was supported by his wife, Eloise. My good friend, Floyd Spence, the chairman of the House Armed Services, joins me in sending condolences to the family.

Colonel Harry Summers made a tremendous contribution to the rebirth of the study of military strategy and to the professional military education of our armed forces, and that legacy lives on after him. His commitment to the Nation and the Army that he loved was unselfish. The Nation and the Army are poorer for his passing.

IN HONOR OF MS. JAMILA DEMBY,
NCAA WOMAN OF THE YEAR

HON. DOUG OSE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mr. OSE. Mr. Speaker, it is with great pride that I rise to acknowledge University of California Davis student, Jamila Demby, who was recently named NCAA Woman of the Year.

Ms. Demby, the first UC Davis athlete to earn this NCAA honor, was selected as a national finalist from among 50 state winners. Representing California, she was one of two Division II finalists.

It was a perfect ending to a perfect career at UC Davis. A seven-time All-American, Ms. Demby won eight conference championships in four years. During last year's California College Athletic Association championships, Ms. Demby established a new UC Davis 800-meter record of 2 minutes, 10.8 seconds. In addition, she ran the final leg of the 4400 relay team, which set a UC Davis record of 3:45.33.

In addition to her athletic achievements, Ms. Demby has been active in student and community activities. In addition to serving as a UC Davis Aggie team captain and sitting on the student-athlete advisory committee, Ms. Demby finds time to regularly visit children at the Shriners Hospital and tutor at local schools. In fact, her work has changed and become such an influential experience that she changed her career path from advertising to serving underprivileged and underrepresented youth.

As NCAA Woman of the Year, Ms. Demby was chosen from a group of highly accomplished women. Ms. Demby will graduate from UC Davis this December with a degree in rhetoric and communications and will continue to give back to her community.
In closing, I would like to congratulate Ms. Demby for a job well done.

FEDERAL GOVERNMENT’S OBLIGATION TO THE STATE OF LOUISIANA

HON. CHRISTOPHER JOHN
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mr. JOHN. Mr. Speaker, I rise today to introduce a bill with Mr. Tauzin and the entire Louisiana congressional delegation that will bring closure to an issue that has lingered long enough concerning our home State of Louisiana. Mr. Speaker, the State of Louisiana and the Federal Government have a long history of working together to develop our abundant natural resources in a cooperative manner that protects our unique habitat and spurs economic development. I am pleased that we have been able to rectify our differences when they occur in order to reach sensible and judicious decisions that foster goodwill and the efficient use of our resources.

Mr. Speaker, there remains before this House an obligation to the part of the Federal Government to satisfy an authorization that was included in the Oil Pollution Act of 1990. This authorization was crafted to resolve a unique dispute between the State of Louisiana and the Federal Government over the development of the oil and gas resources on the Outer Continental Shelf. Unfortunately, this authorization has never been satisfied and my home state has lost literally millions of dollars as a result.

Today, I am joined by members from Louisiana, Texas, New York and Pennsylvania in introducing legislation directing the Minerals Management Service (MMS) to grant the State of Louisiana and its lessees a credit in the payment of Federal offshore royalties to satisfy the authorization contained within the Oil Pollution Act of 1990 for oil and gas drainage in the West Delta Field.

I will be brief with the history of this matter, but I feel compelled to clarify for all our colleagues why the language contained in OPA must be satisfied both out of concern for the treatment of the State and for the protection of our coastal environment.

In November of 1985, the State of Louisiana began to notify the MMS that a federal lessee was draining the West Delta Field at the expense of the State and its lessees. The Governor made this request based on the entire history of cooperative development agreements between the State and Federal government. The State sought to “unite” the field by allocating the appropriate shares of the field’s resources to each lessee. Utilization is standard practice in cases where multiple producers share common reservoirs. Much to the State’s amazement, officials at MMS disagreed with the State and the entire Louisiana congressional delegation regarding the need and availability of relief for the State.

In order to bring some unbiased perspective to the debate, the Congress authorized an independent fact finder to review the situation and to determine if unauthorized drainage occurred and to what extent, if any, loss had been identified. In 1988, the Congress, in the Interior Appropriations Act for FY99, authorized the Secretary of the Interior to appoint an independent fact-finder to determine if Louisiana had been drained of its gas and oil reserves and, if so, the market value of those confiscated reserves.

That independent fact finder reported to Congress in 1989 that drainage had indeed occurred and quantified the resulting loss. At that point, the congressional delegation sought and obtained an authorization of appropriations for compensation that matched the determination of the fact finder. It is important to note that during the 4-year period of study, the federal lessee continued to drain the sacred reservoir and actually continued to drain the field until the Federal wells ceased producing in 1998.

Why is that important to note? Because the State is seeking compensation only for the drainage that can be empirically determined by the fact finder’s report for those initial 4 years. All drainage that occurred for the next decade has basically been written off by my State although they would have every right to seek the revenues siphoned off by the Federal Government. In short, my State is knowingly leaving money on the table in order to make a good faith effort to resolve this issue.

In addition, we believe it is important to point out that satisfying this obligation in no way opens the doors to a myriad of similar demands on the Federal budget. From early on, the uniqueness of this situation was recognized when the Department of Interior wrote to then-Senator Johnston on September 19, 1991, that “To the best of our knowledge, the West Delta dispute is the only (emphasis added) situation in which the Department did not agree to utilize, or a similar joint development agreement on the Outer Continental Shelf when requested to do so by the Governor of a coastal State.” To verify that this situation is unique, the State of Louisiana thoroughly reviewed its records and has confirmed that there are no other similar cases anywhere along the OCS boundary. In fact, in that same letter the Department wrote, “The Department agrees with your understanding that Section 6004 (c) of the Oil Pollution Act does not create a precedent for the payment of any funds to any parties other than the State of Louisiana and its lessees.”

As for the environmental concerns raised by the Federal government’s inappropriate actions, the record is clear. In OPA 90, the Congress specifically reiterated the harmful effects of “unrestrained competitive production on hydrocarbons from a common hydrocarbon-bearing geological area underlying the Federal and State boundary.” The logic behind this language is simple. Why would we encourage the construction and operation of more oil and gas wells in U.S. waters than are necessary? If a field can be produced with one well, having two only doubles that chances of an accident. The concept is common sense and has been at the root of all Federal and State policies for decades. I see no reason to abandon that intelligent precedent now.

Mr. Speaker, after years of waiting, my State is interested in putting this issue behind us and moving on. What makes that statement so intriguing is that is the exact line the MMS stated in a letter to the dean of the Louisiana delegation nearly 9 years ago when they too wrote, “We are also very interested in putting this matter behind us.”

Our legislation is simple. It will allow the State and its lessees to recover a portion of what was lost by the unauthorized development of the West Delta Field and will do so in the most benign of methods. The State and its lessees have proposed an alternative method for providing compensation by foregoing payment of federal royalties due by the lessee on other federal leases and distributing those withholdings to the State and lessee until the federal obligation is satisfied. Upon restitution, the lessee will resume their payments to the Federal Government. By withholding royalty payments and sharing those revenues proportionately between the State and its lessees we expect the Federal obligation will be satisfied within 2 to 3 years.

After more than a decade, it is time for the federal government to settle this outstanding obligation and, at the same time, protect the rights of my home State. In addition, we must reaffirm that this Congress does not support policies that may well create precedents that would needlessly and recklessly endanger our coastal environments.

PERSONAL EXPLANATION

HON. JAMES H. MALONEY
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mr. MALONEY of Connecticut. Mr. Speaker, yesterday I was unavoidably detained during roll call vote No. 588. Had I been present I would have voted yea on roll call No. 588.

CELEBRATING THE 100TH BIRTHDAY OF MRS. AGNES VENETTA STANDBRIDGE

HON. ANNA G. ESCHO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Ms. ESCHO. Mr. Speaker, I rise in honor of Mrs. Agnes Venetta Standbridge, who will celebrate her 100th birthday on December 20, 1999.

As a young adult, Mrs. Standbridge observed first hand the effects that both World War I and World War II had on family and friends. She saw the world turned upside down as many of her friends, neighbors and family went off to the trenches in Europe and never returned or returned scarred by injury and the nightmares of battle. During World War II, Mrs. Standbridge was a young mother raising her four children in Lemington Spa near Coventry, England. There, she and her husband, Albert Standbridge did their best to protect their children from the sights and sounds of German aircraft bombing factories in the area. During these tumultuous times
she developed a quiet courage and inner strength. By the early 1950’s she would need that bravery to confront the passing of her beloved husband at a young age. She never remarried and his memory remains with her today.

Mrs. Standbridge began another memorable chapter in her life when she moved to Northern California and ultimately settled in Mountain View where she has lived for 38 years. Living in beautiful Silicon Valley, Mrs. Standbridge witnessed the world change again—in a far more positive way. The technological revolution that has occurred over the last few decades has made her world and ours, a more prosperous place than ever before.

The events of the 20th Century have had a great impact on Mrs. Standbridge’s life and she has been shaped by the relationships of those who hold her dear. Family and friendship flow through her life and have enriched her century of living. She is a great example of resilience and courage. I’m proud to represent Mrs. Standbridge and ask my colleagues to join me in wishing this extraordinary woman a very blessed and a very happy 100th birthday.

TRIBUTE TO PETER McCUEN
HON. DOUG OSE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 17, 1999

Mr. OSE. Mr. Speaker, I rise today with a humble heart to pay tribute to a distinguished leader, a personal friend, and a true pioneer for the city of Sacramento, Mr. Peter McCuen. The city lost one of its great giants on Monday, when Peter succumbed to his third battle with cancer.

More than any other person in the last 20 years, Peter McCuen transformed the landscape of Sacramento and many of those who live in it. We can see the visual legacy he left when we drive through the Highway 50 corridor. The region’s most graceful skyscraper and its most visible ziggurat building remind us how integral he was in bringing prosperity to the city.

Peter came to Sacramento in 1980 after having successful careers as a professor at Stanford University and a hi-tech entrepreneur in Silicon Valley. He had planned on retiring in the city. But immediately after he arrived, he saw the many opportunities Sacramento had to offer. He was involved in over 100 development projects, including the Library Plaza, the U.S. Bank Plaza, the Teale Data Building, and the redevelopment of Mather Air Field. He also played a vital role in bringing major corporations like Intel and Sprint to this region, which created thousands of jobs for the people of Sacramento. His impact on the economic development of the Sacramento area is unparalleled.

But for many of us, it is not just the suburban business parks he built or the highrises he helped engineer that touched our lives. It is Peter’s unreserved generosity, canny vision, boundless energy and incomparable intellect that make him a truly unique human being.

Peter’s philanthropic efforts benefited a long list of causes and groups in the city. His renowned love of arts, education and civic organizations earned him the Regional Pride Excellence Award in 1991. He served on the advisory boards of the Cancer Center at UC Davis Medical Center and both the engineering school and the graduate school of management at UCD. He also served on the advisory board to the president of the Cal State University, Sacramento and the State’s Clean Air Partnership.

Peter had a bright vision for our city, and he tried everything in his power to fulfill that vision. Sacramento is a better place because of Peter McCuen. My heart goes out to his wife Susan, his two children, Pamela and Patrick, and the entire McCuen family. Sacramento will miss one of its true leaders.